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Vol. 45 No. 119
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Wednesday
June 18, 1980

Highlights

41119 **50th anniversary of the Veterans Administration** Presidential proclamation

41330 **Gasoline** DOE/ERA publishes final rules adopted by the President for a standby Gasoline Rationing Plan; comments by 8–15–80 (Part VI of this issue)

41179 **Gasoline** DOE/ERA requires a progress report on the development of standby gasoline and diesel fuel rationing plans

41292 **Medicare** HHS/HCFA publishes schedule of limits on skilled nursing facility inpatient routine service costs that may be reimbursed; comments by 8–18–80 (Part II of this issue)

41218 **Medicare** HHS/HCFA intends to correct the classification of four New England counties to urban areas for purposes of application of cost limits to all types of providers of services; effective 7–1–80

41222 **Blue Cross and Blue Shield** HHS/Sec'y announces review of procedures no longer routinely reimbursed

41222 **Health** HHS/Sec'y announces beginning scientific evaluation of clinical safety and effectiveness of plasmaphoresis for treatment of rheumatoid arthritis

CONTINUED INSIDE

Highlights

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

41222 **Health** HHS/Sec'y announces beginning scientific evaluation of the safety and clinical effectiveness of hemodialysis for treatment of schizophrenia

41153 **Generic Technology** Commerce announces intent to develop Cooperative Generic Technology Program; comments by 7–18–80

41304 **Wage and Price Control** CWPS adopts pay reporting form for its second program year; effective 6–18–80 (Part III of this issue)

41169 **Improving Government Regulations** VA publishes Semiannual Agenda of Regulations; comments by 8–18–80

41254 **Federal Aid Programs** OMB issues notice of mandatory information requirements for program announcements

41137 **Savings Bonds** Treasury/FS authorizes paying agents to require any person presenting for payment savings bonds of Series E and EE and savings notes to place his or her social security number on one or more; effective 7–1–80

41254 **Radiation** Radiation Policy Council solicits comment on issues relating to Federal regulation of occupational exposures to ionizing radiation, including formulation of Federal guidance and standards; comments by 7–11–80

41382 **Tax** HUD publishes regulations regarding tax exemption of obligations of public housing agencies and related amendments; effective 7–28–80 (Part VII of this issue)

41153 **Banking** FRS publishes proposal concerning the nonbanking activities of foreign banking organizations operating in the United States; comments by 7–31–80

41121 **Privacy Act Documents** EOP

41259 **Sunshine Act Meetings**

Separate Parts of this Issue

41292 **Part II, HHS/HCFA**
41304 **Part III, CWPS**
41322 **Part IV, Interior/FWS**
41326 **Part V, Interior/FWS**
41330 **Part VI, DOE/ERA**
41382 **Part VII, HUD**

Contents

Federal Register
Vol. 45, No. 119
Wednesday, June 18, 1980

The President
PROCLAMATIONS
41119 Veterans Administration, 50th anniversary (Proc. 4763)

Executive Agencies

Administration Office, Executive Office of the President
RULES
41121 Privacy Act; implementation

Army Department
See also Engineers Corps.
NOTICES
41179 Senior Executive Service Performance Review Board; membership

Arts and Humanities, National Foundation
NOTICES
Meetings:
41251 Partnership Coordination Advisory Panel
41251 Visual Arts Advisory Panel

Center for Disease Control
See National Institute for Occupational Safety and Health.

Civil Aeronautics Board
NOTICES
Hearings, etc.:
41174 Davis Airlines, Inc., fitness investigation
41174 Lone Star Houston-Anchorage Subpart Q proceeding
41174 U.S.-London case
41259 Meetings; Sunshine Act

Commerce Department
See also International Trade Administration; National Oceanic and Atmospheric Administration.
PROPOSED RULES
41153 Cooperative generic technology program
NOTICES
Organization, functions, and authority delegations:
41175–41176 Inspector General (2 documents)

Commodity Futures Trading Commission
NOTICES
41259 Meetings; Sunshine Act

Consumer Product Safety Commission
NOTICES
41259 Meetings; Sunshine Act (2 documents)

Defense Department
See also Army Department; Engineers Corps.
RULES
41138 Control and protection of "for official use only" information; removal of superseded CFR Part
41138 Reserve training programs, participation; and Defense Audiovisual Agency, establishment; authority citation clarification

Economic Regulatory Administration
RULES
41330 Gasoline rationing; standby plan
NOTICES
Gasoline rationing:
41179 Standby motor fuel plans; transmittal of report to Congress
Powerplant and industrial fuel use; prohibition orders, exemption requests, etc.:
41180 Georgia Power Co. et al.
41180 Springfield, Colo., et al.

Energy Department
See also Economic Regulatory Administration; Federal Energy Regulatory Commission.
NOTICES
Meetings:
41179 International Energy Agency Industry Advisory Board

Engineers Corps
NOTICES
Environmental statements; availability, etc.:
41178 LaNana and Banita Creeks, Nacogdoches, Tex.; local flood protection project

Environmental Protection Agency
RULES
Water pollution control:
41140 Drinking water; interim primary regulations; control of trihalomethanes; States and public water systems responsibilities
PROPOSED RULES
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
41171 Thiabendazole
Pesticides; tolerances in animal feeds:
41157 Thiabendazole
NOTICES
Air quality standards; national primary and secondary:
41211 Lead; denial of petition for reconsideration or revision
Meetings:
41215 Science Advisory Board

Equal Employment Opportunity Commission
RULES
41135 Survey Form and Instructions, State and Local Government Information (EEO–4) report; modification

Federal Communications Commission
RULES
Radio and television broadcasting:
41149 Reregulation and oversight
PROPOSED RULES
Radio stations; table of assignments:
41171 North Carolina
NOTICES
41215 FM and television translator applications ready and available for processing

41259 Meetings; Sunshine Act
Television broadcasting:
41216 Commercial television network practices, inquiry; special staff preliminary reports, availability

Federal Emergency Management Agency
RULES
Flood insurance; communities eligible for sale:
41146 Arkansas et al.
Flood insurance; special hazard areas:
41148 California et al.
41141 National Environmental Policy Act; implementation

Federal Energy Regulatory Commission
NOTICES
Hearings, etc.:
41181–41182 Alabama Electric Cooperative (3 documents)
41183 Antrim County, Mich.
41183 APS–PJM Group (2 documents)
41183–41184 Arizona Public Service Co.
41184 Brooks County Dairy
41185 CEI–PJM Group (2 documents)
41185 Central Hudson Gas & Electric Corp. (2 documents)
41186 Central Illinois Light Co.
41186 Chain Dam Hydroelectric Corp.
41187 Colorado Interstate Gas Co.
41187 Columbia Gas Transmission Corp.
41187 Connecticut Light & Power Co.
41187 Dodge Falls Hydro Associates
41188 Duke Power Co.
41188 East Tennessee Natural Gas Co.
41188 Edison Sault Electric Co.
41189–41190 Eugene Water & Electric Board (3 documents)
41191 Florida Power Corp. (2 documents)
41191 Florida Power & Light Co.
41192–41193 Georgia Power Co. (2 documents)
41193 Great Lakes Gas Transmission Co.
41193 Idaho Power Co.
41193 International Paper Co.
41194 Iowa Public Service Co.
41194 Kansas City Power & Light Co.
41194 Kelly, Richard J.
41195 Kentucky Utilities Co.
41195 Lee, Carroll R.
41195 Massachusetts Municipal Wholesale Electric Co.
41196 Midwestern Gas Transmission Co.
41196 Mississippi Power Co.
41196 Montana-Dakota Utilities Co.
41197–41198 Montaup Electric Co. (3 documents)
41198 Natural Gas Pipeline Co. of America (2 documents)
41198 North Carolina Electric Membership Corp.
41199–41200 North Carolina Electric Membership Corp. et al. (2 documents)
41201 Phillips Petroleum Co. (2 documents)
41201 Public Service Co. of Colorado
41202 Public Service Co. of New Hampshire
41202 Public Service Co. of New Mexico (2 documents)
41203 Rael Gas Co.
41203 Rapidan Redevelopment Ltd.
41204 Riceland Electric Cooperative Inc. et al.
41204 San Juan Suburban Water District
41205 Sea Robin Pipeline Co. (2 documents)
41206 South Georgia Natural Gas Co.
41206 South San Joaquin Irrigation District
41206 Southern California Edison Co.
41206 Southern Natural Gas Co.
41207 Southwestern Power Administration
41207 Tennessee Gas Pipeline Co. (2 documents)
41208 Tennessee Natural Gas Lines, Inc.
41208 Texas Eastern Transmission Corp. (2 documents)
41209 Trunkline Gas Co. (2 documents)
41209 Tufflite Plastics Inc.
41210 United Gas Pipe Line Co.
41210 Western Gas Interstate Co.
41210 Wisconsin Public Service Corp.
41260 Meetings; Sunshine Act
Public utilities; small power production facilities; qualifying status; certification applications, etc.:
41195 Lawrence Hydroelectric Associates

Federal Housing Commissioner—Office of Assistant Secretary for Housing
PROPOSED RULES
Mortgage and loan insurance programs:
41158 Increased loan-to-value ratios for dwellings with warranty plans; transmittal of interim rule to Congress

Federal Maritime Commission
NOTICES
41216 Agreements filed, etc.
41260 Meetings; Sunshine Act

Federal Mine Safety and Health Review Commission
NOTICES
41260 Meetings; Sunshine Act (2 documents)

Federal Reserve System
RULES
Interest on deposits (Regulation Q):
41124 Early withdrawal penalty; temporary suspensions (Nebraska)
PROPOSED RULES
International banking operations (Regulation K):
41153 Nonbanking activities of foreign bank holding companies and foreign banks; extension of time
NOTICES
41260 Meetings; Sunshine Act

Federal Trade Commission
PROPOSED RULES
41156 Cellular plastics products; disclosure of combustion characteristics in marketing and certification; proceeding terminated

Fiscal Service
RULES
Bonds and notes, U.S. savings:
41137 Social Security number requirement for redemption

Fish and Wildlife Service
PROPOSED RULES
Endangered and threatened species:
41172 Amargosa meadow vole; petition acceptance and status review
41326 Navasota ladies'-tresses
41322 Texas poppy-mallow

NOTICES
Pipeline applications:
41223 McFaddin National Wildlife Refuge, Tex.
41223 Sea Rim National Wildlife Refuge, Tex.

General Service Administration
NOTICES
Authority delegations:
41216–41218 Defense Department Secretary (5 documents)
Public utilities; hearings, etc.; proposed intervention:
41217 Public Service Commission of Maryland

Geological Survey
NOTICES
Outer Continental Shelf; oil, gas, and sulphur operations; development and production plans:
41223 Amoco Production Co.
41224 Cities Service Co.
41223 Conoco Inc.
41224 Diamond Shamrock (2 documents)
41225 Exxon Co., U.S.A. (3 documents)

Health, Education, and Welfare Department
See Health and Human Services Department.

Health Care Financing Administration
NOTICES
Medicare:
41218 Home health agency costs per visit, hospital inpatient routine operating costs, and skilled nursing facility inpatient routine service costs; schedule of limits; New England urban location classification clarification
41292 Skilled nursing facility inpatient routine service costs; schedule of limits, proposed

Health and Human Services Department
See also Health Care Financing Administration; National Institute for Occupational Safety and Health; Public Health Service.
NOTICES
Organization, functions, and authority delegations:
41221 Assistant Secretary for Health; comprehensive health planning and public health services grants
41221 Assistant Secretary for Health; loan default prevention, etc.

Housing and Urban Development Department
See also Federal Housing Commissioner—Office of Assistant Secretary for Housing.
RULES
Low income housing:
41382 Public housing agencies; tax exempt obligations; use in purchase of GNMA guaranteed mortgage-backed securities

Interior Department
See Fish and Wildlife Service; Geological Survey; Land Management Bureau; National Park Service; Surface Mining Office.

International Trade Administration
NOTICES
Scientific articles; duty free entry:
41175 Army Biomedical Laboratory
41174 National Institutes of Health
41175 University of California, Los Angeles

International Trade Commission
NOTICES
Import investigations:
41250 Cast-iron stoves, airtight
41244 Inclined-field acceleration tubes and components
41244 Iron-metal castings from India
41249 Tantalum electrolytic fixed capacitors from Japan
41245 Tomato products from European Community

Interstate Commerce Commission
NOTICES
Motor carriers:
41230 Operating rights applications; republication
41230 Temporary authority applications
41227 Transportation of Government traffic; special certificate letter
41226 Railroad car service rules, mandatory; exemptions (3 documents)
Rerouting of traffic:
41226 Illinois Terminal Railroad Co.
Water carriers:
41226 Temporary authority applications; Hunter Marine Transport, Inc.

Land Management Bureau
NOTICES
Meetings:
41222 California Desert Conservation Area Advisory Committee
Wilderness areas; characteristics, inventories, etc.:
41223 Utah

Management and Budget Office
NOTICES
41254 Federal assistance program announcements; mandatory information requirements; republication

National Institute for Occupational Safety and Health
NOTICES
Meetings:
41219 Personal protective equipment and hazard measuring instruments; certification and testing program

National Oceanic and Atmospheric Administration
PROPOSED RULES
Marine mammals:
41173 Commercial fishing operations; incidental taking affecting eastern tropical Pacific Ocean tuna fishery; hearing

National Park Service
NOTICES
Oil and gas plans of operation; availability, etc.:
41225 Cuyahoga Valley National Recreation Area, Ohio

National Railroad Passenger Corporation
NOTICES
41260 Meeting; Sunshine Act

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
41251 Metropolitan Edison Co. et al.

41252 Northeast Nuclear Energy Co. et al.
41253 Portland General Electric Co. et al.
41253 Public Service Electric & Gas Co. et al.
Meetings:
41253 Lawyer Vacancies Screening Committee

Parole Commission
NOTICES
41261 Meetings; Sunshine Act

Postal Service
RULES
International mail:
41138 Classification and rate changes and surcharges for nonstandard mail, etc.

Public Health Service
NOTICES
41222 Blue Cross and Blue Shield medical necessity project list procedures; technology evaluation
41222 Hemodialysis, safety and clinical effectiveness for treatment of schizophrenia; technology evaluation
41222 Plasmaphoresis, clinical safety and effectiveness for treatment of rheumatoid arthritis; technology evaluation

Radiation Policy Council
NOTICES
41254 Federal Occupational Radiation Exposure Regulations Task Force; establishment

Railroad Retirement Board
NOTICES
41261 Meetings; Sunshine Act

Securities and Exchange Commission
RULES
41135 Mutual and subsidiary service companies; income and expense accounts
41125 Off-board trading restrictions
PROPOSED RULES
41156 Off-board trading restrictions; withdrawn
NOTICES
Hearings, etc.:
41255 American Electric Power Co., Inc., et al.
41256 Ohio Power Co.
41257 Yankee Atomic Electric Co.
41261 Meetings; Sunshine Act

Surface Mining Office
RULES
Permanent program submission; various States:
41136 Texas
PROPOSED RULES
Permanent program submission; various States:
41164 Iowa
41160 New Mexico
41162 North Dakota
41158 Oklahoma
Surface coal mining and reclamation enforcement operations:
41166 Permanent regulatory program; permits and coal exploration procedures systems; petition

Trade Representative, Office of United States
NOTICES
Unfair trade practices; petitions, etc.:
41254 National Canner's Association; termination of investigation

Treasury Department
See Fiscal Service.

Veterans Administration
PROPOSED RULES
Improving Government regulations:
41169 Regulatory agenda
NOTICES
Environmental statements; availability, etc.:
41258 Hot Springs, S. Dak.; clinical addition
41258 Roseburg, Oreg.; ambulatory care addition
41258 Shreveport, La.; ambulatory care addition

Wage and Price Stability Council
RULES
Data requests:
41304 Form PAY-1, adoption

MEETINGS ANNOUNCED IN THIS ISSUE

ARTS AND HUMANITIES, NATIONAL FOUNDATION
41251 Office for Partnership Panel (Partnership Coordination), 7-14 and 7-15-80
41251 Visual Arts Panel (Photography Fellowships), 7-12 through 7-14-80

ENVIRONMENTAL PROTECTION AGENCY
Science Advisory Board—
41215 Task Group on Marine Ecosystem Monitoring, 7-8 and 7-9-80

HEALTH AND HUMAN SERVICES DEPARTMENT
Public Health Service—
41219 NIOSH Testing and Certification Program; 7-28 through 7-30-80

INTERIOR DEPARTMENT
Bureau of Land Management—
41222 California Desert Conservation Area Advisory Committee, 6-27 and 6-28-80

NUCLEAR REGULATORY COMMISSION
41253 Lawyer Vacancies Screening Committee, 6-18-80

HEARINGS

INTERIOR DEPARTMENT
Surface Mining Reclamation and Enforcement Office—
41164 Iowa Permanent Regulatory Program, 7-17-80
41160 New Mexico Permanent Regulatory Program, 7-23-80
41162 North Dakota Permanent Regulatory Program, 7-14-80
41158 Oklahoma Permanent Regulatory Program, 7-15-80

INTERNATIONAL TRADE COMMISSION
41244 Certain Inclined-Field Acceleration Tubes and Components, 6-19-80
41244 Certain Iron-Metal Casting from India, 8-27-80

CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR
Proclamations:
4763 41119

5 CFR
2504 41121

6 CFR
705 41304
706 41304
707 41304

10 CFR
570 41330

12 CFR
217 41124
Proposed Rules:
211 41153

15 CFR
Proposed Rules:
17a 41153

16 CFR
Proposed Rules:
439 41156

17 CFR
240 41125
256 41135
Proposed Rules:
240 41156

21 CFR
Proposed Rules:
561 41157

24 CFR
811 41382
Proposed Rules:
203 41158
221 41158
222 41158
235 41158

29 CFR
1602 41135

30 CFR
943 41136
Proposed Rules:
Ch.VII (4 documents) 41158–41164
780 41166

31 CFR
315 41137
353 41137

32 CFR
101 41138
205 41138
293 41138

38 CFR
Proposed Rules:
Ch. I 41169

39 CFR
10 41138

40 CFR
141 41140
Proposed Rules:
180 41171

44 CFR
10 41141
64 41146
65 41148

47 CFR
0 41149
73 41149
Proposed Rules:
73 41171

50 CFR
Proposed Rules:
17 (3 documents) 41172, 41322, 41326
216 41173

Federal Register
Vol. 45, No. 119
Wednesday, June 18, 1980

Presidential Documents

Title 3—

The President

Proclamation 4763 of June 16, 1980

50th Anniversary of the Veterans Administration

By the President of the United States of America

A Proclamation

Fifty years ago, on July 21, 1930, President Herbert Hoover established the Veterans Administration, fulfilling the words of Abraham Lincoln that our great Nation would "care for him who had borne the battle, and for his widow and orphan."

The world has seen much turbulence and suffering since that day, and American families have all touched in some sense the tragedy of war. Throughout this period, the Veterans Administration has set a standard of care and compassion.

On this 50th anniversary of the Veterans Administration, Americans take pride in having led the world in healing the physical and social wounds of war. Our system of assistance and care for veterans is the most comprehensive in the world. In medicine, the Veterans Administration has been a leader in innovation, research, and the quality of care. Its staff includes Nobel Prize winners and other men and women of international renown. Millions of Americans have been helped by Veterans Administration benefits and services, and protected by Veterans Administration life insurance. Veterans loan guarantees have made home ownership possible for tens of thousands of families, and GI Bill education has transformed the social fabric of America. These efforts express our appreciation and commitment to those who have sacrificed for our country and to the families of those who gave their lives in its service.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim July 21, 1980, as Veterans Administration 50th Anniversary Day, and call upon State and local officials and all Americans to observe this day with appropriate activities.

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

Jimmy Carter

[FR Doc. 80-18517
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Rules and Regulations

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Vol. 45, No. 119
Wednesday, June 18, 1980

EXECUTIVE OFFICE OF THE PRESIDENT

Office of Administration

5 CFR Part 2504

Privacy Act of 1974; Final Implementation Regulations

AGENCY: Office of Administration, Executive Office of the President.

ACTION: Final rule.

SUMMARY: The following regulations were published in the **Federal Register** on April 3, 1980 for public review and comment. Comments have been received and incorporated into the regulations. These regulations establish procedures for an individual to determine if the Office of Administration has a record pertaining to him and to gain access to that record for purposes of review, amendment, or correction.

EFFECTIVE DATE: July 18, 1980.

FOR FURTHER INFORMATION CONTACT: Donald Street, Assistant to the Deputy Director, (202) 456-2970.

The following Part 2504 is added to Title 5 of CFR.

Sarah T. Kadec,
Deputy Director.

PART 2504—PRIVACY ACT REGULATIONS

Sec.
2504.1 Purpose and Scope.
2504.2 Definitions.
2504.3 Annual Notice of Systems of Records Maintained by the Office.
2504.4 Determining if an Individual is the Subject of a Record.
2504.5 Granting Access.
2504.6 Special Procedures for Medical Records.
2504.7 Granting Access When Accompanied by Another Individual.
2504.8 Action on Request for Access.
2504.9 Identification Requirements.
2504.10 Access of Others to Records About an Individual.
2504.11 Access to the Accounting of Disclosures from Records.
2504.12 Denials of Access.
2504.13 Requirements for Requests to Amend Records.
2504.14 Action on Request to Amend a Record.
2504.15 Procedures for Appeal of Determination to Deny Access to or to Amend a Record.
2504.16 Appeals Process.
2504.17 Fees.
2504.18 Penalties.

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

CHAPTER XV—OFFICE OF ADMINISTRATION

PART 2504—PRIVACY ACT REGULATIONS

§ 2504.1 Purpose and Scope.

These regulations implement the Privacy Act of 1974, 5 U.S.C. 552a. The regulations apply to all records maintained by the Office of Administration that are contained in a system of records, and that contain information about an individual. The regulations also establish procedures that (a) authorize an individual's access to records maintained about him; (b) limit the access of other persons to those records, and (c) permit an individual to request the amendment or correction of records about him.

§ 2504.2 Definitions.

For the purposes of this part—(a) "Office" means the Office of Administration, Executive Office of the President;

(b) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.

(c) "Maintain" means collect, use or distribute;

(d) "Record" means any item collection or grouping of information about an individual that is maintained by the Office, including but not limited to education, financial transactions, medical history, and criminal or employment history and that contain's the individual's name, identifying number, symbol, or other identifiers assigned to the individual, such as a finger or voice print or photograph;

(e) "System of records" means a group of any records controlled by the Office and from which information is retrieved by the name of the individual;

(f) "System manager" means the employee of the Office who is responsible for the maintenance, collection, use or distribution of information contained in a system of records;

(g) "Routine use" means, with respect to the disclosure of a record, the use of that record for a purpose consistent with the purpose for which it was collected;

(h) "Subject individual" means the individual by whose name or other personal identifier a record is maintained or retrieved;

(i) "Statistical record" means 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 by section 8 of Title 13 U.S.C.;

(j) "Agency" means agency as defined in 5 U.S.C. 552(e);

(k) "Work days" as used in calculating the date when response is due does not include Saturdays, Sundays and legal public holidays.

§ 2504.3 Annual notice of systems of records maintained

(a) The Office will publish in the **Federal Register** an annual notice describing the systems of records the Office maintains. The notices shall include (1) the system name, (2) the system location, (3) the categories of individuals covered by the system, (4) the categories of records in the system, (5) the Office's authority to maintain the system, (6) the routine uses of the system, (7) the Office's policies and practice for maintenance of the system, (8) the system manager, (9) the procedures for notification, access to and correction of records in the system, and (10) the sources of information for the system.

(b) Notices shall also be published, as required by the Privacy Act of 1974, of significant changes in or additions to the Office's systems of records.

§ 2504.4 Determining if an individual is the subject of a record.

(a) Individuals desiring to know if a specific system of records maintained by the Office contains a record pertaining to them should address inquiries to the Deputy Director, Office of Administration, Washington, D.C. 20503.

(b) Inquiries must be in writing and the words "PRIVACY ACT REQUEST" should be printed on both the letter and the envelope. The request letter should contain the complete name and identifying number of the pertinent system as published in the annual **Federal Register** notice describing the Office's Systems of Records; the full name and address of the subject individual; a brief description of the nature, time, place and circumstances of the individual's prior association with the Office; and any other information the individual believes would help the Deputy Director determine whether the information about the individual is included in the system of records. In instances when the information is insufficient to ensure disclosure to the subject individual to whom the record pertains, the Office reserves the right to ask the requestor for additional identifying information.

(c) To the extent possible, the Deputy Director will answer or acknowledge the inquiry within 10 work days of its receipt by the Office. When the response cannot be made within 10 work days, the Deputy Director will provide the requestor with the date when a response may be expected and, whenever possible, the specific reasons for the delay.

§ 2504.5 Granting access to a record.

(a) An individual requesting access to a record about himself in a system of records maintained by the Office should submit the request in writing to the Deputy Director. Due to security measures at the Old and New Executive Office Buildings, requests made in person can only be accepted from current Office employees, who should make access requests to the Deputy Director on regularly scheduled work days between 9:00 a.m. and 5:30 p.m.

(b) The request for access should contain the same information set forth in § 2504.4(b). However, if the request for access follows a request made under § 2504.4(a) (b) above, the same identifying information need not be included: *Provided,* That a copy of the prior request or a copy of the Office's response to that request is attached. The request should state if a copy of the record is desired.

§ 2504.6 Special procedures for medical records.

(a) When the Deputy Director receives a request from an individual for access to those official medical records which belong to the Office of Personnel Management and are described in Chapter 339, Federal Personnel Manual (medical records about entrance qualification or fitness for duty, or medical records which are otherwise filed in the Official Personnel Folder), the pertinent records shall be referred to a Federal Medical Officer for review and determination in accordance with this section. If no Federal Medical Officer is available to make the determination required by this section, the Deputy Director shall refer the request and the medical reports concerned to the Office of Personnel Management for determination.

(b) If, in the opinion of a Federal Medical Officer, medical records requested by the subject individual indicate a condition about which a prudent physician would hesitate to inform a person suffering from such a condition of its exact nature and probable outcome, the Deputy Director shall not release the medical information to the subject individual nor to any person other than a physician designated in writing by the subject individual, his guardian, or conservator.

(c) If, in the opinion of a Federal Medical Officer, the medical information does not indicate the presence of any condition which would cause a prudent physician to hesitate to inform a person suffering from such a condition of its exact nature and probably outcome, the Deputy Director shall release it to the subject individual or to any person, firm, or organization which the individual authorizes in writing to receive it.

§ 2504.7 Granting access when accompanied by another individual.

An individual who wishes to have a person of his choosing review, accompany him (or her) in reviewing, or obtain a copy of a record must, prior to the disclosure, sign a statement authorizing the disclosure of his record. The statement shall be maintained with the record.

§ 2504.8 Action on request.

(a) The Deputy Director shall acknowledge requests for access within 10 work days of its receipt by the Office. At a minimum, the acknowledgement shall include:

(1) When and where the records will be available;

(2) The name, title and telephone number of the official who will make the records available;

(3) Whether access will be granted only through providing a copy of the record through the mail, or only by examination of the record in person if the Deputy Director has determined the requestor's access would not be unduly impeded;

(4) Fee, if any, charged for copies. (See § 2504.17); and

(5) Identification documentation required to verify the identify of the requestor (see § 2504.9).

§ 2504.9 Identification requirements.

(a) A requestor should be prepared to identify himself (or herself) by signature, i.e., to note by signature the date of access and/or to produce two other legal forms of identification (driver's license, employee identification, annuitant card, passport, etc.).

(b) If an individual is unable to produce adequate identification, the individual shall sign a statement asserting identity and acknowledging that knowingly or willfully seeking or obtaining access to records about another person under false pretenses may result in a fine of up to $5,000 (see § 2504.18). In addition, depending upon the sensitivity of the records, the Deputy Director may require further reasonable assurances, such as statements of other individuals who can attest to the identity of the requestor.

(c) If access is granted by mail, the identity of the requestor shall be verified by comparing signatures. If, in the opinion of the Deputy Director, the granting of access through the mail may result in harm or embarrassment if disclosed to a person other than the subject individual, a notarized statement of identify or some other similar assurance of identity will be required.

§ 2504.10 Access of others to records about an individual.

(a) No official or employee of the Office shall disclose any record to any person or to another agency without the express written consent of the subject individual, unless the disclosure is:

(1) To officers or employees of the Office who need the information to perform their official duties;

(2) Under the requirements of the Freedom of Information Act;

(3) For a routine use that has been published in a notice in the **Federal Register;**

(4) To the Bureau of the Census for uses under Title 13 of the United States Code;

(5) To a person or agency who has given the Office advance written notice of the purpose of the request and certification that the record will be used only for statistical purposes. (In addition to deleting personal identifying information from records released for statistical purposes, the Deputy Director shall ensure that the identity of the individual cannot reasonably be deduced by combining various statistical records);

(6) To the National Archives of the United States if a record has sufficient

historical or other value to be preserved by the United States Government, or to the Deputy Director (or a designee) to determine whether the record has that value;

(7) In response to written request, that identifies the record and the purpose of the request, made by another agency or instrumentality of any Government jurisdiction within or under the control of the United States for civil or criminal law enforcement activity, if that activity is authorized by law;

(8) To a person who, showing compelling circumstances, needs the information to prevent harm to the health or safety of an individual, but not necessarily the individual to whom the record pertains (upon such disclosure, a notification shall be sent to the last know address of the subject individual);

(9) To either House of Congress, or to a Congressional committee or subcommittee if the subject matter is within its jurisdiction;

(10) To the Comptroller General, or an authorized representative, to carry out the duties of the General Accounting Office; or

(11) Pursuant to a court order.

§ 2504.11 Access to the accounting of disclosures from records.

Rules governing access to the accounting of disclosures are the same as those granting access to the records.

§ 2504.12 Denials of access.

(a) The Deputy Director may deny an individual access to his (or her) record if: (1) In the opinion of the Deputy Director, the individual seeking access has not provided sufficient identification documentation to permit access; or

(2) The Office has published rules in the **Federal Register** exempting the pertinent system of records from the access requirement.

(b) If access is denied, the requestor shall be informed of the reasons for denial and the procedures to obtain a review of the denial (see § 2504.15).

§ 2504.13 Requirements for requests to amend records.

(a) Individuals who desire to correct or amend a record pertaining to them should submit a written request to the Deputy Director, Office of Administration, Washington, D.C., 20503. The words "PRIVACY ACT—REQUEST TO AMEND RECORD" should be written on the letter and the envelope.

(b) The request for amendment or correction of the record must state the exact name of the system of records as published in the **Federal Register**; a precise description of the record proposed for amendment; a brief statement describing the information the requestor believes to be inaccurate or incomplete, and why; and, the amendment or correction desired. If the request to amend the record is the result of the individual's having accessed the record in accordance with §§ 2504.5, 2504.6, 2504.7, 2504.8 above, copies of previous correspondence between the requestor and the Office should be attached, if possible.

(c) Individuals needing assistance in preparing a request to amend a record may contact the Deputy Director at the address cited in § 2504.13(a) above.

(d) If the individual's identity has not been previously verified, the Office may require identification documentation as described in § 2504.9.

§ 2504.14 Action on request to amend a record.

(a) A request for amendment of a record will be acknowledged within 10 work days of its receipt by the Office. If a decision cannot be made within this time, the requestor will be informed by mail of the reasons for the delay and the date when a reply can be expected, normally within 30 work days from receipt of the request.

(b) The final response will include the Office's determination of whether to grant or deny the request. If the request is denied, the response will include:

(1) The reasons for the decision;

(2) The name and address of the official to whom an appeal should be directed;

(3) The name and address of the official designated to assist the individual in preparing the appeal;

(4) A description of the appeal process within the Office; and

(5) A description of any other procedures which may be required of the individual in order to process the appeal.

§ 2504.15 Procedures for appeal of determination deny access to or amendment of records.

(a) Individuals who disagree with the refusal of the Office to grant them access to or to amend a record about them should submit a written request for review to the Deputy Director, Office of Administration, Washington, D.C. 20503. The words "PRIVACY ACT—APPEAL" should be written on the letter and the envelope. Individuals desiring assistance preparing their appeal should contact the Deputy Director.

(b) The appeal letter must be received by the Office within 30 calendar days from the date the requestor received the notice of denial. At a minimum, the appeal letter should identify:

(1) The records involved;

(2) The date of the initial request for access to or amendment of the record;

(3) The date of the Office denial of that request; and

(4) The reasons supporting the request for reversal of the Office's decision.

Copies of previous correspondence from the Office denying the request to access or amend the record should also be attached, if possible.

(c) The Office reserves the right to dispose of correspondence concerning the request to access or amend a record if no request for review of the Office's decision is received within 180 days of the decision date. Therefore, a request for review received after 180 days may, at the discretion of the Deputy Director, be treated as an initial request to access or amend a record.

§ 2504.16 Appeals Process.

(a) Within 20 work days of receiving the request for review, a review group composed of the Deputy Director, the General Counsel and the Official having operational control over the record, will propose a determination on the appeal for the Director's final decision. If a final determination cannot be made in 20 days, the requestor will be informed of the reasons for the delay and the date on which a final decision can be expected. Such extensions are unusal, and should not exceed an additional 30 work days.

(b) If the original request was for access and the initial determination is reversed, the procedures in § 2504.8 will be followed. If the initial determination is upheld, the requestor will be so informed and advised of the right to judicial review pursuant to 5 U.S.C. 552a(g).

(c) If the initial denial of a request to amend a record is reversed, the Office will correct the record as requested and advise the individual of the correction. If the original decision is upheld, the requestor will be so advised and informed in writing of the right to judicial review pursuant to 5 U.S.C. 552a(g). In addition, the requestor will be advised of his (or her) right to file a concise statement of disagreement with the Director. The statement of disagreement should include an explanation of why the requestor believes the record is inaccurate, irrelevant, untimely or incomplete. The Director shall maintain the statement of disagreement with the disputed record,

and shall include a copy of the statement of disagreement in any disclosure of the record. Additionally, the Deputy Director shall provide a copy of the statement of disagreement to any person or agency to whom the record has been disclosed, if the disclosure was made pursuant to § 2504.10 (5 U.S.C. 552(a)(c)).

§ 2504.17 Fees.

(a) Individuals will not be charged for: (1) The search and review of the record;

(2) Any copies produced to make the record available for access;

(3) Copies of the requested record if access can only be accomplished by providing a copy through the mail; and

(4) Copies of three (3) or less pages of a requested record.

(b) Records will be photocopied for 10¢ per page for four pages or more (except for paragraph (a), (1), (2), (3), (4) of this section). If the record is larger than 8½×14 inches, the fee will be the cost of reproducing the record through Government or commerical sources.

(c) Fees shall be paid in full prior to issuance of requested copies. Payment shall be by personal check or money order payable to the Treasury of the United States, and mailed or delivered to the Deputy Director, Office of Administration, Washington, D.C. 20503.

(d) The Deputy Director may waive the fee if: (1) The cost of collecting the fee exceeds the amount collected; or

(2) The production of the copies at no charge is in the best interest of the government.

(e) A receipt will be furnished on request.

§ 2504.18 Penalties.

(a) Title 18, U.S.C. Section 1001, Crimes and Criminal Procedures, makes it a criminal offense, subject to a maximum fine of $10,000 or imprisonment for not more than five years, or both, to knowingly and willfully make or cause to be made any false or fraudulent statements or representation in any matter within the jurisdiction of any agency of the United States. Section (i) (3) of the Privacy Act (5 U.S.C. 552a) makes it a misdemeanor, subject to a maximum fine of $5,000 to knowingly and willfully request or obtain any record concerning an individual under false pretenses. Sections (i) (1) and (2) or 5 U.S.C. 552a provide penalties for violations by agency employees of the Privacy Act or regulations established thereunder.

[FR Doc. 80-18395 Filed 6-17-80; 8:45 am]

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FEDERAL RESERVE SYSTEM

12 CFR Part 217

[Regulation Q; Docket No. R-0308

Interest on Deposits; Temporary Suspension of Early Withdrawal Penalty

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Temporary suspension of the Regulation Q penalty normally imposed upon the withdrawal of funds from time deposits prior to maturity.

SUMMARY: The Board of Governors, acting through its Secretary, pursuant to delegated authority, has suspended temporarily the Regulation Q penalty for the withdrawal of time deposits prior to maturity from member banks for depositors affected by severe storms and tornadoes in Hall County, Nebraska.

EFFECTIVE DATE: June 4, 1980.

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

SUPPLEMENTARY INFORMATION: On June 4, 1980, pursuant to section 301 of the Disaster Relief Act of 1974 (42 U.S.C. § 5141) and Executive Order 12148 of July 15, 1979, the President, acting through the Director of the Federal Emergency Management Agency, designated Hall County Nebraska, a major disaster area. The Board regards the President's action as recognition by the Federal government that a disaster of major proportions has occurred. The President's designation enables victims of the disaster to qualify for special emergency financial assistance. The Board believes it appropriate to provide an additional measure of assistance to victims by temporarily suspending the Regulation Q early withdrawal penalty.[1] The Board's action permits a member bank, wherever located, to pay a time deposit before maturity without imposing this penalty upon a showing that the depositor has suffered property or other financial loss in the disaster area as a result of the severe storms and tornadoes beginning June 3, 1980. A member bank should obtain from a depositor seeking to withdraw a time deposit pursuant to this action a signed statement describing fully the disaster-related loss. This statement should be approved and certified by an officer of the bank. This action will be retroactive to June 4, 1980, and will remain in effect until 12 midnight December 6, 1980.

Section 19(j) of the Federal Reserve Act (12 U.S.C., § 371b) provides that no member bank shall pay any time deposit before maturity except upon such conditions and in accordance with such rules and regulations as may be prescribed by the Board. The Board has determined it to be in the overriding public interest to suspend the penalty provision in section 217.4(d) of Regulation Q for the benefit of depositors suffering disaster-related losses within Hall County, Nebraska, which has been officially designated a major disaster area by the President. The Board, in granting this temporary suspension, encourages member banks to permit penalty-free withdrawal before maturity of time deposits for depositors who have suffered disaster-related losses within the designated disaster area.

In view of the urgent need to provide immediate assistance to relieve the financial hardship being suffered by persons in Hall County, Nebraska, directly affected by the severe damage and destruction occasioned by the severe storms and tornadoes, good cause exists for dispensing with notice and public participation referred to in section 553(b) of Title 5 of the United

[1] Effective July 1, 1979, section 217.4(d) of Regulation Q provides that where a time deposit with an original maturity of one year or less, or any portion thereof, is paid before maturity, a depositor shall forfeit at least three months of interest on the amount withdrawn at the rate being paid on the deposit. Time deposits with original maturities of greater than one year require the forfeiture of at least six months' interest when paid prior to maturity. With respect to time deposits issued prior to July 1, 1979, where such deposits, or any portion thereof, are paid before maturity, a member bank may pay interest on the amount withdrawn at a rate not to exceed the current ceiling rate for a savings deposit under section 217.7 and the depositor shall forfeit three months of interest payable at such rate. Effective August 1, 1979, a member bank may apply the new, generally less restrictive, penalty to time deposits issued prior to July 1, 1979, with the consent of the depositor. For time deposits entered into, renewed, or extended on or after June 2, 1980, the minimum early withdrawal penalty for time deposits with an original maturity of one year or less is a forfeiture of an amount equal to three months of interest earned, or that could have been earned, on the amount withdrawn at the nominal (simple interest) rate being paid on the deposit. For early withdrawals from time deposits with original maturities of more than one year, the minimum penalty shall be a forfeiture of an amount equal to six months of interest earned, or that could have been earned, on the amount withdrawn at the nominal (simple interest) rate being paid on the deposit. For time deposits with original maturities of less than three months, the minimum early withdrawal penalty is forfeiture of an amount equal to the amount of interest that could have been earned on the amount withdrawn at the nominal (simple interest) rate being paid on the deposit had the funds remained on deposit until maturity. Banks may, with the depositor's consent, calculate the early withdrawal penalty for time deposits existing prior to June 2, 1980, on the basis of the nominal simple rate of interest paid on such deposits.

States Code with respect to this action and public procedure with regard to this action would be contrary to the public interest. Because of the need to provide assistance as soon as possible and because the Board's action relieves a restriction, there is good cause to make the action effective immediately.

By order of the Board of Governors, acting through its Secretary, pursuant to delegated authority (12 CFR 265.2(a)(18)), June 12, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-18330 Filed 6-17-80; 8:45 am]

BILLING CODE 6210-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-16888]

Off-Board Trading Restrictions

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission announces the adoption of a rule which amends the rules of national securities exchanges which limit or condition the ability of members of those exchanges to effect transactions otherwise than on an exchange in securities which are traded on those exchanges. The adopted rule will prevent those exchange rules from applying to certain securities which were not traded on an exchange on April 26, 1979, or which were traded on an exchange on April 26, 1979, but fail to remain traded on an exchange for any period of time thereafter. In conjunction with the adoption of this rule, the Commission also announces implementation of a program to monitor the operation and effects of the rule and its intention to publish periodic reports of the findings of such a monitoring program in order to provide an empirical basis for public comment on the advisability of further regulatory action.

EFFECTIVE DATE: July 18, 1980.

FOR FURTHER INFORMATION CONTACT: Bruce Beatt (202-272-2888), Room 390, Division of Market Regulation, or Roger W. Marshall (202-523-5612), Directorate of Economic and Policy Analysis, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced the adoption of Rule 19c-3 ("Rule") [1] under the Securities Exchange Act of 1934 ("Act"),[2] which amends existing rules of national securities exchanges ("exchanges") which limit or condition the ability of members of those exchanges to effect transactions otherwise than on an exchange in securities which are listed or admitted to unlisted trading privileges on those exchanges ("off-board trading restrictions"). Specifically, Rule 19c-3 will preclude off-board trading restrictions from applying, with certain exceptions, to any reported security [3] (1) which was not traded on an exchange on April 26, 1979, or (2) which was traded on an exchange on April 26, 1979, but which ceases to be traded on an exchange for any period of time thereafter.

In view of the adoption of Rule 19c-3, the Commission does not expect to take further action in the near future with respect to off-board trading restrictions generally. Accordingly, the Commission has also determined to withdraw an earlier Commission proposal still outstanding with respect to off-board trading rules, proposed Rule 19c-2 under the Act.[4] That proposal, which was published in June 1977, would have eliminated all remaining exchange restrictions on (1) off-board principal transactions and (2) "in-house agency crosses," *i.e.*, off-board agency transactions in which a member acts as agent for both buyer and seller in the same transaction, with respect to reported securities.[5] The Commission has determined not to withdraw the alternative overreaching rules, proposed Rules 15c5-1[A], 15c5-1[B], 15c5-1[C] and 15c5-1[D], published in connection with proposed Rule 19c-2.[6]

Rule 19c-3 will become effective thirty days following publication of this release in the **Federal Register.** Because of the significance of concerns raised in connection with the Rule, the Commission expects the self-regulatory organizations, particularly the National Association of Securities Dealers, Inc. ("NASD"), to scrutinize closely the behavior of market participants in securities subject to the Rule. In addition, the Commission itself intends to conduct a comprehensive monitoring program with respect to the operation of the Rule and to issue periodic reports describing the results of that program.[7] Further, and in addition to its periodic review of the impact of Rule 19c-3, the Commission expects to reexamine the issues associated with Rule 19c-3 and exchange off-board trading restrictions generally, to the extent and at such times as appears appropriate in the light of developments in the markets.

I. Introduction

On April 26, 1979, the Commission published a release ("Release") announcing the instant proceeding, including public hearings, to consider rulemaking to amend off-board trading restrictions.[8] In the Release, the Commission proposed for comment Rule 19c-3, which would prevent off-board trading restrictions from applying to any equity security or class of equity securities, or alternatively, to any reported security,[9] (1) which was not traded on an exchange on April 26, 1979,[10] or (2) which was traded on an exchange on April 26, 1979, but which ceases to be traded on any exchange for any period of time thereafter ("Rule 19c-3 Securities").

In the Release, the Commission reiterated the conclusion it had reached in prior proceedings [11] that off-board trading restrictions impose burdens on competition. In addition, the

[1] 17 CFR 240.19c-3.

[2] 15 U.S.C. 78a *et seq.*, as amended by the Securities Acts Amendments of 1975 ("1975 Amendments"), Pub. L. No. 94-29 (June 4, 1975), 89 Stat. 97, (1975) U.S. Code Cong. & Ad. News 97.

[3] The Rule defines the term "reported security" to mean "any security or class of securities for which transaction reports are collected, processed and made available pursuant to an effective transaction reporting plan." Rule 19c-3(b)(4). Transaction reports and last sale data for reported securities are reported in the consolidated transaction reporting system ("consolidated system") contemplated by Rule 11Aa3-1 under the Act (17 CFR 240.11Aa3-1).

[4] *See* Securities Exchange Act Release No. 16689 (June 11, 1980)

[5] *See* Securities Exchange Act Release No. 13662 (June 23, 1977) ("June Release"), 42 FR 33510. In January 1978, the Commission deferred a final decision on Rule 19c-2 pending evaluation of industry and self-regulatory responses to national market system initiatives announced by the Commission. *See* Securities Exchange Act Release No. 14416 (January 26, 1978), at 38-41, 43 FR 4354, 4359-60. *See also* Securities Exchange Act Release Nos. 15376 (December 1, 1978) and 15671 (March 22, 1979), 43 FR 58664, 44 FR 20360.

[6] As noted *infra*, adoption of one or more of those alternative proposals may prove necessary to counter adverse consequences of Rule 19c-3 or otherwise in furtherance of the purposes of the Act. *See* notes 54 and 89, *infra*.

[7] For a complete description of the scope and content of the Commission s monitoring program, *see* text accompanying notes 82-83, *infra*.

[8] *See* Securities Exchange Act Release No. 15769 (April 26, 1979), 44 FR 26688 In the Release, the Commission reviewed prior Commission action concerning off-board trading restrictions and the concerns which led the Commission to initiate a proceeding. *See id.* at 5-8, 44 FR at 26688-89.

[9] For a discussion of the Commission's determination to limit the scope of the Rule to reported securities, *see* text accompanying notes 73-76 *infra*.

[10] The Commission specifically requested comment on the propriety of making the Rule applicable as of the date of the proposal of the Rule. *See* Release *supra* note 8, at 3 n.2, 44 FR at 26688 n.2. However, the Commission did not receive any comment in response to this request.

[11] *See* Securities Exchange Act Release No. 11942 (December 19, 1975) ("December Release"), at 5-7, 41 FR 4507, 4509; June Release, *supra* note 5, at 36-38, 42 FR at 33514.

Commission indicated its belief that, although it had not yet completed its deliberations with respect to whether the anticompetitive effects of remaining off-board trading restrictions as a general matter are outweighed by the purposes served by those restrictions, it was concerned that, as a consequence of new listings, off-board trading restrictions were continuously being extended to an ever-increasing number of securities (most of which were traded exclusively in the over-the-counter market), thereby precluding the possibility of competition between the over-the-counter market and exchange markets. The proposal of the Rule was therefore designed to preserve existing competition and maintain the status quo regarding the effects of off-board trading restrictions pending a final determination with respect to off-board trading restrictions generally, as contemplated by proposed Rule 19c–2.

In announcing its proposal of the Rule, the Commission took care to distinguish the potential impact of the adoption of Rule 19c–3 from that of proposed Rule 19c–2. In particular, the Commission observed that Rule 19c–3 would apply primarily to securities for which there was a pre-existing over-the-counter market; since a significant percentage of the over-the-counter market making activity in those securities is accounted for by firms which are also exchange members, the effect of listing these securities would be the virtual extinction of this over-the-counter market. In contrast, proposed Rule 19c–2 would have applied primarily to securities which were already traded in an exchange environment and, in part because of the effects of off-board trading restrictions, for which there is currently only an insignificant over-the-counter market. Similarly, the Commission observed that Rule 19c–3, since it would apply to only a limited number of securities, would not appear to have the potential for a significant effect on the existing structure of the securities markets. In contrast, proposed Rule 19c–2, since it would have applied to virtually all exchange traded securities, might possibly have had dramatic and radical effects on those markets.[12]

In addition to limiting the anticompetitive effects of off-board trading restrictions, the Commission indicated its belief that the adoption of the Rule might provide a valuable learning experience to the Commission and the securities industry.[13] The Commission indicated that adoption of the Rule would permit over-the-counter market makers to experience a trading environment in which transaction and quotation information is made available on a real-time basis. Further, the Commission indicated that the adoption of the Rule would provide the opportunity, in a limited context, to observe the dynamics of a competitive environment between over-the-counter and exchange market makers in exchange traded securities.

In response to the Commission's solicitation of comment on the Rule, the Commission received, and included in the record of the proceeding, written comments from approximately 60 individuals, principally persons associated with the securities industry.[14] The Commission also held six days of oral hearings, beginning June 20, 1979, and concluding July 2, 1979, during which the Commission received testimony from many of the individuals who submitted written comments.

After consideration of the record of the proceeding (which has incorporated the records of prior Commission proceedings)[15] and for the reasons enunciated below, the Commission has determined to adopt Rule 19c–3, effective thirty days following publication of this release in the **Federal Register**.[16]

II. Discussion

A. Benefits Resulting from Adoption of the Rule

As the Commission has found in its earlier proceedings,[17] off-board trading restrictions have anticompetitive effects, in that they effectively confine trading in listed securities to exchange markets by precluding exchange members from trading as principal in the over-the-counter market. Having reached that conclusion, the Commission must determine whether the continued expansion of these anticompetitive effects can be justified by the purposes of the Act or whether the potential benefits to be achieved by adoption of this limited proposal are outweighed by the possibility of adverse consequences. In reaching its findings, the Commission has noted a number of possible benefits which might be dervied from adoption of this limited proposal.[18] First, adoption of the Rule will provide the opportunity for competition between the over-the-counter and exchange markets with concomitant benefits to investors. For example, the presence of additional (and, in some cases, highly capitalized) market makers may (1) operate to discipline the quotations of primary market specialists, thereby possibly resulting in narrower quotation spreads in Rule 19c–3 Securities, and (2) create incentives for markets to disseminate quotations of greater size and add to the depth, liquidity and continuity of the markets for those securities.

The adoption of Rule 19c–3 may also result in cost savings for brokers, dealers and investors in connection with transactions in Rule 19c–3 Securities. The ability of exchange members to effect transactions in-house may provide them with certain execution and operational efficiencies by (1) reducing the order-handling workload of their floor personnel on the exchange floors and the use of other facilities of exchanges, and (2) reducing errors and the costs associated therewith. Moreover, the presence of alternative markets may provide an incentive for markets to continue to compete aggressively in the types and costs of services offered to brokers and investors.[19]

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[12] *See* text accompanying notes 21–30, *infra*.

[13] *See* Release, *supra* note 8, at 14–15, 44 FR at 26690.

[14] In the Release, the Commission indicated that, in order to be fair to all interested persons, comments received after July 22, 1979, the final date for submitting comments, would not be accepted as a part of the record of the proceeding or considered by the Commission unless the comment period was formally extended. However, the Commission received a number of comments after July 22, 1979. The Commission thereafter issued a release giving notice that comments on the Rule received after July 22, 1979, would not form part of the official record of the proceeding but would be placed in a separate subfile in which they would be available for public review. *See* Securities Exchange Act Release No. 16166 (September 7, 1979), 44 FR 54068.

[15] In the Release, the Commission invited the attention of interested persons to materials contained in other Commission files (*see* File Nos. 4–180, SR–Amex–77–3, SR–Amex–77–18 and S7–735–A), and incorporated the information contained in those files into the record of the proceeding. *See* Release, *supra* note 8, at 4–5, 44 FR at 26688.

[16] As proposed and adopted, the Rule would be applicable, with certain exceptions, to securities which became or become exchange traded after April 26, 1979. Thus, the Rule would be applicable to certain securities which became exchange traded for the first time after April 26, 1979, the date on which the Rule was proposed for comment, and before the effective date of the Rule, and for which the existing over-the-counter market has therefore been substantially extinguished. However, as discussed below (*see* text accompanying note 20, *infra*), the purpose of the Rule was not merely to preserve the opportunity for the existing over-the-counter market to compete, but also to maintain the status quo by precluding the expansion of off-board trading restrictions to additional securities. Moreover, the application of the Rule as of April 26, 1979, was designed to avoid any artificial timing incentives to listing based solely on the possible adoption of the Rule.

[17] *See* note 11, *supra*.

[18] A discussion of the possible adverse consequences of adoption is contained in the text accompanying notes 31–81, *infra*.

[19] Indeed, competition would appear to have had a substantial role in the development of recent order routing and execution innovations by both the regional and primary exchanges. For example, the American Stock Exchange, Inc. ("Amex") and New

Footnotes continued on next page

In addition, adoption of the Rule will limit the expansion of the anticompetitive effects of off-board trading restrictions which, absent Commission action, would otherwise apply over time to ever-increasing numbers of securities. Thus, the Commission perceives benefits from Rule 19c–3 as a regulatory measure designed to maintain the status quo pending resolution of the broader issues associated with removal of off-board trading rules generally.[20]

The Commission also believes that the Rule is justified by its experimental value which will further the purposes of the Act by providing actual experience with the effects of concurrent over-the-counter and exchange trading. While adoption of the Rule could not be expected to yield empirical data sufficient to support definitive conclusions regarding the removal of remaining off-board trading restrictions,[21] the Commission does believe that experience under the Rule will yield data which will enable the Commission to analyze the direct effects of the Rule on the trading markets for Rule 19c–3 Securities. In addition, experience under the Rule may prove useful in providing an opportunity to observe for the first time a trading environment in which exchange members may engage in competitive over-the-counter trading in securities which are listed on the primary exchange. In particular, the Rule may provide insight into the ability of exchanges to continue to compete for order flow in the absence of off-board trading restrictions and may provide insight into whether the absence of off-board trading restrictions has any significant effects on pricing efficiency.[22]

In addition, since the Rule will provide the securities industry with an opportunity to experience an environment involving competitive over-the-counter and exchange trading, it may be helpful in evaluating the effectiveness of current efforts to facilitate the development of a national market system. Among other matters, experience under the Rule should enable the Commission to observe the effectiveness of existing systems, particularly the Intermarket Trading System ("ITS") [23] and the Cincinnati Stock Exchange's ("CSE") automated National Securities Trading System ("NSTS"),[24] in addressing the needs of an environment characterized by concurrent exchange and over-the-counter trading, and may provide incentives to improve those systems or develop new systems to accommodate any changes in trading patterns which occur.[25]

In this regard, the Commission views as a significant step in that direction the determination by the NASD to upgrade and enhance its NASDAQ system to provide a more efficient mechanism for over-the-counter market making in listed securities. The NASD's commitment to such an effort was an important consideration in the Commission's determination to adopt Rule 19–3 at this time.

The Commission believes that prompt implementation by the NASD of the enhanced NASDAQ system will further significantly the objectives of a national market system. The Commission urges the NASD to accelerate its efforts to achieve the NASDAQ system upgrade and requests the NASD to provide the Commission with a formal status report on the project (including a timetable for implementation) not later than September 1, 1980.

Of equal importance is the need to achieve effective linkages between traditional exchange trading floors and markets conducted either over-the-counter or through electronic trading systems. Such linkages, in the Commission's view, are essential to achieving the maximum degree of order interaction between the various types of markets.[26] The Commission therefore expects that the NASD and the ITS participants will promptly conclude their negotiations and begin work on consummating an automated linkage between the ITS and the NASDAQ system. The Commission also expects that the NSTS and ITS participants will implement a linkage between their systems in the near future.[27] The Commission requests the interested parties to these proposed linkages to provide the Commission with formal status reports (including timetables for implementation) on the ITS–NASDAQ and ITS–NSTS linkages not later than September 1, 1980.[28]

Observation of trading in an environment free of off-board trading restrictions may also enable the Commission to consider the appropriateness of existing Commission and exchange rules which apply to exchange specialists and provide insight regarding whether some or all of the requirements and principles embodied in those rules should be extended to over-the-counter market makers in order

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Footnotes continued from last page
York Stock Exchange, Inc. ("NYSE") have developed a "common message switch," which provides an interface between the computerized order handling systems of certain Amex and NYSE firms and the booths of those firms on the floors of the Amex and NYSE. In addition, the Amex and NYSE offer automated order routing systems (named Post Execution Report ("PER") and Designated Order Turnaround System ("DOT"), respectively) which permit Amex and NYSE member firms to route small market and limit orders directly to the specialist's post. Further, the Pacific Stock Exchange, Inc. ("PSE") and Philadelphia Stock Exchange, Inc. ("Phlx") provide systems (named "SCOREX" and "PACE," respectively) similar to PER and DOT which, in addition, provide for automatic execution based on a derivative pricing model.

[20] *See* Securities Exchange Act Release No. 15376 (December 1, 1978), at 18 n. 42 (Commissioners Evans and Pollack dissenting), 44 FR 58664, 58669 n. 42.

[21] Various commentators apparently understood, mistakenly, that the Commission was proposing the Rule as an "experiment" which would yield data from which the Commission could extrapolate in order to reach definitive conclusions regarding the further removal of off-board trading restrictions. These commentators criticized the "experiment" as inherently invalid for a variety of reasons including, for example, the limited number and unrepresentative nature of the securities to which the Rule would be applicable. *See, e.g., In re* Off-Board Trading Restrictions, File No. 4–220 ("Proceeding Transcript"), at 149–50, 212, 273–74, 634–35, 694–95, 777, 1001–02. As indicated, *see* text accompanying notes 82, 87–89, *infra*, these comments misconstrued the Commission's attitude toward the experiential value of the Rule. The Commission never intended (nor could it have intended) the type of proposal represented by Rule 19c–3 as a scientific experiment designed to resolve fully all of the issues raised by the continuation or removal of off-board trading restrictions as a general matter. Nonetheless, the Commission believes that useful data can be derived from observation of the trading environment in Rule 19c–3 Securities both before and after the effective date of the Rule, and that it will be able to study the effects of the Rule using statistical evaluation techniques.

[22] Examination of these issues will be part of the Commission's monitoring program. *See* text accompanying notes 82–83, *infra*.

[23] *See* Securities Exchange Act Release Nos. 14661 (April 14, 1978), 15058 (August 11, 1978), 16074 (August 2, 1979) and 16214 (September 21, 1979), 43 FR 17419 and 36732, 44 FR 47419 and 56069.

[24] *See* Securities Exchange Act Release Nos. 14674 (April 18, 1978), 15413 (December 15, 1978) and 16215 (September 21, 1979), 43 FR 17894, 44 FR 129 and 56074.

[25] Indeed, the Commission notes that the proposal of the Rule has been followed by various initiatives applicable to intermarket competition. Thus, the NASD has announced technical enhancements to the NASDAQ system which would provide an order routing facility, the opportunity for automatic execution of orders and a linkage with exchanges. *See* Proceeding Transcript, *supra* note 21, at 9–10, 24–34. In a different approach to intermarket competition, the NYSE has proposed to create facilities which would permit NYSE member firms to enter electronically dealer bids and offers into the NYSE market trading crowd without maintaining a physical presence on the NYSE floor. *See id.* at 779–80, 817–22.

[26] *See* Securities Exchange Act Release No. 16214, at 14 (September 21, 1979), 44 FR 56069, 56072.

[27] The Commission has stated that "it will be necessary to * * * establish computerized interfaces between the ITS and over-the-counter market makers regulated by the NASD and between the ITS and the CSE System (and such other systems as may emerge in the future) permitting two-way communication." *See id.*

[28] *See* Letter from Douglas Scarff, Director, Division of Market Regulation, to John J. Phelan, Jr., Vice Chairman, NYSE, dated May 20, 1980.

to ensure "equal regulation." [29] Finally, experience under the Rule may enable the Commission to obtain data with which to monitor the effects of reporting transaction information on the willingness of over-the-counter market makers to engage in market making in securities traded in an integrated trading environment.[30]

B. Discussion of Arguments Raised in Opposition to Adoption of the Rule

Balanced against the foregoing benefits, the Commission has carefully considered the criticisms of the Rule raised by commentators and the possible adverse consequences of its adoption.

1. *Internalization.* The most frequent criticism of the Rule was that, if adopted, it would permit "internalization" by broker-dealer firms with large retail order flow or sizable correspondent networks who chose to make markets over-the-counter in Rule 19c–3 Securities ("integrated firms").[31] Some commentators argued that internalization by such firms would have three principal adverse effects. First, internalization would have anticompetitive effects with respect to both exchange specialists (who generally do not have initial access to retail order flow) and smaller broker-dealers without the market making capacity of larger, integrated firms. Second, internalization might result in "fragmented" markets in Rule 19c–3 Securities [32] and lead to a decrease in pricing efficiency and a deterioration in the depth, liquidity and continuity of the markets for those securities. Finally, internalization might provide an increased opportunity for overreaching of customers, particularly by integrated firms.[33]

(a) *Fragmentation and Competitive Impact.* (i) *Comments.* With respect to the perceived anticompetitive effects of internalization, various commentators asserted that large integrated firms would find it in their economic self-interest to execute their retail order flow "in-house," and that, as a result, specialists and other market makers would not have the opportunity to compete for that order flow. It was therefore argued that the only way to rectify this competitive disadvantage was to require integrated firms, through intermarket linkage systems, to "expose" their retail order flow to other competing market makers.[34] Commentators also asserted that the opportunity to internalize retail order flow would place smaller broker-dealers at a competitive disadvantage because they would no longer be able to provide executions equivalent to those provided by larger integrated firms.[35] It was argued that, in the current environment, in which off-board trading restrictions result in most retail firms directing their order flow as agent to either the Amex or NYSE, all retail broker-dealers (regardless of size) are able to provide the same quality of execution because each may provide retail customer orders with an equal opportunity to be exposed to the vast majority of order flow in listed securities. However, in the absence of off-board restrictions, the Amex and NYSE might no longer attract sufficient order flow to be the "primary" markets for Rule 19c–3 Securities. In that event, smaller broker-dealers would no longer able to compete effectively with large integrated firms on the basis of quality of execution because, it was argued, the public would perceive that larger firms would provide better executions and would therefore direct most order flow to those firms. In addition, it was argued that larger firms would have a competitive advantage since they would more effectively be able to integrate market making and retail business in order to provide lower cost executions than could be provided by smaller firms. This might further the public perception that, in order to obtain a quality execution, they should deal directly with firms which are market makers rather than with firms which provide only brokerage services.[36]

Other commentators argued that internalization was perfectly appropriate if conducted on the basis of "quote matching," *i.e.*, providing an execution in one market center at a price equal to the best price displayed in the consolidated quotation system.[37] Those commentators argued that retention of order flow by a market center did not raise competitive concerns if there is no overreaching [38] and the customer is given a price which is equal to or better than the best price available in any other market (as evidenced by the best quotation then disseminated pursuant to Rule 11Ac1–1 under the Act).[39]

With respect to the concern that internalization would result in additional fragmentation which would adversely affect market efficiency and liquidity, commentators asserted [40] that, as a result of the internalization of retail firm customers' orders, order flow in

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[29] *See* text accompanying notes 63–72, *infra*.

[30] *See also* proposed Rule 11Aa2–1 which, if adopted, would provide procedures by which securities would be designated as national market system securities. *See* Securities Exchange Act Release No. 15920 (June 15, 1979), 44 FR 26912. That rule, together with related amendments to Rule 11Aa3–1, would require a limited number of actively traded securities traded solely in the over-the-counter market to be subject to transaction reporting. Rule 19c–3 and proposed Rule 11Aa2–1 are related proposals which may enable the Commission to consider the concern raised by over-the-counter market makers that transaction reporting would discourage over-the-counter market making activities because of the increased risks and pressures on spreads which might result from disclosure of transaction information.

[31] In the Release, the Commission stated that the term "internalization," when used with respect to the activities of an integrated broker-dealer making markets over-the-counter refers to the withholding of retail orders from other market centers for the purpose of executing them "in-house," as principal, without exposing those orders to buying and selling interest in those other market centers.

See Release, *supra* note 8, at 12 n.20, 44 FR at 26690 n.20. *See also* June Release, *supra* note 5, at 49–66, 42 FR at 33516–21.

In general, commentators agreed with this definition of the term. *See, e.g.*, Proceeding Transcript, *supra* note 21, at 774.

[32] In the Release, the Commission stated that the term "fragmentation" "refers to the dispersion of order flow among market centers." *See* Release, *supra* note 8, at 12 n.20, 44 FR at 26690 n.20. *See also* June Release, *supra* note 5, at 49–66, 42 FR at 33516–21.

[33] The term "overreaching" refers to the possibility that broker-dealer firms may take advantage of their customers by executing retail transactions as principal at prices less favorable to those customers than could have been obtained had those firms acted as agent. *See generally* June Release, *supra* note 5, at 70–84, 42 FR at 33519–21.

[34] Proceeding Transcript, *supra* note 21, at 219, 309–14, 630, 653–54, 684–91, 726–29, 732–33, 740–41, 798–803, 830–31, 848–51, 857–60, 871–77, 998–99.

[35] *Id.* at 173, 1053.

[36] Other commentators, however, argued that those firms which chose to make markets upstairs would be under a competitive disadvantage. (*Id.*, at 21–22, 58–60, 424–26). Those commentators contended that, at least with respect to those firms which did not have adequate in-house order flow to support their market making activities, the existence of automated order routing systems permitting most broker-dealers to efficiently send orders to exchanges (*see* note 19, *supra*) and the absence of similar systems for routing orders to over-the-counter market makers would provide competitive advantages to specialists (particularly specialists in the "primary" market). However, even if order routing systems currently provide a competitive advantage to "primary" exchange specialists, it may be questioned whether in an environment permitting off-board principal trading, these order routing systems would continue to provide a competitive advantage to exchange specialists since it is unclear whether retail firms would avail themselves of such systems to route orders to specialists (as opposed to executing those orders "in-house"). In this connection, the Commission understands that currently retail firms competing as market makers in securities traded solely in the over-the-counter market generally do not route to other market makers who quote a better quotation but instead match that better quotation and retain the retail execution.

[37] *See, e.g.*, Proceeding Transcript, *supra* note 21, at 728.

[38] *See* note 33, *supra*.

[39] Rule 11Ac1–1 (17 CFR 240.11Ac1–1) requires every exchange and national securities association to establish and maintain procedures to collect, process and make available to vendors quotations (including size) in reported securities. *See* Securities Exchange Act Release No. 14415 (January 26, 1978), 43 FR 4342.

[40] Proceeding Transcript, *supra* note 21, at 222–24, 220–300, 630, 684–91, 775–76, 791–98, 998–1001.

Rule 19c–3 Securities no longer would be directed to the Amex and NYSE as "primary" markets, and that, in the absence of intermarket linkages or other types of systems which would permit the effective interaction of orders originating in geographically diverse market centers, such a dispersion of order flow would make the markets in Rule 19c–3 Securities less efficient than currently is the case today in exchange traded securities where one market has a dominant share of order flow.[41] In addition, commentators argued that increased fragmentation might diminish limit order protection and create difficulties for brokers attempting to route their customers' orders to the best available market.

Other commentators, however, did not view fragmentation as a significant problem in connection with the Rule.[42] These commentators argued that fragmentation concerns would be minimized because Rule 19c–3 Securities, upon becoming exchange traded, would be the subject of real-time transaction and firm quotation information which should reduce pricing disparities among market centers and enhance the ability of brokers to find the best markets for their customers' orders. In addition, they anticipated that the development of intermarket linkages would both enhance the protection of limit orders and permit brokers to route orders more easily to another market center displaying a superior quotation.

(ii) *Discussion.* In its prior releases regarding off-board trading restrictions, the Commission has expressed its view that an ideal configuration of a national market system would effectively preclude internalization by exposing orders, to the greatest extent practicable, to all buying and selling interest wherever located in the system. Such a displacement mechanism would permit brokers and dealers, regardless of geographic location, to intercept order flow by bettering existing bid and offer quotations. Specifically, the Commission has indicated that intermarket exposure of orders in a national market system should (1) maximize competition between and among markets and market participants and (2) further the efficiency and fairness of the securities markets.[43]

While the Commission recognizes that a significant degree of order exposure may be present today in certain securities within the "primary" markets, the Commission also recognizes that most trading in listed securities is conducted in a manner which does not result in routine exposure of order flow to other competing market centers.[44] To the contrary, internalization (*i.e.*, failure to expose orders to potential buying and selling interest in other markets) is present in the trading of listed securities on exchanges as well as the over-the-counter market. For example, orders sent to regional exchanges or the third market are often executed in those markets without any intermarket exposure, either because they are executed there as a result of previously negotiated price protection against transactions in the "primary" market or because they are executed, on an automated basis,[45] based on a derivative pricing formula. Moreover, the development of systems such as the ITS [46] and the NSTS [47] has not significantly ameliorated this situation.[48]

Similarly, despite the implementation of ITS, orders sent to the primary market will not necessarily be exposed to trading interest represented in other markets even when there is a better published quotation in another market. First, a specialist or other broker-dealer on the floor of the primary market may choose to match a better bid or offer displayed by a regional exchange and execute an order himself rather than send a commitment to the other participant through ITS. As a result, ITS may serve only to encourage price matching rather than intermarket order exposure. Further, use of the ITS, while encouraged by the ITS participants, is not mandatory when a better bid or offer is available from an ITS participant. Finally, a linkage has not yet been established between the ITS and the over-the-counter market and between the ITS and the NSTS.[49]

The Commission recognizes that the adoption of Rule 19c–3 may result in internalization by member firms, particularly those firms with large retail order flow. While the Commission is concerned about increasing the opportunity for internalization, it has nevertheless on balance decided to adopt the Rule, given its limited scope. First, the problems resulting from internalization are generic in nature. Rather than deprive the securities markets of an opportunity to benefit from increased market maker competition, the Commission believes that the Rule should be put into effect and that any adverse effects which may result from internalization should be dealt with directly through other measures. For example, the Commission could require that all trading by integrated firms occurring otherwise than on a physical exchange trading floor be conducted through a trading system which provides an opportunity for interaction of order flow and exposure to other over-the-counter and exchange market makers. In addition, it may be necessary to go further and require integrated firms to "hold out" agency retail orders to other buying and selling interest for a minimum period of time prior to executing against that order as principal.[50] Finally, it may be necessary to consider prohibiting firms from acting in both a broker and dealer capacity (either over-the-counter or both over-the-counter and on exchange floors) in the same security.[51]

In addition, the risks relating to internalization in the context of adoption of the Rule do not appear to raise concerns of the magnitude raised with respect to proposed Rule 19c–2. An overriding concern raised by commentators was that the adoption of Rule 19c–2 would result in substantial losses in order flow to the primary exchanges in a large number of securities which might ultimately lead to

[41] For example, commentators suggested that prices in a fragmented market will be less likely to reflect a complete assessment of all buying and selling interest than is presently possible. In addition, they suggested that directing most order flow to the "primary" markets provides the opportunity for orders to be executed at a price between the current best bid and offer quotations.

[42] Proceeding Transcript, *supra* note 21, at 43–44, 407–08.

[43] *See* December Release, *supra* note 11, at 48–49, 41 FR at 4519; June Release, *supra* note 5, at 57–60, 42 FR at 33517.

[44] *See* June Release, *supra* note 5, at 57–58, 42 FR at 33517.

[45] Thus, in the PSE's SCOREX system, member firm market orders of up to 300 shares in approximately 200 Amex and 800 NYSE listed securities are automatically priced and executed based on the best quotation disseminated by a participant in the ITS. Similarly, in the Phlx's PACE system, member firm market orders of up to 399 shares in approximately 300 NYSE listed securities are automatically priced and executed based on the better of the quotations available in the Phlx and NYSE markets (*see* note 19, *supra*). As a result of the operation of SCOREX and PACE, certain market orders sent to the PSE and Phlx do not interact with each other and are effectively precluded from interacting with orders in other markets.

[46] As discussed below, ITS is not generally used to expose orders to other markets. *See* text accompanying note 49, *infra*.

[47] Although NSTS terminals are present on certain regional exchanges, the System has not been used with any frequency by brokers and dealers in those markets.

[48] As discussed below, the NSTS and ITS are not currently linked to third market makers, thereby precluding intermarket exposure. *See* text accompanying note 49, *infra*.

[49] *See* text accompanying notes 26–28, *supra*.

[50] Systems like the NSTS or the enhanced NASDAQ System, if appropriately linked to conventional exchange markets through the ITS, could be employed for this purpose.

[51] *Cf.* Securities Exchange Act Release No. 16214, at 10 n.18 (September 21, 1979, 44 FR 56069, 56071 n.18.

the demise of exchanges. In contrast, whatever the effects of internalization in the context of Rule 19c–3, those effects, which would be applicable only to a relatively limited number of securities, do not appear to have the potential to reduce the total amount of trading occurring on exchanges to the point where the existence of these trading mechanisms would be undermined. Similarly, the limited scope of Rule 19c–3 would seem to indicate that adoption of the Rule should not significantly impact the existence, as viable competitors, of smaller broker-dealers. Moreover, as noted above, should internalization prove to have significant adverse effects in the context of Rule 19c–3, those effects can be eliminated at any time.

Finally, the Commission believes that the Rule presents the Commission with a unique opportunity to consider [52] concerns relating to the effects of internalization in a limited context. First, adoption of the Rule may provide the Commission and industry with an opportunity to learn the extent to which retail firms will determine to make over-the-counter markets in reported securities and the degree to which these firms will internalize their own retail order flow. In addition, the Rule might enable the securities industry to experiment with systems which would provide an opportunity for greater interaction of exchange and over-the-counter markets, thereby eliminating most of the potential adverse effects of this practice.[53]

Notwithstanding the Commission's decision to adopt the Rule, the Commission recognizes that internalization raises significant regulatory concerns. Therefore, as part of its monitoring program, the Commission intends to examine closely the markets in Rule 19c–3 Securities to determine the extent to which internalization develops and its effects on the securities markets. In addition, the Commission expects the NASD to oversee carefully the activities of integrated firms in this trading environment and to provide the Commission with quarterly reports (beginning September 30, 1980) of the results of its oversight program. The Commission will be alert to the need to take appropriate regulatory action if any internalization which may occur has undesirable effects on the markets for Rule 19c–3 Securities.

(b) *Overreaching and Surveillance.* (i) *Comments.* In general, commentators in the current proceeding did not focus substantial attention on overreaching and the adequacy of surveillance to detect overreaching and other questionable trading activity by integrated firms.[54] The NASD strongly disagreed with suggestions by certain commentators [55] that its surveillance would be inferior to that provided by exchanges and indicated that, in response to the proposal of the Rule, it was developing appropriate enhancements to existing regulatory and surveillance programs.[56] Among other matters, the NASD indicated that it would provide sufficient surveillance and inspection personnel to ensure that over-the-counter market makers are meeting their responsibilities with respect to the prompt reporting of trades in the consolidated system.[57]

(ii) *Discussion.* Notwithstanding the absence of substantial comment, the Commission continues to believe that conflicts of interest inherent in integrated firms present significant concerns with respect to overreaching. The Commission believes that to some extent these concerns will be ameliorated by the existence of accurate transaction reporting and quotation information, particularly in view of the NASD's recent rule filing designed to ensure that, to the greatest extent practicable, over-the-counter transactions in reported securities are reported in a manner substantially comparable to exchange transactions in such securities.[58] Moreover, as the Commission has noted on prior occasions,[59] when an integrated firm functions as dealer with a retail customer and, by a course of conduct, has placed itself in a position of trust and confidence with respect to that customer, the firm has assumed a fiduciary relationship in all of its securities transactions with that customer, regardless of whether the firm is acting as a broker or dealer in particular transactions.[60] The Commission believes that the existence of this fiduciary relationship should, as a legal matter, reduce the risks of overreaching in connection with over-the-counter trading by integrated firms in Rule 19c–3 Securities.

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[52] *See* text accompanying notes 21–22, *supra*.

[53] For example, integrated firms may wish to consider voluntarily entering their order flow in Rule 19c–3 Securities in the NSTS. In addition, the CSE may wish to consider the addition of a "hold-out" requirement to its rules applicable to the NSTS. Similarly, in response to the NASD's anticipated enhancements to the NASDAQ system, integrated firms may wish to consider trading Rule 19c–3 Securities through the NASDAQ system. Further, the NYSE may wish to implement its proposal to create facilities which would permit NYSE member firms to electronically enter dealer bids and offers into the NYSE market trading crowd.

[54] In the proceeding relating to proposed Rule 19c–2, the Commission indicated its concerns regarding overreaching and the adequacy of surveillance, and proposed four alternative overreaching rules to deal with overreaching concerns. *See id.* The Commission wishes to point out that, although the Commission has determined to withdraw proposed Rule 19c–2, the alternative overreaching rules published in connection with proposed Rule 19c–2 are still outstanding and that the Commission may, in response to trading activities and patterns which develop in Rule 19c–3 Securities, adopt one or more of those alternative rules if necessary or appropriate to counter adverse consequences of Rule 19c–3 or otherwise in furtherance of the purposes of the Act. For the text and a description of these proposals, *see* June Release, *supra* note 5, at 111–46, 42 FR at 33525–29.

[55] *See, e.g.*, Proceeding Transcript, *supra* note 21, at 999–1003.

[56] *Id.* at 17–18.

[57] The Commission, in proposing Rule 19c–2, had indicated that reporting of transaction information in the consolidated system and dissemination of firm quotation information pursuant to then proposed Rule 11Ac1–1 should reduce the risks of overreaching. However, various commentators discounted the significance of reporting of transaction information to ameliorate this concern. First, commentators suggested that the usefulness of transaction information as a surveillance or informational tool would be drastically reduced because integrated firms would generally fail to report transactions promptly and that as a result trades executed in various markets would be reported out-of-sequence on the consolidated tape. Commentators asserted that on a primary exchange prompt reporting was ensured by the use of reporters to collect transaction information and the presence of a crowd to discipline the behavior of floor members, while, in contrast, trades executed in the over-the-counter market are reported from brokers' offices without any crowd or equivalent discipline. Second, commentators suggested that trades reported in the over-the-counter market could not be compared with trades reported on an exchange in order to surveil for possible overreaching or other regulatory concerns because, while trades effected on an exchange are reported on a "gross" basis (*i.e.*, exclusive of any commission which may be charged to the actual customer in connection with a transaction), trades effected over-the-counter (other than with respect to so-called "riskless principal transactions"), are reported to include any retail mark-up or mark-down, which may be deemed equivalent to a commission. These concerns are responded to below.

[58] The NASD has recently filed amendments to its rules which contemplate requiring the reporting of over-the-counter transactions on a "gross" basis. *See* Securities Exchange Act Release No. 16686 (March 21, 1980), 45 FR 20604. Specifically, the NASD proposal contemplates that transactions will be reported exclusive of any mark-up or mark-down.

[59] *See, e.g.*, June Release, *supra* note 5, at 77–80, 42 FR at 33520.

[60] *See* Arleen W. Hughes, 27 SEC 629 (1948), *aff'd sub nom. Arleen W. Hughes* v. *SEC*, 174 F.2d 969 (D.C. Cir. 1949). For a discussion of the standards of conduct applicable to a firm in a fiduciary relationship with a customer, *see* June Release, *supra* note 5, at 79–82, 42 FR at 33520–21. The fiduciary obligation duties, which may arise out of a broker-customer relationship as well as a dealer-customer relationship, are in addition to the general duty of all dealers, under the so-called "shingle theory," to deal fairly with the public and to effect transactions as dealer with customers at prices reasonably related to the current market for such securities. *See* Charles Hughes & Co., 13 SEC 676 (1943), *aff'd sub nom. Charles Hughes* v. *SEC*, 139 F.2d 434 (2d Cir.), *cert. denied*, 321 U.S. 786 (1944); Duker & Duker, 6 SEC 386 (1939).

The Commission remains concerned, however, that, in an off-board trading environment, the potential for overreaching may still exist. Therefore, in light of the substantial harm to investors if overreaching were to occur, the Commission expects the NASD to conduct a rigorous monitoring and enforcement effort, including evaluation of individual over-the-counter transactions in Rule 19c–3 Securities, taking into account (1) the net transaction price to customers; (2) the amount of mark-up or mark-down; (3) the price reported to the consolidated system; and (4) the price obtainable if the customer's order were executed on an agency basis in another market. The Commission requests the NASD to provide quarterly reports (beginning September 30, 1980) regarding NASD member compliance with the Act and NASD rules in connection with trading in Rule 19c–3 Securities.[61] The Commission will evaluate carefully the results of the NASD's surveillance programs in order to determine whether additional regulatory action is necessary, such as adoption of any of the four overreaching rules proposed in 1977 in connection with the proposal of Rule 19c–2.[62]

2. *Equal Regulation.* a. *Comments.* In the Release, the Commission specifically requested comment on whether, as a prerequisite to adoption of the Rule, "any Commission or self-regulatory rules regulating the activities of market makers should be eliminated or modified or whether they should be expanded to apply to all market participants performing similar functions."[63] The issue of "equal regulation" raises the question whether a trading environment characterized by the absence of offboard trading restrictions would, in the absence of uniform (or at least similar) regulation of all market makers, afford a fair field of competition among market makers.[64]

Certain commentators criticized the proposal because it was not accompained by additional regulatory action to ensure similar regulation between exchange specialists and over-the-counter market makers.[65] These commentators argued that the absence of similar regulation of specialists and over-the-counter market makers trading in Rule 19c–3 Securities would place specialists at an unfair competitive disadvantage. Thus, they urged the Commission to require that various Commission and exchange rules applicable to specialists, particularly primary market specialists, be made applicable to over-the-counter market makers.

Other commentators did not perceive the need for additional regulation of over-the-counter market makers in connection with the adoption of the Rule.[66] These commentators argued that, until experience was obtained under the Rule, it would not be possible to determine the extent to which Commission or self-regulatory rules should be applied to all market makers. In addition, commentators argued that the obligations imposed on primary exchange specialists involved exchange decisions which reflected competitive considerations. In this connection, they noted that those obligations are required because of specialists' virtual monopoly position, and that those obligations are a competitive advantage to specialists since, by advertising the quality of regulation applicable to the exchange market, they assist in attracting order flow.

b. *Discussion.* The Commission has long recognized that removal of off-board principal restrictions in any context requires the Commission to consider certain "equal regulation" concerns.[67] However, the Commission does not view the concept of "equal regulation" [68] as necessarily requiring uniform regulation of all market makers.[69] Rather, uniform regulation is appropriate only when applied in the context of persons who enjoy similar privileges, perform similar functions and have the potential for similar market impact. Moreover, the Commission believes that the differences between regulation of exchange and over-the-counter market makers have been emphasized without recognizing the many similarities in that regulation, at least with respect to the trading of listed securities. For example, exchange and over-the-counter market makers are both subject to the Commission's rules, Rules 11Aa3–1 and 11Ac1–1 under the Act,[70] requiring the reporting of transaction and quotation information. In addition, the Commission's short sale rule, Rule 10a–1 under the Act,[71] applies to transactions in reported securities effected both on exchanges and in the over-the-counter market. Furthermore, as discussed above,[72] retail integrated firms, in many instances, in fact occupy a fiduciary position of trust and confidence with their customers.

The Commission has determined not to consider modification of any Commission or exchange rules prior to the adoption of Rule 19c–3. The Commission agrees with those commentators who stated that, until experience was obtained under the Rule, it would be extremely difficult, if not impossible, to determine the extent to which any type of market maker regulation should be universally applied.

Similarly, in view of the limited scope of Rule 19c–3, the Commission is not inclined to approve, prior to implementation of the Rule, any alteration of existing rules of the "primary" exchanges which impose "affirmative" and "negative" obligations upon specialists and which prohibit specialists on such exchanges from accepting orders directly from institutional customers. In view of the unique trading position of the primary market specialist generally (particularly in light of his control of the limit order book), retention of such rules appears to be appropriate pending experience under the Rule with concurrent exchange and over-the-counter trading.

The Commission wishes to emphasize that its determination not to require at this time uniform regulation of all market makers trading in Rule 19c–3 Securities should not be construed as a determination that changes in existing regulations governing market making (including the possible imposition of market making obligations on persons making markets over-the-counter in Rule 19c–3 Securities) would not be appropriate in the future either based on the nature of experience under the Rule or developments in the evolution of a national market system. In this connection, the Commission intends to analyze carefully the effects of the absence of uniform regulation on the ability of specialists and over-the-

[61] In addition, if the Commission approves the NASD's proposed reporting rule, it expects that the NASD will monitor the operation of this rule and include in its report an analysis of the accuracy of trade reports communicated pursuant to the rule. As a part of that report, the Commission expects that the NASD will review whether integrated firms are reporting transactions promptly to the consolidated system.

[62] *See* text accompanying note 6 *supra;* June Release, *supra* note 5, at 111–31, 42 FR at 33525–27.

[63] *See* Release, *supra* note 8, at 16, 44 FR at 26690.

[64] *See* June Release *supra* note 5, at 85–90, 42 FR at 33521; December Release, *supra* note 11, at 24–25, 41 FR at 4514.

[65] Proceeding Transcript, *supra* note 21, at 224–26, 629–30, 649–51, 685–88, 724–25, 784–85, 1005–06.

[66] *Id.* at 10, 19–23, 397–403, 418–24.

[67] *See* December Release, *supra* note 11, at 25–26, 41 FR at 4514; June Release, *supra* note 5, at 85–87, 42 FR at 33521. For a description of Commission and self-regulatory rules regarding market makers, *see* June Release, *supra* note 5, at 88–90, 42 FR at 22521–22.

[68] *See* Section 3(a)(36) of the Act, 15 U.S.C. § 78c(a)(36).

[69] *See* Senate Comm. on Banking, Housing & Urb. Affs., *Report to Accompany S.249,* S. Rep. No. 94–75, 94th Cong., 1st Sess. 14–16 (1975) *reprinted in,* [1975] U.S. Code Cong. & Ad. News 179, 192–94.

[70] 17 CFR 240.11Aa3–1 and 240.11Ac1–1.

[71] 17 CFR 240.10a–1.

[72] *See* text accompanying notes 59–60, *supra.*

counter market makers to compete fairly for order flow in rule 19c–3 Securities. In particular, the Commission will focus on any changes in competitive position of various market participants which may occur as the result of shifts in order flow, the willingness of over-the-counter participants to make markets under varying market and economic conditions and the quality of executions provided by the various markets.

3. *Scope of the Rule.* a. *Comments.* The Commission proposed the Rule in alternative forms, one of which would be applicable to all equity securities which became exchange traded after April 26, 1979, and one of which would be applicable only to reported securities which became exchange traded after April 26, 1979.[73] As indicated in the Release, adoption of a rule applicable to all equity securities would possibly result in off-board trading in a small number of securities listed on regional exchanges which are not subject to transaction or quotation reporting.[74] The Commission specifically requested comment on whether the absence of transaction information would justify the continuing application of off-board trading restrictions notwithstanding the perceived anticompetitive effects of those rules.

The regional exchanges opposed application of the Rule to equity securities which are not reported securities.[75] They argued that the availability of transaction information with respect to Rule 19c–3 Securities was necessary in order to reduce concerns regarding fragmentation and overreaching and to enable regional exchanges to advertise the existence of their markets as a means of competing with integrated firms for order flow. Other commentators favored the application of the Rule to all equity securities, arguing that the anticompetitive effects of off-board trading restrictions are of greater significance in connection with securities which are not reported securities because those securities are generally thinly traded and therefore would particularly benefit from the additional market making competition which would result from elimination of existing off-board restrictions.[76]

b. *Discussion.* The Commission recognizes that, as indicated by the comments described above, there are reasonable arguments both in favor of and opposing the application of the Rule to securities which are not reported securities. For several reasons, however, the Commission has determined to limit the scope of the Rule to securities which are reported securities. First, the Commission believes that it should proceed in a manner which minimizes the concerns which have been expressed with respect to effects of the Rule on the markets in Rule 19c–3 Securities. Thus, as noted by commentators, limiting application of the Rule to securities which are reported securities should minimize, to the maximum extent practicable, concerns over fragmentation and overreaching resulting from the absence of current and continuous transaction reporting and the availability of up-to-date quotation information. In addition, application of the Rule to securities which are not reported securities might impede the ability of the Commission and the self-regulatory organizations to conduct surveillance concerning the effects of removal of off-board trading restrictions since reports of transactions effected in the over-the-counter market in such securities would not otherwise be collected and made publicly available.

4. *Effect on Particular Exchanges.* a. *Comments.* In requesting comment on the competitive implications of the Rule, the Commission noted that the Rule is generally limited to securities currently traded exclusively in the over-the-counter market, and that, as a result, there was a possible competitive concern that specialists on exchanges which derive most of their new listings from other exchanges would be less affected by the Rule than specialists on exchanges which derive most of their new listings from the over-the-counter market.[77] One commentator addressed this issue, arguing that the Rule would have a more adverse competitive impact on the Amex, and its specialists, than other exchanges because of the significant proportion of Amex new listings derived from the over-the-counter market.[78]

b. *Discussion.* While the Commission of course remains concerned over any disproportionate effect its regulatory action may have on particular exchanges, the Commission does not believe that these concerns, in this limited context, should preclude adoption of the Rule or require a modification of its terms. The Commission notes that recent trends in exchange listings indicate that all exchanges currently receive a large proportion of their listings directly from the over-the-counter market. Further, since all exchanges are ultimately dependent on the over-the-counter market for future growth in terms of new listings, any differing effect on specialists located on different exchanges may only be transitional.

5. *Technical Comments and Amendments.* a. The Commission received comments from the NYSE addressing certain technical aspects of the Rule.[79]

(1) The NYSE recommended that the Rule should be amended to restrict its application to those equity securities which, immediately prior to their first becoming listed and registered on an exchange, have been traded in the over-the-counter market. In this regard, it was argued that such an amendment would be consistent with the primary purpose of the Rule, which the NYSE perceived as the need to preserve "existing" competition between the over-the-counter market and the exchange markets. As discussed above, however,[80] the Rule was designed to maintain the status quo with respect to the application of off-board trading restrictions pending any further action with respect to off-board trading rules generally. In this regard, the Rule is necessary not only to preserve existing competition between the over-the-counter market and the exchange markets but also to preserve the possibility of competition between such markets with respect to a newly-issued security. As a result, the Commission has determined not to confine the Rule to the more limited scope proposed by the NYSE.

(2) The Rule provides that, with certain exceptions, any security which, after April 26, 1979, becomes delisted on an exchange and subsequently becomes exchange traded would no longer be a "covered security" and that, therefore, off-board trading restrictions would no longer apply with respect to that security. The NYSE suggests, however, that certain types of new listings are essentially "technical" in nature, or may be designed to prevent avoidance of exchange listing requirements, including the payment of appropriate listing fees.

[73] *See* Release, *supra* note 8, at 18, 44 FR at 2669.

[74] *See id.*

[75] Proceeding Transcript, *supra* note 21, at 632–34, 668–70, 1006–07, 1038–39.

[76] *See, e.g., id.* at 11–12.

[77] *See* Release, *supra* note 8, at 16–17, 44 FR at 26691.

[78] Proceeding Transcript, *supra* note 21, at 230. In the Release, the Commission also requested comment on whether the Rule, if adopted, would or would not provide any incentives for exchange listings. Release, *supra* note 8, at 18–19, 44 FR at 26691. The Commission received little comment on this issue, and commentators were either divided on the question or unsure as to whether the Rule would have any impact on exchange listings. *See, e.g.,* Proceeding Transcript, *supra* note 21, at 285–87, 831–32. As a result, it appears that the possible effects of the Rule in this area are uncertain.

[79] Proceeding Transcript, *supra* note 21, at 803–10.

[80] *See* text accompanying note 20, *supra.*

For example, the NYSE indicates that it may require a new listing because of material changes in the features of a particular security, *e.g.*, changes which alter its rights, privileges or terms in a material way, or as a result of application of its so-called "back door" listing policy.[81] The NYSE argues that such new listings are, in effect, continuations of trading of previously listed securities and that, as a result, the Rule should be amended such that off-board trading restrictions would continue to apply to such securities after listing.

The Commission shares the concerns expresseed by the NYSE and recognizes that there may be certain, relatively infrequent, types of corporate changes which currently result in new listings but which do not fundamentally change the investment or trading characteristics of a particular security and may appropriately be considered, for purposes of the continued application of off-board trading restrictions, as a continued listing of a security. However, because the Rule could not address every possible instance in which off-board trading restrictions should arguably continue to apply, it seems more appropriate for each exchange to address any such matters in the context of its own listing requirements and fee schedules, consistent with the requirements of Section 19(b) of the Act.

(3) The NYSE expressed its concern that the issuance of additional shares of a "covered security" may be subject to the Rule, *e.g.*, where additional shares of a covered security are issued pursuant to a stock dividend or stock split. The Commission believes that the Rule is clear on this point—if additional shares of a covered security are issued those shares would also be covered securities for purposes of the Rule and therefore would continue to be subject to any off-board trading restrictions then in effect, provided that the other requirements are met with respect to the definition of a covered security.

b. In addition, the Commission believes that it would be appropriate to make one technical change to the Rule. Paragraph (b)(3)(iii) of the Rule defines "covered security" to include, as an exception to the Rule, securities listed and registered on an exchange *after* April 26, 1979, provided those securities are issued in connection with a statutory merger, consolidation or similar plan of reorganization in exchange for other securities which are covered securities. The Commission has modified the paragraph to make clear its intent that this exception shall apply to such securities only if they remain listed and registered on at least one exchange continuously thereafter.

[81] The Commission understands that the "back door" listing policy generally requires a company to delist its securities in the event that a large unlisted company is combined with the listed company and the listed company continues as the surviving entity.

III. Monitoring Program and Public Comment

Resolution of many of the issues raised by commentators may be significantly aided through empirical observation and evaluation. Accordingly, the Commission has developed a program to monitor the operation and effects of the Rule on an ongoing basis. The essential elements of this program are data collection, data analysis (including the use of econometric methodologies) and review of empirical findings in the context of the policy issues raised by the Rule's operation.[82]

The primary focus of the Commission's monitoring program will be upon the impact of the Rule on (1) market quality, (2) quality of executions, and (3) market structure. The Commission's monitoring effort will collect and produce data which will be used to describe the composition of the Rule's trading environment. For example, data on the number of market makers in Rule 19c–3 Securities and the distribution of volume among such market makers will be generated by the monitoring program. The following are examples of the types of methodology which will be used in the monitoring program.

A. Impact on Market Quality

Assessment of the impact on the quality of the market of trading resulting from the adoption of the Rule will be based primarily on three measures—the bid-ask spread, the quoted depth and the volatility of price. The methodology which will be employed to evaluate the impact of the Rule on these measures of market quality will be based primarily on published research and internally developed models which have been previously tested. Control groups of non-Rule 19c–3 Securities will be used in the testing process in order to better isolate the Rule's impact. All analyses of the impact of the Rule on market quality will be based on samples of securities for sample time periods, *e.g.*, non-Rule 19c–3 Securities, Rule 19c–3 Securities listed before the effective date of the Rule and Rule 19c–3 Securities listed after the effective date of the Rule.

[82] It is important to note at the outset that this monitoring program is subject to all the caveats applicable to empirical research. More specifically, the methods of statistical analysis employed in this program may introduce a margin of error which will limit the Commission's ability to draw definitive conclusions. Nevertheless, the Commission believes that its monitoring program will contribute to the clarification of some of the policy issues presented by the Rule.

B. Impact on Quality of Execution

The impact of Rule 19c–3 on the quality of executions will be monitored in order to determine the extent of overreaching in connection with the execution of internalized orders by retail broker-dealers. In addition, the quality of executions with respect to non-internalized agency orders will also be monitored.

The quality of executions in Rule 19c–3 Securities will be monitored utilizing a sampling methodology by comparing the prices of agency orders to the quoted market at the time the order was executed.[83] In addition, control groups of non-Rule 19c–3 Securities will be established to enable comparison of market characteristics such as the percent of orders executed within the bid-ask spread and the percent of orders executed at the quoted market.

C. Impact on Market Structure

A fundamental characteristic of all markets is the number of competitors. Empirical data will be gathered which will indicate the impact of the Rule on the number of market makers entering quotes in Rule 19c–3 Securities. In addition, the monitoring program will include an analysis of trading patterns that develop in the new trading environment in order to assess the Rule's impact on the distribution of volume among participants.

In addition to obtaining empirical data on the number of market makers and on the distribution of volume, the monitoring program will evaluate the Rule's impact on smaller broker-dealers by observing the degree to which such broker-dealers continue to make markets in Rule 19c–3 Securities. Data will also be gathered with respect to market maker quotations in Rule 19c–3 Securities, as well as the size of the quotes being offered by market makers.

Finally, as experience is gained under the Rule, the Commission may determine to alter or expand the scope of the monitoring program in order to evaluate the economic impacts of the Rule on various market participants and on the market structure as a whole.

D. Public Comment

It is anticipated that the results of the Commission's monitoring program will

[83] It should be noted that there are problems in both exchange and over-the-counter markets in determining the precise time at which an execution occurs or a quotation is made.

be publicly reported on a periodic basis. The fist report will be issued approximately May 31, 1981. Two additional reports will be issued at twelve month intervals thereafter. The Commission believes that these public releases will facilitate informed comment on the advisability of further regulatory action concerning the Rule. In this regard, following the issuance of the first monitoring report, the Commission expects to hold a public meeting in which interested persons may comment on that report (including suggesting improvements in format or content) and generally on Rule 19c–3 and the market environment for Rule 19c–3 Securities.

In addition to comments regarding the periodic reports issued as part of the monitoring program, the Commission also solicits the views of interested persons on a continuing basis with respect to any aspect of Rule 19c–3. Moreover, because of the importance of the issues associated with the retention or elimination of off-board trading restrictions and the relationship of those issues to the evolving national market system, the Commission expects to reexamine the issues associated with exchange off-board trading restrictions generally, to the extent and at such times as appears appropriate in light of developments in the markets.

IV. Conclusion

As discussed above,[84] the Commission has found that off-board trading restrictions impose burdens on competition by limiting over-the-counter market making by exchange member firms. The adoption of the Rule will prevent the application of these burdens on competition to Rule19c–3 Securities and may provide benefits in terms of preserving (and possibly enhancing) competition between and among markets. The adoption of the Rule may also provide a trading environment which may permit both the securities industry and Commission to make useful observations about the utility of an integrated trading environment in which both exchange and over-the-counter market makers are free to compete. The Commission recognizes that, as indicated by commentators, there are significant regulatory concerns with respect to the possible adverse consequences of adoption of this proposal. However, on balance, in the Commission's judgment, in light of the limited scope of the Rule, and the Commission's ability to take additional regulatory action, including rescission of the Rule if significant adverse consequences do occur, the potential benefits of adoption appear to outweigh the potential adverse impacts of the Rule.

Accordingly, based on the record of this proceeding, the Commission has determined, pursuant to Section 19(c) of the Act, that the adoption of Rule 19c–3 is necessary or appropriate to conform the rules of exchanges to the requirements of the Act, or is otherwise in furtherance of the purposes of the Act.

In taking this regulatory action under the Act, Section 23(a)[85] requires the Commission to consider "the impact that rule or regulation may have on competition" and precludes the Commission from adopting any rule or regulation "which would impose a burden on competition not necessary or appropriate in furtherance of the purposes of the Act." Based on the foregoing analysis[86] the Commission also finds that Rule 19c–3 does not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

* * * * *

In view of the considerable concern which has been expressed by commentators with respect to the significance of Rule 19c–3 as a precursor to eliminating all remaining off-board trading restrictions, the Commission believes it is important to indicate the significant limitations it perceives regarding the predictive value of the experience which may be obtained under the Rule. As indicated above,[87] the Commission recognizes that the Rule may not yield results permitting extrapolation beyond the limited scope of the Rule. As a consequence, the Rule should not be viewed as a "first step" which, absent substantial negative effects, would inexorably lead to the elimination of off-board trading restrictions with respect to all reported securities. Similarly, with respect to the possible adverse consequences of adoption of Rule 19c–3 which have been advanced by opponents of the Rule, the Commission's adoption of the Rule should not be construed as indicating that these concerns might not be of greater significance in the context of a more general elimination of off-board trading restrictions, or that the Commission has definitively resolved the issues associated with any such action.

The Commission has determined that adoption of Rule 19c–3 is an appropriate vehicle for beginning to address the complex and difficult market structure and investor protection issues involved in off-board trading by exchange member firms (particularly where such firms are permitted to act as both broker and dealer in the same security). The limited nature of the proposal and the Commission's commitment to a comprehensive monitoring effort, in our view, minimize any potential adverse effects and enhance the learning potential of this "experiment." In light of the Commission's determination to adopt Rule 19c–3, the Commission does not expect to take further action in the near future regarding off-board trading restrictions generally.[88] Accordingly, the Commission has determined to withdraw proposed Rule 19c–2 simultaneously with the effective date of Rule 19c–3.[89]

V. Statutory Basis and Text of Rule

The Securities and Exchange Commission hereby amends Title 17, Chapter II, of the Code of Federal Regulations, pursuant to its authority under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq., as amended by Pub. L. No. 94–29 (June 4, 1975)), and particularly Sections 2, 3, 6, 11, 11A, 17, 19 and 23 thereof (15 U.S.C. 78b, 78c, 78f, 78k, 78k–1, 78q, 78s and 78w), by adding § 240.19c–3 to read as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

§ 240.19c–3 Governing off-board trading by members of national securities exchanges.

The rules of each national securities exchange shall provide as follows:

(a) No rule, stated policy or practice of this exchange shall prohibit or condition, or be construed to prohibit, condition or otherwise limit, directly or indirectly, the ability of any member to effect any transaction otherwise than on this exchange in any reported security listed and registered on this exchange or as to which unlisted trading privileges on this exchange have been extended (other than a put option or call option issued by the Options Clearing Corporation) which is not a covered security.

(b) For purposes of this rule,

(1) The term "Act" shall mean the Securities Exchange Act of 1934, as amended.

(2) The term "exchange" shall mean a national securities exchange registered

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[84] *See* text accompanying notes 11 and 17, *supra*.

[85] 15 U.S.C. 78w(a).

[86] *See* text accompanying notes 17–81, *supra*.

[87] *See* text accompanying notes 21 and 82, *supra*.

[88] As indicated above, however, the Commission will consider immediate regulatory action to eliminate any adverse consequences of Rule 19c–3.

[89] *See* Securities Exchange Act Release No. 16839 (June 11, 1980). As indicated above, the Commission has determined not to withdraw proposed Rules 15c5–1[A], 15c5–1[B], 15c5–1[C] and 15c5–1[D]. *See* note 6, *supra*.

as such with the Securities and Exchange Commission pursuant to section 6 of the Act.

(3) The term "covered security" shall mean (i) Any equity security or class of equity securities which

(A) Was listed and registered on an exchange on April 26, 1979, and

(B) Remains listed and registered on at least one exchange continuously thereafter;

(ii) Any equity security or class of equity securities which

(A) Was traded on one or more exchanges on April 26, 1979, pursuant to unlisted trading privileges permitted by section 12(f)(1)(A) of the Act, and

(B) Remains traded on any such exchange pursuant to such unlisted trading privileges continuously thereafter; and

(iii) Any equity security or class of equity securities which

(A) Is issued in connection with a statutory merger, consolidation or similar plan or reorganization (including a reincorporation or change of domicile) in exchange for an equity security or class of equity securities described in paragraph (b)(3)(i) or (b)(3)(ii) of this rule,

(B) Is listed and registered on an exchange after April 26, 1979, and

(C) Remains listed and registered on at least one exchange continuously thereafter.

(4) The term "reported security" shall mean any security or class of securities for which transaction reports are collected, processed and made available pursuant to an effective transaction reporting plan.

(5) The term "transaction report" shall mean a report containing the price and volume associated with a completed transaction involving the purchase or sale of a security.

(6) The term "effective transaction reporting plan" shall mean any plan approved by the Commission pursuant to § 240.11Aa3–1 (Rule 11Aa3–1 under the Act) for collecting, processing and making available transaction reports with respect to transactions in an equity security or class of equity securities.

(Secs. 2, 3, 6, 11, 17, 19 and 23, Pub. L. No. 78–291, 48 Stat. 881, 882, 885, 891, 897, and 898 and 901, as amended by Secs. 2, 3, 4, 6, 14, 16 and 18, Pub. L. No. 94–29, 89 Stat. 97, 104, 110, 137, 146 and 155 (15 U.S.C. 78b, 78c, 78f, 78k, 78q, 78s and 78w); Sec. 11A, as added by sec. 7, Pub. L. No. 94–29, 89 Stat 111 (15 U.S.C. 78k–1))

By the Commission.

George A. Fitzsimmons,

Secretary.

June 11, 1980.

[FR Doc. 80–18394 Filed 6–17–80; 8:45 am]

BILLING CODE 8010–01–M

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17 CFR Part 256

[Release No. 35–21613]

Income and Expense Accounts—Mutual Service and Subsidiary Service Companies

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is making a minor technical amendment of a single account in its Uniform System of Accounts for Mutual and Subsidiary Service Companies which will eliminate a requirement which is clearly inappropriate.

EFFECTIVE DATE: June 10, 1980.

FOR FURTHER INFORMATION CONTACT: Robert P. Wason (202–523–5159), Division of Corporate Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission revised its Uniform System of Accounts for Mutual Service Companies and Subsidiary Service Companies under the Public Utility Holding Company Act of 1935 in Release No. 35–20910, 44 FR 8247, February 9, 1979. Upon implementation of the revised system of accounts, it was realized that gains or losses on disposition of operating equipment would be recorded in Account 421, Miscellaneous Income or Loss, and would, in fact, be the kind of transaction, arising repeatedly in the ordinary course of a service company's business, for which this account was most likely to be used.

The allocation prescribed by Account 421 was wholly unsuitable for gains or losses on disposition of operating equipment. Such gains or losses are directly associated with the cost of using the equipment. It is also clear that the allocation of gains or losses on any other kind of casual or extraordinary transaction should depend on the nature of the particular transaction and cannot reasonably be prescribed by a general directive.

Section 256.421, Miscellaneous income or loss, is being amended to eliminate the requirement that in all cases all income items in this account shall be credited to the associate companies on the ratio of total direct and indirect charges billed and all loss items billed to the parent holding company. Unusual and sporadic transactions involved will be governed by Instruction .01–11, Methods of allocation, and Instruction .01–13, Submission of questions, in the context of relevant accounting principles.

The Commission finds that the amendment is minor and technical in nature and that publication for comment pursuant to Section 553(b) of the Administrative Procedure Act and related procedures are unnecessary.

PART 256—UNIFORM SYSTEM OF ACCOUNTS FOR MUTUAL SERVICE COMPANIES AND SUBSIDIARY SERVICE COMPANIES, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Accordingly, 17 CFR Part 256 is amended by revising § 256.421 to read as follows:

§ 256.421 Miscellaneous income or loss.

This account shall include all income or loss items not provided for elsewhere.

(Secs. 13, 15, 20, 49 Stat. 825, 828, 833; 15 U.S.C. 79m, 79o, 79t)

The amendment is effective immediately and applies to all transactions of service companies during the current fiscal year, including transactions occurring prior to the date hereof. Since the revised Uniform System of Accounts was not effective until January 1, 1980, the deleted requirement will have no application.

By the Commission.

George A. Fitzsimmons,

Secretary.

June 10, 1980.

[FR Doc. 80–18322 Filed 6–17–80; 8:45 am]

BILLING CODE 8010–01–M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1602

Records and Reports

AGENCY: Equal Employment Opportunity Commission.

ACTION: Notice of change (or modification) in Survey Form and Instructions, State and Local Government Information (EEO–4) report.

SUMMARY: Two changes in the EEO–4 have been voted by the Commission as follows: (1) revision of the earnings ranges on the form to reflect current earnings levels; and (2) eliminate the requirement that political jurisdictions

with less than 250 employees file separate reports by function. The latter change will require such smaller governments to file only one report covering all of its activities, instead of the current requirement which calls for employees to be reported on separate forms by functional area of government. This change is in the interest of decreasing the response burden on smaller governments as well as decreasing the paper work, and will not significantly alter the amount of useable data received.

DATES: The changes will be effective with the 1981 EEO–4 reports. The filing deadline for the 1981 reports is September 31, 1981.

FOR FURTHER INFORMATION CONTACT: Joachim Neckere, Chief, Survey Branch, Office of Program Planning and Evaluation, Room 3211, 2401 E Street, N.W., Washington, D.C. 20506, (202) 634–6470.

SUPPLEMENTARY INFORMATION: The above changes do not reduce the number of political jurisdications which are required to file the EEO–4 report, nor do they affect the number of jurisdictions which are required to keep records. The elimination of separate reports by functional activity greatly reduces the response burden for the smaller governments and reduces the total number of forms collected annually from 40,000 to approximately 20,000 with no loss in total employment statistics and only a thirteen percent loss of function-specific data. That is, only thirteen percent of all State and Local government employment will not be available by specific functional categories. This change will, however, result in a reduction of approximately 160,000 hours of reporting burden and will reduce considerably the cost to the Federal government of processing the survey.

The salary ranges on the EEO–4 form will be revised, starting with the 1981 survey, as follows:

[Dollars in thousands]

Current ranges	*Revised ranges*
$0.1 to 3.9	$0.1 to 5.9
4.0 to 5.9	6.0 to 9.9
6.0 to 7.9	10.0 to 12.9
8.0 to 9.9	13.0 to 15.9
10.0 to 12.9	16.0 to 19.9
13.0 to 15.9	20.0 to 24.9
16.0 to 24.9	25.0 to 32.9
25.0 Plus	33.0 Plus

Respondents will receive notification of the above changes along with the 1980 forms, thus allowing a year's lead time before the changes are implemented.

By virtue of the authority vested in the Commission under Section 713 of Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e–12, the Equal Employment Opportunity Commission hereby publishes this notice concerning the EEO–4 filing requirement.

Signed at Washington, D.C. this 12th day of June, 1980.

For the Commission.

Eleanor Holmes Norton,

Chair.

[FR Doc. 80-18334 Filed 6-17-80; 8:45 am]

BILLING CODE 6570-06-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining—Reclamation and Enforcement

30 CFR Part 943

Removal of the Condition of the Approval of the Texas Permanent Program Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior.

ACTION: Final Rule: Removal of the Condition of the Approval of the Texas State Program.

SUMMARY: The State of Texas has satisfied the condition of the approval of the Texas State program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) by correcting minor deficiencies in the State regulatory program. The conditional approval was published in the February 27, 1980, **Federal Register** as 30 CFR Part 943 (45 FR 12998–13008). On March 27, 1980, the State of Texas submitted to the Department of the Interior regulations relating to the award of costs, including attorneys' fees, in administrative proceedings. Those regulations satisfy the condition of approval and 30 CFR Part 943 is hereby amended to reflect the approval of the Texas State program without condition.

EFFECTIVE DATE: The removal of the condition of the approval is effective June 18, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Carl C. Close, Assistant Director, State and Federal Programs, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, South Building, 1951 Constitution Avenue NW., Washington, D.C. 20240, Telephone (202) 343–4225.

SUPPLEMENTARY INFORMATION: This rule is effective on publication rather than after 30 days because under 30 CFR 732.13(h) a State program becomes effective on June 18, 1980.

This rule is issued in final rather than proposed form because public comment is not considered necessary. The **Federal Register** notice of February 27, 1980 (45 FR 12998, 13007) made it clear that the Texas program would be approved as soon as the condition of enacting regulations providing for the recovery of costs and expenses in accordance with 43 CFR 4.1290–4.1296 was met. This condition is now met. There was ample opportunity for public comment on the issue prior to the conditional approval of Texas' program.

Background on the Texas Program Submission

On July 20, 1979, OSM received a proposed regulatory program from the State of Texas. The program was submitted by the Texas Railroad Commission, the agency that will administer the Texas permanent program. The program was subjected to a thorough review and as a result was amended on November 13, 1979, and December 20, 1979. The entire review process is described in the February 27, 1980, **Federal Register** (45 FR 12999).

Background on the Secretary's Conditional Approval

The Texas program met all criteria for approval but one. The deficiency was the absence of regulatory provisions relating to the award of costs, including attorneys' fees, in administrative proceedings, which are the same or similar to those in 43 CFR 4.1290–4.1296. The deficiency was judged minor when compared to all other public participation provisions of the Texas program. Therefore, the Texas permanent program was conditionally approved, effective February 16, 1980, in accord with 30 CFR 732.13(i). The conditional approval, published under 30 CFR 943.11, in the February 27, 1980, **Federal Register** (45 FR 13008), would terminate on June 15, 1980, unless Texas submitted by that date copies of fully enacted regulations containing provisions that are the same or similar as those in CFR 4.1290–4.1296, relating to the award of costs, including attorneys' fees, in administrative proceedings.

Submission of Revisions

The Surface Mining and Reclamation Division of the Texas Railroad Commission submitted a letter, dated March 21, 1980, containing three amendments to the State regulations. Texas Rule 051.07.04.023 relates to the award of costs, including attorneys' fees, in administrative proceedings.

Texas amended its program by adding the following regulation:

Part 708—Award of Cost and Expenses

Rule 051.07.04.023 Award of Costs and Expenses.

An award may be made pursuant to section 32(c)(5) of the Act:

(a) To the Commission when it demonstrates that any person applied for review pursuant to sections 32(c)(1)–(5) of the Act or that any party participated in such a proceeding in bad faith and for the purpose of harassing or embarrassing the Commission.

(b) To a permittee from any person when the permittee demonstrates that the person initiated a proceeding under sections 32(c)(1)–(5) of the Act or participated in such a proceeding in bad faith and for the purpose of harassing or embarrassing the permittee.

(c) To a permittee from the Commission when the permittee demonstrates that the Commission issued an order or cessation, a notice of violation, or an order to show cause why a permit should not be suspended or revoked, in bad faith and for the purpose of harassing or embarrassing the permittee.

(d) To any person other than a permittee or his representative from the Commission if the person initiates or participates in any proceeding under the Act, upon a finding that the person made a substantial contribution to a full and fair determination of the issues.

(e) To any person from the permittee if the person initiates any administrative proceedings reviewing enforcement actions, upon a finding that a violation of the Act, regulations, or permit has occurred, or that an imminent hazard existed; or to any person who participates in an enforcement proceeding when such finding is made if the Commission determines that the person made a substantial contribution to the full and fair determination of the issues.

The State also submitted two amendments to Texas Rule 051.07.04.040 relative to the State process for designating areas unsuitable for mining. The amendments affect the provisions that interpret "valid existing rights" and "the close of public comment period" relative to petitions to designate areas unsuitable for mining. The amendments to Texas Rule 051.07.04.040 are not related to the deficiency that resulted in the conditional approval and are not being considered during the process described in this notice. The amendments to Texas Rule 051.07.04.040 will be processed as State program amendments under separate action by OSM pursuant to the procedures described in 30 CFR 732.17.

Secretary's Findings

Texas Rule 051.07.04.023 satisfies the condition of the approval of the Texas program. 30 CFR 943.11 sets forth the condition of approval of the Texas program and states that the State must adopt regulations which are the same as or similar to those in 43 CFR 4.1290–4.1296. Texas Rule 051.07.04.023 is directed to 43 CFR 4.1294 which contains the provision that most concerned the commenter who raised the issue. It provides that costs and expenses may be assessed against citizens only where it is established that the citizens brought or pursued the litigation in bad faith or for the purpose of harassing or embarrassing the operator. Rule 051.07.04.023 is substantially the same as 43 CFR 4.1294.

The remaining sections in that series are otherwise regulated in the Texas scheme. They are either procedural (e.g., 4.1291, "Where to File," covered in the existing Texas Railroad Commission Procedural Rules, Section 051.01.01.013) or are restatements of statutory provisions (e.g., 4.1290 and 4.1295, "Who May File" and "Awards") which are covered in the Texas Surface Coal Mining and Reclamation Act (Section 32(c)(5)). Similarly, Section 4.1296, "Appeals," is covered by the State Administrative Procedure and Texas Register Act (Section 19).

The regulations, relating to the award of costs, including attorneys' fees, in administrative proceedings, were published for public comment on February 5, 1980, adopted by the Texas Railroad Commission, on March 17, 1980, and became effective on April 14, 1980.

Approval Without Condition

Accordingly, the Texas State program is hereby approved without condition. 30 CFR 943.10 is amended to include the approval of the March 27, 1980, amendment and 30 CFR 943.11 which established the condition of the initial approval is hereby repealed.

The removal of the condition of the approval of the Texas State program is effective on June 18, 1980.

The approval of the Texas State program relates at this time only to the permanent regulatory program under Title V of SMCRA.

Additional Findings

Pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this approval.

This document is not a significant rule under E.O. 12044 or 43 CFR Part 14, and no regulatory analysis is being prepared on this approval.

This approval does not require the concurrence of the Administrator of the Environmental Protection Agency. On January 28, 1980, the Administrator of the Environmental Protection Agency transmitted his written concurrence on the Texas State program. The amended regulatory provisions approved in this document are not aspects of the Texas State program which relate to air or water quality standards promulgated under the authority of the Federal Clean Water Act, as amended (33 U.S.C. 1151–1175), and the Clean Air Act, as amended (42 U.S.C. 1857 *et seq.*).

The effective date of the conditional approval of the Texas State program (February 16, 1980) shall be used to compute any time requirements that commence with program approval.

Dated: June 12, 1980.

Cecil D. Andrus,

Secretary of the Interior.

1. 30 CFR 943.10 is amended to read as follows:

§ 943.10 State program approval.

The Texas State program as submitted July 20, 1979, and amended November 13, 1979, and December 20, 1979, is approved, effective February 16, 1980. The Texas State program amendments of March 27, 1980, are approved effective June 18, 1980. Copies of the approved program as amended are available at:

Texas Railroad Commission, Surface Mining and Reclamation Division, 1124 S. IH 35, Austin, Texas 78711.

Texas Railroad Commission, Surface Mining and Reclamation Division, Field Office, Suite 125, 1121 East SW Loop 323, Tyler, Texas 75703.

Texas Railroad Commission, Surface Mining and Reclamation Division, Field Office, Shank Office Building, 1419 3rd Street, Floresville, Texas 78114.

Office of Surface Mining Reclamation and Enforcement, Scarritt Building, 818 Grand Avenue, 5th Floor, Kansas City, Missouri 64106, Telephone (816) 374–3920.

Office of Surface Mining Reclamation and Enforcement, Interior South Building, 1951 Constitution Avenue, Washington, D.C. 20240, Telephone (202) 343–4728.

§ 943.11 [Deleted]

2. 30 CFR 943.11 is hereby repealed.

[FR Doc. 80-18226 Filed 6-17-80; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Parts 315 and 353

Requirement That Social Security Numbers Be Furnished by Owners at Time of Redemption of U.S. Savings Bonds and Savings Notes

AGENCY: Fiscal Service, Department of the Treasury.

ACTION: Additional requirements for redemption of savings bonds and savings notes.

SUMMARY: This document authorizes paying agents to require any person presenting for payment savings bonds of Series E and EE and savings notes to place his or her social security number on one or more of the securities redeemed. The paying agent is directed to refuse payment if the number is not furnished.

EFFECTIVE DATE: July 1, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Calvin Ninomiya, Chief Counsel, Bureau of the Public Debt, 202–376–0243.

SUPPLEMENTARY INFORMATION: Section 315.91 of Department of the Treasury Circular No. 530, as revised (31 CFR, Part 315), provides that the Secretary of the Treasury may require "that appropriate social security numbers be furnished for * * * payment of any savings bond."

Section 353.91 of Department of the Treasury Circular, Public Debt Series, No. 3–80 (31 CFR, Part 353), provides that the "Commissioner of the Public Debt, as designee of the Secretary of the Treasury, may require * * * such additional evidence as he may consider necessary or advisable * * *."

Pursuant to the authority set forth above, financial institutions qualified as paying agents of savings bonds are directed to require that any person presenting bonds of Series E and EE, and savings notes for payment place his or her social security account number on one or more of the securities redeemed. Paying agents are further directed to refuse payment in any case where the number has not been furnished.

Effective date: July 1, 1980.

Dated: June 12, 1980.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 80–18392 Filed 6–17–80; 8:45 am]

BILLING CODE 4810–40–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Parts 101 and 205

[DOD Directives 1215.1 and 5040.1]

Participation in Reserve Training Programs, Defense Audiovisual Agency

AGENCY: Office of the Secretary of Defense.

ACTION: Clarification of authority citations of final rules.

SUMMARY: This document clarifies the authority citations for final rules which amended the provisions for the DOD Reserve Training Programs and reestablished the Defense Audiovisual Agency.

FOR FURTHER INFORMATION CONTACT: M. S. Healy, OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense, Telephone 202–697–4111.

The authority citation for 32 CFR Part 101, Participation in Reserve Training Programs, published September 13, 1979 (44 FR 53159), which originally read "Title 10 U.S.C. and Title 32 U.S.C." is clarified to read: 10 U.S.C. Sections 270(a)(b)(c), 511(b)(d), and 673a; 32 U.S.C. Section 502(a).

The authority citation for 32 CFR Part 205, Defense Audiovisual Agency, published September 4, 1979 (44 FR 51571), which originally read "Title 10 U.S.C." is clarified to read: 10 U.S.C. Section 133.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

June 12, 1980.

[FR Doc. 80–18349 Filed 6–17–80; 8:45 am]

BILLING CODE 3810–70–M

32 CFR Part 293

[DoD Instruction 5025.9]

Control and Protection of "For Official Use Only" Information

AGENCY: Office of the Secretary of Defense.

ACTION: Deletion of Part.

SUMMARY: The source document, DoD Directive 5025.9 (Part 293 of this title), has been canceled and its contents incorporated into Part 286. Therefore, Part 293 has been superseded and should be deleted.

EFFECTIVE DATE: March 24, 1980.

FOR FURTHER INFORMATION CONTACT: M. S. Healy, OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense, Telephone 202–697–4111.

SUPPLEMENTARY INFORMATION: Part 286 of this title appearing in FR Doc. 80–13043 on April 29, 1980 (45 FR 28323) incorporates a revised Part 293. Accordingly, 32 CFR Chapter I is amended by revoking Part 293.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

June 12, 1980.

[FR Doc. 80–18348 Filed 6–17–80; 8:45 am]

BILLING CODE 3810–70–M

POSTAL SERVICE

39 CFR Part 10

Postal Service Publication 42, International Mail, Miscellaneous Amendments

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service hereby describes numerous miscellaneous revisions of Postal Service Publication 42, International Mail, which is incorporated by reference in the **Federal Register.** 39 CFR 10.1.

Some of the revisions are minor, editorial, or clarifications. Others may be considered substantive, such as classification and rate changes and surcharges for nonstandard mail. In the latter cases, the Postal Service has previously published proposed changes in the **Federal Register** and invited comments from the public. Final rules adopted through that procedure, which are included among the revisions that have been made to Publication 42, are not described in this document, since they have already been published in the **Federal Register.**

EFFECTIVE DATE: December 15, 1979.

FOR FURTHER INFORMATION CONTACT: Paul J. Kemp (202) 245–4638.

SUPPLEMENTARY INFORMATION: Postal Service Publication 42, International Mail, all of which, except Appendix B, has been incorporated by reference in the **Federal Register** (See 39 CFR 10.1), has been amended by the issuance of Transmittal Letter 86, dated December 15, 1979. The text of all published changes is filed with the Director of the **Federal Register.** Subscribers to Publication 42 receive these amendments automatically from the Government Printing Office.

As noted in the Summary, final rules adopted through notice and comment rulemaking are not described in this document. Accordingly, the following publication of the Explanation of Changes from Transmittal Letter 86 deletes the description of those changes. Also deleted is a description of changes to Appendix B.

Explanation of Changes

a. Chapter 1

(1) Section 132.211b is expanded to clarify that AO does *not* mean airmail.

(2) Section 132.222 is amended to add Suriname to the list of members of the Postal Union of the Americas and Spain.

b. Chapter 2

(1) Section 221.14 is expanded to indicate there is no provision for prepayment of customs duty on mail shipments addressed for delivery in foreign countries.

(2) Section 221.222(b)(1) is expanded to include illustrations of permit imprints acceptable for international mail.

(3) Section 221.233 is revised to clarify that unused United States coupons may be exchanged only for United States postage stamps.

(4) Section 221.241 is amended to refer to applicable sections in the *Domestic Mail Manual* (DMM).

(5) * * *

(6) * * *

(7) Section 224.13a(3) is revised to indicate that incidental announcements of books may appear in book pages or as loose enclosures.

(8) * * *

(9) * * *

(10) * * *

(11) * * *

(12) * * *

c. Chapter 3

Section 323.5 is expanded to indicate there is no provision for prepayment of customs duty on mail shipments addressed for delivery in foreign countries.

d. Chapter 4

(1) Section 424.1 is revised to indicate proper placement of both the written endorsement and Label 19, Airmail-Par Avion, on airmail articles.

(2) Section 442.2 is revised to delete Belize, Cape Verde, Turks Island, and Zaire from the list of those countries with which there are arrangements for registry of parcels.

(3) Part 462 is revised to reflect the correct country name for Cape Verde and Taiwan (Republic of China).

(4) Section 493.12 is amended to indicate that in general, the maximum amount for international postal money orders has been increased from $300 to $400.

(5) Section 493.23 is amended to:

(a) Clarify that international postal money orders to the countries listed are issued pursuant to an *International Money Order Authorization Form;*

(b) Include France;

(c) Indicate the maximum amount for a postal money order to Great Britain is $200;

(d) Indicate the maximum amount for a money order to Ireland is $200; and

(e) Establish an entry for Taiwan.

(6) Section 493.24 is amended to:

(a) Clarifying that international postal money orders to the countries listed in that section are issued pursuant to an *International Money Order Authorization Form.*

(b) Delete reference to postal money order service to:

(i) British Somaliland;
(ii) Cyprus;
(iii) Falkland Islands;
(iv) Gambia;
(v) Gibraltar;
(vi) Iraq;
(vii) Kamaran Island (Aden);
(viii) Malawi;
(ix) Nigeria;
(x) Nyasaland;
(xi) Persian Gulf Ports;
(xii) Qatar;
(xiii) Rodrigues;
(xiv) Saint Helena;
(xv) Seychelles Islands;
(xvi) Sierra Leone;
(xvii) Somali Republic (Northern Region);
(xviii) Tanzania;
(xix) Uganda; and
(xx) Zanzibar.

(7) Section 494.32(b) is revised to:

(a) Indicate the acceptability of merchandise in Express Mail shipments to Great Britain and Northern Ireland; and

(b) Include information on Express Mail shipments to the Federal Republic of Germany, Singapore, and Taiwan.

(8) Section 494.33(b) is revised to:

(a) Indicate the acceptability of merchandise in Express Mail shipments to Great Britain and Northern Ireland; and

(b) Include information on Express Mail shipments to Singapore and Taiwan.

(9) Section 494.512 is revised to:

(a) Reference the appropriate rate tables in Appendix A for Express Mail Service to Australia, Great Britain and Northern Ireland, Hong Kong, and the Netherlands; and

(b) Include information for the Federal Republic of Germany (West), Singapore, and Taiwan.

(10) Section 494.6 is amended to specify that International Express Mail items are not insured against delay in delivery.

(11) Section 494.811(b) is revised to:

(a) Refer to sections 221.4 and 327.2 for information on completing customs declarations; and

(b) Include customs declarations requirements for Express Mail shipments to the Federal Republic of Germany, Great Britain and Northern Ireland, Singapore, and Taiwan.

(12) Section 494.821(b) is revised to:

(a) Refer to sections 221.4 and 327.2 for information on completing customs declarations; and

(b) Include customs declarations requirement for Express Mail shipments to Great Britain and Northern Ireland, Singapore, and Taiwan.

(13) Section 494.822(b) is expanded to indicate that customs declarations are required for merchandise shipments to Great Britain and Northern Ireland, Singapore, and Taiwan.

e. Chapter 5

(1) Section 521.1 is revised to reflect proper procedures for correcting a previously filed Shipper's Export Declaration.

(2) Section 522.1 is revised to:

(a) Indicate that the filing exemption limit is set at *$500* rather than $250;

(b) Refer to the Bureau of Trade Regulation, United States Department of Commerce; and

(c) Delete footnote 2.

(3) Section 523.2 is revised to reflect the correct ZIP Code for the Superintendent of Documents, U.S. Government Printing Office.

(4) Section 523.4 is deleted.

(5) Section 524.21 is revised to indicate the sender must complete Item 19, "Signature", on Commerce Form 7525–V.

(6) Section 524.23 is amended to reflect the information to be furnished for validated license shipments and those under general license GLV.

(7) Section 525.1 is revised to indicate the correct address for the Foreign Trade Processing Unit, Bureau of the Census.

f. Chapter 8

(1) The title of Section 821.3 is expanded to include sealed letter class mail.

(2) Section 822.313 is revised to reflect the correct address for the Data Processing Services Division, United States Customs Service.

(3) Section 822.44 is expanded to indicate there is no provision for prepayment of customs duty on mail shipments addressed for delivery in foreign countries.

g. Chapter 9

(1) Section 933.413 is revised to:

(a) Delete paragraph *c* since indemnity may be paid for loss of official registered mail; and

(b) Letter paragraph *d* as paragraph *c.*

(2) Section 933.512d is deleted since indemnity may be paid for official registered parcels.

(3) Section 933.52(a) is revised to:

(a) Delete the reference to Cape Verde Islands; and

(b) Include a reference to Angola, Guinea-Bissau, and St. Thomas and

Principe (formerly Portuguese West Africa).

(4) Section 933.52(c) is amended to delete the reference to Belize, Turks Islands, and Zaire.

h. Appendix A

(1) * * *

(2) Tables 3–3 and 3–4, item E–2, "Marking and Endorsing", are revised to indicate proper placement of both the written endorsement and Label 19 on airmail articles.

(3) Table 3–5, footnote 1 is amended to add Suriname to the list of members of the Postal Union of the Americas and Spain.

(4) Table 3–6 is revised to reflect new surface rates for books and sheet music.

(5) * * *

(6) * * *

(7) Table 3–9 is expanded to note that small packets are not accepted to Cuba, Kampuchea (Democratic), and the Democratic Peoples Republic of Korea (North Korea).

(8) Table 3–10 is revised:

(a) In item A, "Weight Limits", to reflect correct weight limits for surface and air mailings of direct sacks to one addressee;

(b) * * *

(c) * * *

(d) In item E–2, "Marking and Endorsing", to indicate proper placement of both the written endorsement and Label 19 on airmail articles.

(9) Table 3–11, item G–2, "Marking and Endorsing", is expanded to include information on proper placement of both the written endorsement and Label 19 on airmail articles.

(10) Table 3–12 is revised to include footnote 2 indicating that small packets are not accepted to Cuba, Kampuchea (Democratic), and the Democratic Peoples Republic of Korea (North Korea).

(11) Table 3–13, item E–2, "Marking and Endorsing", is revised to indicate proper placement of both the written endorsement and Label 19 on airmail articles.

(12) Table 3–15 is amended to:

(a) Reflect the correct country name for Comoros Islands;

(b) Delete entry for China (Republic of);

(c) Refer to Appendix B for maximum weight limits for parcel post to the Leeward Islands;

(d) Reflect the correct country name for Suriname; and

(e) Establish a separate entry for Taiwan.

(13) Table 3–16, Item E–3, "Marking and Endorsing", is revised to indicate proper placement of both the written endorsement and Label 19 on airmail articles.

(14) Table 4 is expanded to indicate that:

(a) Registry service for postal union mail is available to most countries, except Kampuchea and North Korea;

(b) Certified service is *not* available for international mail; and

(c) C.O.D. service is *not* available for international mail.

(15) Table 6–3 is revised to delete Cape Verde, Belize, Turks Island, and Zaire from the list of countries with which there are arrangements for parcel post registry.

(16) Table 7–1 is amended to indicate the maximum amount for postal money orders to other countries which are issued on domestic postal money order forms is $400.

(17) Table 7–2 is amended to indicate:

(a) In general, the maximum for an international postal money order is $400;

(b) The maximum amount for a postal money order to Great Britain is $200; and

(c) The maximum amount for a postal money order to Ireland is $200.

(18) * * *

(19) * * *

(20) * * *

(21) * * *

(22) Rate chart for International Express Mail On Demand Service to Australia is renumbered Table 8–9.

(23) Rate chart for International Express Mail On Demand Service to Hong Kong is renumbered Table 8–10.

(24) Rate chart for International Express Mail On Demand Service to the Netherlands and the United Kingdom is renumbered Table 8–11.

(25) * * *

(26) * * *

(27) Table of Summary Conditions—International Express Mail Service is:

(a) Renumbered Table 8–14; and

(b) Revised to include summary conditions for International Express Mail shipments to the Federal Republic of Germany, Singapore, and Taiwan.

i. * * *

j. Index is revised to:

(1) Indicate the reference for the definition of controlled circulation publications is revised to 224.14b;

(2) Include a reference for Express Mail;

(3) Correct the reference for money orders, international; and

(4) Indicate the reference for the definition of second-class publications is revised to 221.14a.

In consideration of the foregoing, 39 CFR 10.3 is amended by adding at the end thereof the following:

§ 10.3 Amendments to Postal Service Publication 42, International Mail.

* * * * *

Transmittal letter	Dated	Federal Register publication
* * * * *		
86	December 15, 1979	45 FR

(5 U.S.C. 552(a), 39 U.S.C. 401, 404, 407, 408)

W. Allen Sanders,

Associate General Counsel for General Law and Administration.

[FR Doc. 80-18406 Filed 6-17-80; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 141

[FRL 1517-4]

National Interim Primary Drinking Water Regulations; Control of Trihalomethanes in Drinking Water

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The purpose of this notice is to insure that States and public water systems are aware of their responsibilities as a result of the recent amendments "National Interim Primary Drinking Water Regulations; Control of Trihalomethanes in Drinking Water," 44 FR 68623 (November 29, 1979). States with primary enforcement responsibility must amend their drinking water regulations to include THM standards which are no less stringent than those contained in the Federal regulations. Public water systems that serve 10,000 or more persons must comply with the Federal regulations by the dates specified therein whether or not the systems are in a State that has amended its regulations by the effective dates established by Federal regulation.

FOR FURTHER INFORMATION CONTACT: Mr. James F. Manwaring, Chief, Drinking Water Branch, Office of Drinking Water (WH–550), 401 M Street, S.W., Washington, D.C. 20460, (202) 472–4152.

SUPPLEMENTARY INFORMATION: The recent amendments "National Interim Primary Drinking Water Regulations; Control of Trihalomethanes in Drinking Water," 44 FR 68623 (November 29, 1979), affect public water systems (PWS) that serve 10,000 or more individuals and which add a disinfectant (oxidant) to their water. The amendments establish a maximum contaminant level

(MCL) of 0.10 mg/l total trihalomethanes, and establish monitoring and reporting requirements. The effective dates for these requirements follow:

(a) *Effective Dates for Monitoring Requirements:* [§ 141.30(a)]

(1) PWSs serving 75,000 or more individuals shall begin monitoring for THM by November 29, 1980.

(2) PWSs serving 10,000 to 74,999 individuals shall begin monitoring for THM by November 29, 1982.

(b) *Effective Dates for MCL:* [§ 141.6]

(1) PWSs serving 75,000 or more individuals must achieve the MCL by November 29, 1981.

(2) PWSs serving 10,000 to 74,999 individuals shall achieve the MCL by November 29, 1983.

Public water systems serving less than 10,000 individuals may be affected at the option of the State in which they are located. The amendments also affect States with primary enforcement responsibility (primacy) and States attempting to assume primacy.

States that have assumed primacy, and those States attempting to assume primacy, must amend or adopt appropriate drinking water regulations to include THM standards that are no less stringent than those contained in the Federal regulations. States shall also have adequate procedures for the enforcement of their THM regulations. Furthemore, States shall establish and maintain record keeping and reporting of its activities with respect to THM control. Finally, if the States allow variances and/or exemptions to their regulations, the variances and exemptions shall be allowed according to conditions that are no less stringent than the Federal conditions. Failure by a State to provide for the THM requirements summarized above, will affect that State's primacy status.

All PWS's that serve 10,000 or more individuals and which add a disinfectant to their water are required by the THM amendment to monitor for trihalomethanes, report the results to the appropriate agency, and comply with the established maximum contaminant level for total THM. It is important that PWS's be aware of their responsibilities under the Federal regulations. A PWS that is located in a State that has primary enforcement responsibility but no THM regulations shall comply with Federal requirements until the State establishes THM requirements. Failure by a primacy State to establish State THM standards does not exempt a PWS from the Federal requirements. After the primacy State adopts or amends its regulations to include THM, the PWS shall then comply with the State THM regulations.

Dated: June 12, 1980.

Eckardt C. Beck,

Assistant Administrator.

[FR Doc. 80-18370 Filed 6-17-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 10

[Docket No. FEMA-GEN-10]

Environmental Considerations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule establishes Federal Emergency Management Agency (FEMA) policies and procedures to supplement the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, November 29, 1978 (40 CFR Parts 1500–1508). The CEQ regulations provide that Federal agencies shall adopt implementing procedures. This rule provides implementing procedures and guidance to the FEMA Regional Directors and Heads of FEMA offices and administrations, and assigns responsibilities as required by the CEQ regulations.

DATES: This rule is effective June 18, 1980.

FOR FURTHER INFORMATION CONTACT: John Scheible, Assistant to the General Counsel for Environmental Quality and Hazard Mitigation, 1725 Eye Street, NW., Washington, DC 20472, Telephone: (202) 634–1990.

SUPPLEMENTARY INFORMATION: On December 6, 1979, (44 FR 70197) FEMA published a proposed rule in the **Federal Register.** Only a few comments were received on the proposed rule. Of the seven comments received, only two were from outside the Agency. As a result, the final rule is substantially the same as the proposed rule.

The Georgia Department of Natural Resources and the National Conference of State Historic Preservation Officers both found fault with § 10.8(b)(2)(vii) which set out under *"Actions That Normally Require an EIS"* those actions which:

* * * will adversely affect a property listed on the National Register of Historic Places or eligible for listing on the Register, *to the extent that it is not possible to execute a Memorandum of Understanding with the Advisory Council on Historic Preservation for the purpose of mitigating the adverse effect.*

We agree with the National Conference that the possibility of mitigation of adverse effect on cultural resources is not necessarily relevant to the requirement to prepare an EIS. We therefore change the paragraph to read:

If an action will adversely affect a property listed on the National Register of Historic Places or eligible for listing on the Register and after consultation with the Advisory Council on Historic Preservation, an environmental assessment is not deemed sufficient.

The Georgia Department of Natural Resources also suggested a specific method of obtaining State and local government input into the process of integrating the NEPA procedure with other planning functions (see § 10.7(c)(2)(iii), (iv)). Georgia recommends mandating use of the State clearinghouse process. We believe it is advisable to allow applicants and other non-Federal entities the flexibility to consult with "appropriate Federal, regional, State and local agencies."

There were also several in-house comments received.

One comment asked for clarification of how the regulations apply to administration of the National Flood Insurance Program (NFIP). The Federal Insurance Administration (FIA) need not send each claims payment, issuance of an insurance policy, or admission of a community into the NFIP through the environmental process. FIA's regulations cover these actions and approach the question programmatically. Whenever FIA issues a rule change (except for categorically excluded actions) this regulation applies. Several parties commented that the requirement to prepare environmental assessments and/or EIS' and send them through the Office of Mitigation and Research and the Office of General Counsel would slow down the disaster relief effort. This could present a problem to FEMA's ability to respond quickly to disasters. Congress has recognized the potential problem in section 405 of the Disaster Relief Act of 1974 (Pub. L. 93–288, as amended, which exempts two major categories of disaster assistance from the EIS Process (see § 10.8(c)(3)). The Council on Environmental Quality regulations allow agencies to respond to emergencies without observing the CEQ regulations even where such action will have significant environmental impacts (40 CFR 1506.11). In addition, after consulting with CEQ, FEMA has provided for certain categories of

actions to which the environmental process will not apply. FEMA has determined that even on a categorical basis, none of these actions will significantly impact on the environment. These actions have already been excluded from FEMA procedures implementing Executive Orders 11988 and 11990 on the basis that they were not actions which offered any potential for minimizing harm to and within floodplains or wetlands (44 FR 76510–76523, December 27, 1979). Many of these actions are not construction oriented, but rather in the nature of emergency personal services, such as unemployment and legal assistance, and emergency communication and transportation assistance. Other actions were excluded because the FEMA action is of such limited scope. An example of this is the Individual and Family Grant Program where the maximum FEMA contribution is $3,750.

Accordingly, 44 CFR is amended by adding a new Part 10 to read as follows:

PART 10—ENVIRONMENTAL CONSIDERATIONS

Subpart A—General

Sec.

10.1 Background and Purpose.
10.2 Applicability and Scope.
10.3 Definitions.
10.4 Policy.

Subpart B—Agency Implementing Procedures

10.5 Responsibilities.
10.6 Making or Amending Policy.
10.7 Planning.
10.8 Determination of Requirement for Environmental Review.
10.9 Preparation of Environmental Assessments.
10.10 Preparation of Environmental Impact Statements.
10.11 Environmental Information.
10.12 Pre-Implementation Actions.
10.13 Emergencies.
10.14 Flood Plains and Wetlands.

Authority: 42 U.S.C. 4321 *et seq.*, Executive Order 11514, as amended by E.O. 11991; Reorganization Plan No. 3 of 1978 (43 FR 41943), and Executive Order 12127 April 1, 1979 (44 FR 1936).

§ 10.1 Background and purpose.

(a) This Part implements the Council on Environmental Quality (CEQ) regulations (National Environmental Policy Act Regulations, 43 FR 55978 (1978)) and provides policy and procedures to enable Federal Emergency Management Agency (FEMA) officials to be informed of and take into account environmental considerations when authorizing or approving major FEMA actions that significantly affect the environment in the United States. The Council on Environmental Quality Regulations implement the procedural provisions, section 102(2), of the National Environmental Policy Act of 1969, as amended (hereinafter NEPA) (Pub. L. 91–190, 42 U.S.C. 4321 *et seq.*), and Executive Order 11991, 42 FR 26967 (1977).

(b) Section 1507.3, Council on Environmental Quality Regulations (National Environmental Policy Act Regulations, 43 FR 55978 (1978)) directs that Federal agencies shall adopt procedures to supplement the CEQ regulations. This regulation provides detailed FEMA implementing procedures to supplement the CEQ regulations.

(c) The provisions of this part must be read together with those of the CEQ regulations and NEPA as a whole when applying the NEPA process.

§ 10.2 Applicability and scope.

The provisions of this Part apply to the Federal Emergency Management Agency, (hereinafter referred to as FEMA) including any office or administration of FEMA, and the FEMA regional offices.

§ 10.3 Definitions.

(a) Regional Director means the Regional Director of the Federal Emergency Management Agency for the region in which FEMA is acting.

(b) The other terms used in this Part are defined in the CEQ regulations (40 CFR 1508).

§ 10.4 Policy.

(a) FEMA shall act with care to assure that, in carrying out its responsibilities, including disaster planning, response and recovery and hazard mitigation and flood insurance, it does so in a manner consistent with national environmental policies. Care shall be taken to assure, consistent with other considerations of national policy, that all practical means and measures are used to protect, restore, and enhance the quality of the environment, to avoid or minimize adverse environmental consequences, and to attain the objectives of:

(1) Achieving use of the environment without degradation, or undesirable and unintended consequences;

(2) Preserving historic, cultural and natural aspects of national heritage and maintaining, wherever possible, an environment that supports diversity and variety of individual choice;

(3) Achieving a balance between resource use and development within the sustained carrying capacity of the ecosystem involved; and

(4) Enhancing the quality of renewable resources and working toward the maximum attainable recycling of depletable resources.

(b) FEMA shall:

(1) Assess environmental consequences of FEMA actions in accordance with § 10.9 and § 10.10 of this Part and Parts 1500–1508 of the CEQ regulations;

(2) Use a systematic, interdisciplinary approach that will ensure the integrated use of the natural and social sciences, and environmental considerations, in planning and decisionmaking where there is a potential for significant environmental impact;

(3) Ensure that presently unmeasured environmental amenities are considered in the decisionmaking process;

(4) Consider reasonable alternatives to recommended courses of action in any proposal that involves conflicts concerning alternative uses of resources; and

(5) Make available to States, counties, municipalities, institutions and individuals advice and information useful in restoring, maintaining, and enhancing the quality of the environment.

§ 10.5 Responsibilities.

(a) *The Regional Directors* shall, for each action not categorically excluded from this regulation and falling within their respective jurisdictions:

(1) Prepare an environmental assessment and submit such assessment to the Associate Director for Hazard Mitigation (ADHM) and the Office of General Counsel (OGC);

(2) Prepare a finding of no significant impact, or prepare an environmental impact statement;

(3) Coordinate and provide information regarding environmental review with applicants for FEMA assistance;

(4) Prepare and maintain an administrative record for each proposal that is determined to be categorically excluded from this regulation;

(5) Involve environmental agencies, applicants, and the public to the extent practicable in preparing environmental assessments;

(6) Prepare, as required, a supplement to either the draft or final environmental impact statement;

(7) Circulate draft and final environmental impact statements;

(8) Ensure that decisions are made in accordance with the policies and procedures of NEPA and this Part, and prepare a concise public record of such decisions;

(9) Consider mitigating measures to avoid or minimize environmental harm, and, in particular, harm to and within floodplains and wetlands; and

(10) Review and comment upon, as appropriate, environmental assessments and impact statements of other Federal agencies and of State and local entities within their respective regions.

(b) *The Associate Director for Hazard Mitigation shall:*

(1) Determine, on the basis of the environmental assessment whether an environmental impact statement is required, or whether a finding of no significant impact shall be prepared;

(2) Review all proposed changes or additions to the list of categorical exclusions;

(3) Review all findings of no significant impact;

(4) Review all proposed draft and final environmental statements;

(5) Publish the required notices in the Federal Register;

(6) Provide assistance in the preparation of environmental assessments and impact statements and assign lead agency responsibility when more than one FEMA office or administration is involved;

(7) Direct the preparation of environmental documents for specific actions when required;

(8) Comply with the requirements of this Part when the Director of FEMA promulgates regulations, procedures or other issuances making or amending Agency policy;

(9) Provide, when appropriate, consolidated FEMA comments on draft and final impact statements prepared for the issuance of regulations and procedures of other agencies;

(10) Review FEMA issuances that have environmental implications;

(11) Maintain liaison with the Council on Environmental Quality, the Environmental Protection Agency, the Office of Management and Budget, other Federal agencies, and State and local groups, with respect to environmental analysis for FEMA actions affecting the environment.

(c) *The heads of the office and administrations of FEMA shall:*

(1) Assess environmental consequences of proposed and on-going programs within their respective organizational units;

(2) Prepare and process environmental assessments and environmental impact statements for all regulations, procedures and other issuances making or amending program policy related to actions which do not qualify for categorical exclusions;

(3) Integrate environmental considerations into their decisionmaking processes;

(4) Ensure that regulations, procedures and other issuances making or amending program policy are reviewed for consistency with the requirements of this Part;

(5) Designate a single point of contact for matters pertaining to this Part;

(6) Provide applicants for FEMA assistance with technical assistance regarding FEMA's environmental review process.

(d) *The Office of General Counsel of FEMA shall:*

(1) Provide advice and assistance concerning the requirements of this Part;

(2) Review all proposed changes or additions to the list of categorical exclusions;

(3) Review all findings of no significant impact; and

(4) Review all proposed draft and final environmental impact statements.

§ 10.6 Making or amending policy.

For all regulations, procedures, or other issuances making or amending policy, the head of the FEMA office or administration establishing such policy shall be responsible for application of this Part to that action. This does not apply to actions categorically excluded. For all policy-making actions not categorically excluded, the head of the office or administration shall comply with the requirements of this Part. Thus, for such actions, the office or administration head shall assume the responsibilities that a Regional Director assumes for a FEMA action in his/her respective region. For such policy-making actions taken by the Director of FEMA, the ADHM shall assume the responsibilities that a Regional Director assumes for a FEMA action in his/her respective region.

§ 10.7 Planning.

(a) *Early Planning.* The Regional Director shall integrate the NEPA process with other planning at the earliest possible time to ensure that planning decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts.

(b) *Lead Agency.* To determine the lead agency for policy-making in which more than one FEMA office or administration is involved or any action in which another Federal agency is involved, FEMA offices and administrations shall apply criteria defined in § 1501.5 of the CEQ regulation. If there is disagreement, the FEMA offices and/or administrations shall forward a request for lead agency determination to the Associate Director for Hazard Mitigation (ADHM);

(1) The ADHM will determine lead agency responsibility among FEMA offices and administration.

(2) In those cases involving a FEMA office or administration and another Federal agency, the ADHM will attempt to resolve the differences. If unsuccessful, the ADHM will file the request with the Council on Environmental Quality for determination.

(c) *Technical Assistance to Applicants.* (1) Section 1501.2(d) of the CEQ regulations requires agencies to provide for early involvement in actions which, while planned by private applicants or other non-Federal entities, require some form of Federal approval. To implement the requirements of § 1501.2(d),

(i) The heads of the FEMA offices and administration shall prepare where practicable, generic guidelines describing the scope and level of environmental information required from applicants as a basis for evaluating their proposed actions, and make these guidelines available upon request.

(ii) The Regional Director shall provide such guidance on a project-by-project basis to applicants seeking assistance from FEMA.

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

(2) To facilitate compliance with the requirements of paragraph (a) of this section, applicants and other non-Federal entities are expected to:

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

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

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

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

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

(vi) Notify the Regional Director of all known parties potentially affected by or interested in the proposed action.

§ 10.8 Determination of requirement for environmental review.

The first step in applying the NEPA process is to determine whether to prepare an environmental assessment or an environmental impact statement. Early determination will help ensure that necessary environmental documentation is prepared and integrated into the decision-making process. Environmental impact statements will be prepared for all major Agency actions (see 40 CFR § 1508.18) significantly (see 40 CFR § 1508.27) affecting the quality of the human environment.

(a) In determining whether to prepare an environmental impact statement (EIS) the Regional Director will first determine whether the proposal is one which:

(1) Normally requires an environmental impact statement; or

(2) Normally does not require either an environmental impact statement or an environmental assessment (categorical exclusion).

(b) *Actions that Normally Require an EIS.* (1) In some cases, it will be readily apparent that a proposed action will have significant impact on the environment. In that event, the Regional Director will, pursuant to § 10.9(g) of this Part, submit the notice of preparation of an environmental impact statement to the ADHM.

(2) To assist in determining those actions that normally do require an environmental impact statement, the following criteria apply:

(i) If an action will result in an extensive change in land use or the commitment of a large amount of land;

(ii) If an action will result in a land use change which is incompatible with the existing or planned land use of the surrounding area;

(iii) If many people will be affected;

(iv) If the environmental impact of the project is likely to be controversial;

(v) If an action will affect, in large measure, wildlife populations and their habitats, important natural resources, floodplains, wetlands, estuaries, beaches, dunes, unstable soils, steep slopes, aquifer recharge areas, or delicate or rare ecosystems, including endangered species;

(vi) If an action will result in a major adverse impact upon air or water quality;

(vii) If an action will adversely affect a property listed on the National Register of Historic Places or eligible for listing on the Register if, after consultation with the Advisory Council on Historic Preservation an environmental assessment is not deemed sufficient;

(viii) If an action is one of several actions underway or planned for an area and the cumulative impact of these projects is considered significant in terms of the above criteria;

(ix) If an action holds potential for threat or hazard to the public; or

(x) If an action is similar to previous actions determined to require an environmental impact statement.

(3) In any case involving an action that normally does require an environmental impact statement, the Regional Director may prepare an environmental assessment to determine if an environmental impact statement is required.

(c) *Categorical Exclusions.* The CEO regulations provide for the categorical exclusion (40 CFR 1508.4) of actions which do not individually or cumulatively have a significant effect on the human environment and for which, therefore, neither an environmental assessment nor an environmental impact statement is required. Full implementation of this concept will help FEMA to avoid unnecessary or duplicative effort and concentrate resources on significant environmental issues.

(1) *Criteria.* The criteria used for determination of those categories of actions that normally do not require either an environmental impact statement or an environmental assessment include:

(i) Minimal or no effect on environmental quality;

(ii) No significant change to existing environmental conditions; and

(iii) No significant cumulative environmental impact.

(2) *List of Categorical Exclusions.* Categories of actions that have been determined by FEMA to have no significant effect on the human environment and are, therefore, categorically excluded from the preparation of environmental impact statements and environmental assessments are:

(i) Preparation of regulations, directives, manuals, and other guidance related to actions which qualify for categorical exclusions;

(ii) Training activities and training exercises conducted on FEMA installations in accordance with established procedures and land use designations;

(iii) Procurement activities that provide goods and services for routine installation operations and support;

(iv) Routine installation, maintenance, and grounds-keeping activities;

(v) Reduction in force resulting from workload adjustments, reduced personnel or funding levels, skill imbalances, or other similar causes;

(vi) Studies that involve no commitment of resources other than manpower and funding; and

(vii) The following actions taken under the Disaster Relief Act of 1974 (Pub. L. 93–288), as amended:

(A) Emergency Support Teams (sec. 304);

(B) Unemployment Assistance (sec. 407);

(C) Disaster Legal Services (sec. 412);

(D) Emergency Communications (sec. 415);

(E) Emergency Public Transportation (sec. 416);

(F) Fire Suppression Assistance (sec. 417);

(G) Community Disaster Loans (sec. 414) except to the extent that the proceeds of the loan will be used for repair of facilities or structures or for construction of additional facilities or structures;

(H) Debris Removal (sec. 403), except those grants involving non-emergency disposal or removal of debris;

(I) The following Individual and Family Grant Program (sec. 408) actions:

(*1*) Housing needs or expenses, except for restoring, repairing or building private bridges, purchase of mobile homes and provision of structures as minimum protective measures;

(*2*) Personal property needs or expenses;

(*3*) Transportation expenses;

(*4*) Medical/dental expenses;

(*5*) Funeral expenses;

(*6*) Limited home repairs;

(*7*) Flood insurance premium;

(*8*) Cost estimates;

(*9*) Food expenses; and

(*10*) Temporary rental accommodations; and

(J) Mortgage and rental assistance under sec. 404(b).

(3) *Statutory Categorical Exclusions.* The following actions are categorically excluded from the preparation of environmental impacts statements and environmental assessments by sec. 405 of the Disaster Relief Act of 1974 (Pub. L. 93–288); as amended:

(i) Action taken or assistances provided under Sections 305, 306 or 403 of the Disaster Relief Act of 1974, as amended, (Pub. L. 93–288); and

(ii) Action taken or assistance provided under Section 402 or 419 of the Disaster Relief Act of 1974, as amended, that has the effect of restoring facilities substantially as they existed prior to a major disaster or emergency.

(d) *Changes to the List of Categorical Exclusions.* (1) The FEMA List of Categorical Exclusions will be continually reviewed and refined as additional categories are identified and experience is gained in the categorical exclusion process. An office or administration of FEMA may, at any time, recommend additions or changes to the FEMA List of Categorical Exclusions.

(2) Offices and administrations of FEMA are encouraged to develop additional categories of exclusions necessary to meet their unique operational and mission requirements.

(3) If an office or administration of FEMA proposes to change or add to the list of categorical exclusions, it shall first:

(i) Obtain the approval of the ADHM and FEMA's Office of General Counsel; and

(ii) Public notice of such proposed change or addition in the **Federal Register** at least 60 days prior to the effective date of such change or addition.

(e) *Extraordinary Circumstances.* If extraordinary circumstances exist, such that an action that is categorically excluded from NEPA compliance may have a significant environmental impact, an environmental assessment shall be prepared. Extraordinary circumstances that may have a significant environmental impact include:

(1) Greater scope or size than normally experienced for a particular category of action.

(2) Actions in highly populated or congested areas.

(3) Potential for degradation, even though slight, of already existing poor environmental conditions.

(4) Employment of unproven technology.

(5) Presence of endangered species, archaeological remains, or other protected resources.

(6) Use of hazardous or toxic substances.

(7) Actions in flood plains or wetlands.

(f) *Documentation.* The Regional Director will prepare and maintain an administrative record of each proposal that is determined to be categorically excluded from the preparation of an environmental impact statement or an environmental assessment.

(g) *Actions that Normally Require an Environmental Assessment.* When a proposal is not one that normally requires an environmental impact statement and does not qualify as a categorical exclusion, the Regional Director shall prepare an environmental assessment.

§ 10.9 Preparation of environmental assessments.

(a) *When to Prepare.* The Regional Director shall begin preparation of an environmental assessment as early as possible after the determination that an assessment is required. The Regional Director may prepare an environmental assessment at any time to assist planning and decision-making.

(b) *Content and Format.* The environmental assessment is a concise public document to determine whether to prepare an environmental impact statement, aiding in compliance with NEPA when no EIS is necessary, and facilitating preparation of a statement when one is necessary. Preparation of an environmental assessment generally will not require extensive research or lengthy documentation. The environmental assessment shall contain brief discussion of the following:

(1) Purpose and need for the proposed action.

(2) Description of the proposed action.

(3) Alternatives considered.

(4) Environmental impact of the proposed action and alternatives.

(5) Listing of agencies and persons consulted.

(6) Conclusion of whether to prepare an environmental impact statement.

(c) *Public Participation.* The Regional Director shall involve environmental agencies, applicants, and the public, to the extent practicable, in preparing environmental assessments. In determining "to the extent practicable," the Regional Director shall consider:

(1) Magnitude of the proposal;

(2) Likelihood of public interest;

(3) Need to act quickly;

(4) Likelihood of meaningful public comment;

(5) National security classification issues;

(6) Need for permits; and

(7) Statutory authority of environmental agency regarding the proposal.

(d) *When to Prepare an EIS.* The Regional Director shall prepare an environmental impact statement for all major Agency actions significantly affecting the quality of the human environment. The test of what is a "significant" enough impact to require an EIS is found in the CEQ regulations at 40 CFR § 1508.27.

(e) *Finding of No Significant Impact.* If the Regional Director determines on the basis of the environmental assessment not to prepare an environmental impact statement, the Regional Director shall prepare a finding of no significant impact in accordance with 40 CFR § 1501.4(e) of the CEQ regulations. The assessment and the finding shall be submitted to the ADHM and the Office of General Counsel (OGC) for approval. If ADHM and OGC approval is obtained, the Regional Director shall then make the finding of no significant impact available to the public as specified in § 1506.6 of the CEQ regulations. A finding of no significant impact is not required when the decision not to prepare an environmental impact statement is based on a categorical exclusion.

(f) *ADHM or OGC Disallowance.* If the ADHM or OGC disagrees with the finding of no significant impact, the Regional Director shall prepare an environmental impact statement. Prior to preparation of an EIS, the Regional Director shall forward a notice of intent to prepare the EIS to the ADHM who shall publish such notice in the **Federal Register.**

(g) *EIS Determination of Regional Director.* The Regional Director may decide on his/her own to prepare an environmental impact statement. In such case, the Regional Director shall forward a notice of intent to prepare the EIS to the ADHM who shall publish such notice in the **Federal Register.** The notice of intent shall be published before initiation of the scoping process.

§ 10.10 Preparation of environmental impact statements.

(a) *Scoping.* After determination that an environmental impact statement will be prepared and publication of the notice of intent, the Regional Director will initiate the scoping process in accordance with § 1501.7 of the CEQ regulations.

(b) *Preparation.* Based on the scoping process, the Regional Director will begin preparation of the environmental impact statement. Detailed procedures for preparation of the environmental impact statement are provided in Part 1502 of the CEQ regulations.

(c) *Supplemental Environmental Impact Statements.* The Regional Director may at any time supplement a draft or final environmental impact statement. The Regional Director shall prepare a supplement to either the draft or final environmental impact statement when required under the criteria set forth in § 1502.9(2). The Regional Director will prepare, circulate, and file a supplement to a statement in the same fashion (exclusive of scoping) as a draft or final statement and will introduce the supplement into their formal administrative record.

(d) *Circulation of Environmental Impact Statements.* The Regional Director shall circulate draft and final environmental impact statements as prescribed in § 1502.19 of CEQ

regulations. Prior to signing off on a draft or final impact statement, the Regional Director shall obtain the approval of the ADHM and OGC.

§ 10.11 Environmental information.

Interested persons may contact the ADHM or the Regional Director for information regarding FEMA's compliance with NEPA.

§ 10.12 Pre-implementation actions.

(a) *Decision-Making.* The Regional Director shall ensure that decisions are made in accordance with the policies and procedures of the Act and that the NEPA process is integrated into the decision-making process. Because of the diversity of FEMA, it is not feasible to describe in this Part the decision-making process for each of the various FEMA programs. Proposals and actions may be initiated at any level. Similarly, review and approval authority may be exercised at various levels depending on the nature of the action, available funding, and statutory authority. FEMA offices and administrations shall provide further guidance, commensurate with their programs and organization, for integration of environmental considerations into the decision-making process. The Regional Director shall:

(1) Consider all relevant environmental documents in evaluating proposals for Agency action;

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

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

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

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

(b) *Record of Decision.* In those cases requiring environmental impact statements, the Regional Director at the time of his/her decision, or if appropriate, his/her recommendation to Congress, shall prepare a concise public record of that decision. The record of decision is not intended to be an extensive, detailed document for the purpose of justifying the decision. Rather it is a concise document that sets forth the decision and describes the alternatives and relevant factors considered as specified in 40 CFR § 1505.2. The record of decision will normally be less than three pages in length.

(c) *Mitigation.* Throughout the NEPA process, the Regional Director shall consider mitigating measures to avoid or minimize environmental harm and, in particular, harm to or within flood plains and wetlands. Mitigation measures or programs will be identified in the environmental impact statement and made available to decision-makers. Mitigation and other conditions established in the environmental impact statement or during its review and committed as part of the decision shall be implemented by the Regional Director.

(d) *Monitoring.* If a Regional Director determines that monitoring is applicable for established mitigation, a monitoring program will be adopted to assure the mitigation measures are accomplished.

The Regional Director shall provide monitoring information, upon request, as specified in 40 CFR § 1505.3. This does not, however, include standing or blanket requests for periodic reporting.

§ 10.13 Emergencies.

In the event of an emergency, the Regional Director may be required to take immediate action with significant environmental impact. The Regional Director shall notify the ADHM of the emergency action at the earliest possible time so that the ADHM may consult with the Council on Environmental Quality. In no event shall any Regional Director delay an emergency action necessary to the preservation of human life for the purpose of complying with the provision of this directive or the CEQ regulations.

§ 10.14 Flood plains and wetlands.

For any action taken by FEMA in a flood plain or wetland, the provisions of this Part are supplemental to, and not instead of, the provisions of the FEMA regulation implementing Executive Order 11988, Flood Plain Management, and Executive Order 11990, Protection of Wetlands (44 CFR Part 9).

Dated: June 12, 1980.

John W. Macy, Jr.,

Director.

[FR Doc. 80-18387 Filed 6-17-80; 8:45 am]

BILLING CODE 6718-01-M

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44 CFR Part 64

[Docket No. FEMA 5839]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities where the sale of flood insurance, as authorized under the National Flood Insurance Program (NFIP), will be suspended because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATES: The third date ("Susp.") listed in the fifth column.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date subsidized flood insurance is no longer available in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elapsed since identification of the community as having flood prone areas, as shown on the Office of Federal Insurance and

Hazard Mitigation's initial flood insurance map of the community. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

In each entry, a complete chronology of effective dates appears for each listed community.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of suspended communities.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Arkansas	Craighead	Caraway, city of	050311-A	Mar. 6, 1975, emergency, June 18, 1980, regular, June 18, 1980, suspended.	Jan. 10,1975	June 18, 1980.
California	Santa Clara	Morgan Hill, city of	060346-B	June 30, 1975, emergency, June 18, 1980, regular, June 18, 1980, suspended.	May 31, 1974 Dec. 12, 1975	Do.
Do	Sonoma	Sebastopol, city of	060382-B	Dec. 13, 1974, emergency, June 18, 1980, regular, June 18, 1980, suspended.	Mar. 8, 1974 Sept. 26, 1975	Do.
Kansas	Kingman	Kingman, city of	200183-B	May 19, 1975, emergency, June 18, 1980, regular, June 18, 1980, suspended.	Feb. 15, 1974 Nov. 21, 1975	Do.
Massachusetts	Essex	Amesbury, town of	250075-B	Aug. 7, 1975, emergency, June 18, 1980, regular, June 18, 1980, suspended.	June 14, 1974 Feb. 11, 1977	Do.
Do	Worcester	Berlin, town of	250294-B	Aug. 11, 1975, emergency, June 18, 1980, regular, June 18, 1980, suspended.	Oct. 18, 1974 Jan. 21, 1977	Do.
Do	Bristol	Dighton, town of	250052-B	Mar. 9, 1973, emergency, June 18, 1980, regular, June 18, 1980, suspended.	Aug. 2, 1974 Sept. 3, 1976	Do.
Do	do	Freetown, town of	250056-B	Aug. 11, 1975, emergency, June 18, 1980, regular, June 18, 1980, suspended.	Aug. 2, 1974 Oct. 8, 1976	Do.
Do	Hampshire	Hatfield, town of	250164-B	May 9, 1975, emergency, June 18, 1980, regular, June 18, 1980, suspended.	Sept. 20, 1974 Aug. 20,1976	Do.
Do	Norfolk	Medway, town of	250243-B	Aug. 11, 1975, emergency, June 18, 1980, regular, June 18, 1980, suspended.	Aug. 9, 1974 Sept. 10, 1976	Do.
Do	Barnstable	Sandwich, town of	250012-C	Dec. 29, 1972, emergency, June 18, 1980, regular, June 18, 1980, suspended.	Jan. 14, 1977 Mar. 28, 1978	Do.
Do	Middlesex	Sherborn, town of	250212-B	June 13, 1978, emergency, June 18, 1980, regular, June 18, 1980, suspended.	May 27, 1977	Do.
Do	Franklin	Sunderland, town of	250129-B	July 22, 1975, emergency, June 18, 1980, regular, June 18, 1980, suspended.	Mar. 8, 1974 July 2, 1976	Do.
Do	Bristol	Taunton, city of	250066-B	June 11, 1973, emergency, June 18, 1980, regular, June 18, 1980, suspended.	Dec. 6, 1974 Feb. 11, 1977	Do.
Do	Middlesex	Winchester, town of	250228-B	Aug. 11, 1975, emergency, June 18, 1980, regular June 18, 1980, suspended.	July 19, 1974 Nov. 19, 1976	Do.
Michigan	Washenaw	Ann Arbor, township of	260535-A	Sept. 26, 1977, emergency, June 18, 1980, regular, June 18, 1980, suspended.	Aug. 15, 1975	Do.
Do	Clinton	Dewitt, township of	260631-B	Aug. 25, 1975, emergency, June 18, 1980, regular, June 18, 1980, suspended.	June 17, 1977	Do.
Minnesota	Scott	Savage, city of	270433-C	April 24, 1974, emergency, June 18, 1980, regular, June 18, 1980, suspended.	Mar. 29, 1974 June 11, 1976 June 10, 1977	Do.
Do	Washington	St. Paul Park, city of	270514-B	Sept. 11, 1974, emergency, June 18, 1980, regular, June 18, 1980, suspended.	Mar. 29, 1974 Mar. 19, 1976	Do.
Do	Dakota	South St. Paul, city of	270114-B	May 30, 1974, emergency, June 18, 1980, regular, June 18, 1980, suspended.	May 10, 1974 July 30, 1976	Do.
New Mexico	Quay	San Jon, village of	350047-A	June 20, 1975, emergency, June 18, 1980, regular, June 18, 1980, suspended.	Nov. 22, 1974	Do.
Missouri	Greene	Republic, city of	290148-B	May 8, 1975, emergency, June 4, 1980, regular, June 18, 1980, suspended.	Apr. 5, 1974 May 14, 1976	Do.
New York	Monroe	Brighton, town of	360410-B	January 26, 1973, emergency, June 18, 1980, regular, June 18, 1980, suspended.	May 31, 1974 Aug. 13, 1976	Do.
Do	Niagara	Lewiston, town of	360502-B	March 27, 1974, emergency, June 18, 1980, regular, June 18, 1980, suspended.	Apr. 12, 1974 Aug. 6, 1976	Do.
Do	Westchester	New Rochelle, city of	360922-B	April 27, 1973, emergency, June 18, 1980, regular, June 18, 1980, suspended.	Dec. 28, 1973 Apr. 9, 1976	Do.
Do	do	Scarsdale, village of	360932-B	April 25, 1973, emergency, June 18, 1980, regular, June 18, 1980, suspended.	Dec. 28, 1973 July 2, 1976	Do.
North Carolina	Watauga	Unincorporated areas	370251-B	July 17, 1975, emergency, June 18, 1980, regular, June 18, 1980, suspended.	Jan. 10, 1975 Oct. 20, 1978	Do.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Ohio	Sandusky	Woodville, village of	390495-B	November 21, 1975, emergency, June 18, 1980, regular, June 18, 1980, suspended.	Mar. 15, 1974 Nov. 21, 1975	Do.
Oregon	Clackamas and Multnomah	Milwaukie, city of	410019-B	May 19, 1972, emergency, June 18, 1980, regular, June 18, 1980, suspended.	Apr. 5, 1974 June 25, 1976	Do.
Pennsylvania	Perry	Liverpool, township of	421953-A	February 5, 1975, emergency, June 18, 1980, regular, June 18, 1980, suspended.	Apr. 4, 1975	Do.
Do	Allegheny	McCandless, township of	421081-B	October 4, 1974, emergency, June 18, 1980, regular, June 18, 1980, suspended.	Sept. 20, 1974 June 4, 1976	Do.
Do	Bradford	South Waverly, borough of	420176-B	Sept. 11, 1974, emergency, June 18, 1980, regular, June 18, 1980, suspended.	Jan. 9, 1974 June 11, 1976	Do.
Do	Blair	Tyrone, township of	421395-B	Dec. 17, 1975, emergency, June 18, 1980, regular, June 18, 1980, suspended.	Dec. 13, 1974 June 11, 1976	Do.
South Carolina	York	Fort Mill, town of	450195-B	June 10, 1975, emergency, June 18, 1980, regular, June 18, 1980, suspended.	May 31, 1974 Apr. 23, 1976	Do.
South Dakota	Yankton	Mission Hill, town of	460091-A	Nov. 28, 1975, emergency, June 18, 1980, regular, June 18, 1980, suspended.	Dec. 13, 1974	Do.
Texas	Collin	Frisco, city of	480134-A	Oct. 7, 1975, emergency, June 18, 1980, regular, June 18, 1980, suspended.	Jan. 24, 1975	Do.
Do	....do	McKinney, city of	480135-B	Apr. 9, 1975, emergency, June 18, 1980, regular, June 18, 1980, suspended.	May 24, 1974 May 28, 1976	Do.
Vermont	Caledonia	Lyndon, town of	500028-A	Mar. 20, 1974, emergency, June 18, 1980, regular, June 18, 1980, suspended.		Do.
Washington	Cowlitz	Castle Rock, city of	530277-A	May 8, 1975, emergency, June 18, 1980, regular, June 18, 1980..	July 16, 1976	Do.
Michigan	Berrien	St. Joseph, township of	260045-A	Feb. 24, 1975, emergency, June 18, 1980, regular, June 18, 1980, suspended.	July 30, 1976	Do.

[1] Certain Federal assistance no longer available in special flood hazard area.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 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: June 4, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-18351 Filed 6-17-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 65

[Docket No. FEMA-5837]

Communities With Minimal Flood Hazard Areas for the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final Rule.

SUMMARY: The Federal Insurance 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 conversion 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	Date of conversion to regular program
California	Amador	City of Ione	July 8, 1980.
Utah	Box Elder	Town of Mantua	July 8, 1980.
Utah	Box Elder	City of Corinne	July 15, 1980.
Utah	Cache	Town of Amalga	July 22, 1980.
Utah	Cache	Town of Mendon	July 22, 1980.
Utah	Cache	Town of Newton	July 22, 1980.
Utah	Rich	Town of Woodruff	July 22, 1980.
New York	Steuben	Town of Wheeler	July 25, 1980.
Utah	Box Elder	Town of Honeyville	July 29, 1980.
Utah	Cache	City of Hyde Park	July 29, 1980.
Utah	Cache	City of Lewiston	July 29, 1980.
Utah	Cache	City of Wellsville	July 29, 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: June 2, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-18352 Filed 6-17-80; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0 and 73

[FCC 80-315]

Reregulation and Oversight of Radio and TV Broadcast Rules

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: By Reregulation and Rules Oversight Order, clarification is presented, rewriting done and additions are made to rules pertaining to: lists of authorized broadcast stations and applications; station identification; availability of logs and records to FCC; retention of logs; public inspection of program logs; contingent applications; local public inspection file; and the plugola policy which is added to FCC Policy listings, all of which reduce or streamline the administrative workload on FCC staff and regulated industry and enhance service to the public interest, convenience and necessity.

EFFECTIVE DATE: June 16, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Steve Crane, Philip Cross, John Reiser (202) 653-7275.

SUPPLEMENTARY INFORMATION:

Adopted: May 29, 1980.

Released: June 11, 1980.

By the Commission.

1. The Commission continues herein to focus its attention on the reregulation and oversight of its AM, FM and TV rules. Rule modifications are made via this *Order* to update, clarify and correct its regulations as follows:

(a) Section 0.434 of the Rules, "Lists of authorized broadcast stations and pending broadcast applications," is out of date. The lists described there are no longer available. Accordingly, § 0.434 is amended herein to specify which lists are currently available.

Also, a "warning" is added to the rule advising that "Users of the lists are cautioned that the lists of the data bases are unofficial listings. They have been prepared for the convenience of the FCC staff, and should not be relied upon by the public because in some instances the lists may not agree with the primary sources of information (e.g., official license documents, international notifications, actual applications, and the like)."

To further strengthen the FCC's position of not being liable for errors in the listings, a "disclaimer" is also added to the rule stating "The United States and its officers, agents and employees shall not be responsible or liable for any loss, expense or damage arising from or incident to the use of the lists by the public."

While the staff finds that the data bases are generally accurate, history reveals that if an applicant relies on the lists without checking the primary sources, the application could possibly be flawed, a situation we wish to avoid.

(b) The station identification rule, § 73.1201, states, in paragraph (b)(2), "when given specific written authorization (from the FCC) to do so, a station may include in its official station identification the name of an additional community or communities, but the community to which the station is licensed must be named first."

This is, in effect, a statement that the FCC may grant a waiver of paragraph (b)(1) of this rule which states, in pertinent part "official station identification shall consist of the station's call letters immediately followed by the community or communities specified in its license as the station's location."

Authority to deny or approve multiple-city identification requests has been delegated to Chief, Broadcast Bureau. The criteria which qualify such waiver requests for consideration by the Bureau were formerly delineated in § 0.281(kk) wherein it defined the eligible communities as being those within the pertinent principal-city contours, as defined by §§ 73.188(b) for

AM stations; 73.315(a) for FM and 73.685(a) for TV.

In its review and updating of delegations of authority to Chief, Broadcast Bureau,[1] the Commission eliminated the lengthy recitation of specified delegations of authority appearing in § 0.281, and restructured the Section to state only those matters to be referred to the Commission for decision. As so amended, the residue of undefined matter was to be disposed of at staff level.

The criteria formally describing multiple-city identification (found in subparagraph (kk)) being considered "residue," disappeared from the rules.

To fully inform applicants for such multiple-city identifications of these criteria, and hence reduce applications with no hope of approval, these criteria will be introduced into § 73.1201(b)(2).

(c) The log retention rules (Section 73.1840) require "Logs of all stations (program, operating and maintenance logs) shall be retained by the licensee for a period of two years." Since the storage of such a large number of documents can be a considerable administrative problem for licensees, serious thought has been given to permitting more contemporary measures to be taken in conforming to this rule. Our rules should never stand in the way of modern, streamlined procedures in regulated industries without a compelling reason. So, absent such reasons in this case, we are herein modifying our rules to allow log storage on microfilm, microfiche or other data-storage systems. We anticipate no negative impact on our regulatory role, and perceive no stumbling block to the public's rights to inspect or reproduce program logs if we require licensees, choosing to use such log storage techniques, to provide full-size copies to the FCC and public when requested. And this we shall do by concurrently amending our rules to require licensee reproduction of logs from data-storage to full-size printouts (in §§ 73.1226, Availability to FCC of station logs and records, and 73.1850, Public inspection of program logs) upon request of FCC personnel or the authorized public.

Licensees choosing these data-storage techniques will be required to provide suitable reading-viewing devices for log review by FCC personnel and the public as well as being required to reproduce full-size log printouts upon request and if authorized. Such devices shall be available at the same location as the stored logs—* * * at a location convenient and accessible to the residents of the community to which the station is licensed." (quote from "Public inspection of program logs", § 73.1850(a)) Copies of any log required to be submitted with any application, or placed in the station's public inspection file as part of an application, or filed with reports to the FCC must be in full page size printouts, and the rule amendments will so state.

It is emphasized here that employing these techniques in lieu of storing the actual log, is not a requirement of the FCC. It is an elective path the licensee may choose in conforming to log retention requriements.

(d) In a Public Notice of October 26, 1961, the Commission stated that its "existing policy of accepting 'contingent' applications * * * for construction permits for new facilities and/or for major modifications has not been satisfactory." After explaining the reasons why, the Commission remarked "In view of the foregoing, the Commission has concluded that no additional 'contingent' applications * * * will be accepted for filing as of this date." This policy was never converted into a rule. In 1976, the Commission considered a petition "to have a section added (to the Rules) to permit the filing of applications for changes in existing station facilities by an assignee or transferee, contingent on the grant of the pending assignment or transfer applications."[2] The Commission's decision stated, in pertinent part, "* * * there is no reason to refuse a buyer's application but to accept that of the seller; one is no more contingent than the other. While it could be argued that until consummation of the sale, the buyer has no legally recognizable interest upon which to base a filing, such holding would be absurdly rigid under the circumstances. Nor is there any necessary conflict with our policy barring non-licensees from effectuating changes. While we could change our policy by simply announcing a willingness to accept such applications, we believe it would be preferable to adopt a rule."

Well and good to that point. Except the rule, adopted and denoted § 1.517 (changed to § 73.3517 subsequently) "Contingent applications," as written, failed to include the Commission's 15 year proscription of acceptance of contingent applications for *new stations*. An obvious inadvertence and oversight, in view of the 1961 policy statement, the rule's incompleteness is corrected herein to include this long time prohibition of contingent applications for the construction of *new* facilities.

(e) On February 2, 1972, the Commission adopted the Cable Television Report and Order in Docket 18397. In paragraph 106, in the section pertaining to Program Exclusivity, this statement is made: "Because the program protection obligations of cable systems turn on the terms specified in contracts between copyright holders and broadcast stations, the appropriate portions of such contracts are required to be included in the public files of broadcast stations where they will be available for examination."[3]

An appropriate rule was fashioned and designated § 76.157, Exclusivity contracts, and placed in Part 76, Rules and Regulations for the Cable Television Service.[4] No corresponding rule was fashioned or added to Part 1 where the rules for local public inspection files of broadcast stations were located (1.526 for commercial stations and 1.527 for noncommercial stations). No conforming rule was created and placed in Part 73. Indeed, the newly adopted regulation was only placed in the Cable TV rules, Part 76. Since the requirement clearly directs the actions of broadcast station licensees, it is, via this *Order*, added to § 73.3526 and § 73.3527,[5] Local public inspection file of commercial and noncommercial stations respectively.[6]

(f) An addition is made to the listing of FCC Policies in Subpart H, Part 73. As a result of Commission action taken on January 30, 1980, the rulemaking proceeding in Docket 14119 concerning "Plugola" was terminated by *Report and Order*. Concurrently, the Commission released a Public Notice reaffirming its basic Plugola policies which it has set forth over a period of many years. This Policy is now entered into the rules as "Section 73.4183 Payola."

2. No substantive changes are made herein which impose additional burdens or remove provisions relied upon by licensees or the public.

3. We conclude that, for the reasons set forth above, adoption of these revisions will serve the public interest and inasmuch as these amendments impose no additional burdens and raise no issue upon which comments would serve any useful purpose, prior notice of

[1] *Order*, FCC 73-1128, adopted October 31, 1973; 43 FCC 2d 638.

[2] *Report and Order*, RM-2331, 61 FCC 2d 238.

[3] 36 FCC 2d 143

[4] 36 FCC 2d 236

[5] The local public inspection file rules for commercial and noncommercial stations were moved from Part I, Sections 1.526 and 1.527, to Part 73 and redesignated Sections 73.3526 and 73.3527.

[6] It should be noted here that a current *Notice of Proposed Rule Making* could impinge on this section (by elimination of the syndicated programming exclusivity rules), and if it does, appropriate changes will be made in the broadcast rules being amended here. (*Notice of Proposed Rule Making*, Docket 20988, In the Matter of Cable TV Syndicated Exclusivity Rules, 71 FCC 2d, 1004).

rulemaking, effective date provisions and public procedure thereon are unnecessary pursuant to the Administrative Procedure and Judicial Review act provisions of 5 U.S.C. 553(b)(3)(B).

4. Therefore, it is ordered, that pursuant to Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, the Commission's Rules and regulations are amended as set forth in the attached Appendix effective June 16, 1980.

5. For further information on this *Order*, contact Steve Crane, Philip Cross or John Reiser, Broadcast Bureau, (202) 653–7275.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 0—COMMISSION ORGANIZATION

1. In § 0.434, the introductory paragraph, and paragraphs (a) through (d) are amended and paragraphs (e) and (f) are added to read as follows:

§ 0.434 Lists of authorized broadcast stations and pending broadcast applications.

Periodically the FCC prepares lists containing information about authorized broadcast stations, pending applications for such stations, and rulemaking proceedings involving amendments to the Tables of Assignments. These lists, which are prepared from the FCC's engineering data bases, contain frequencies, station locations, and other particulars. They are available for public inspection at the FCC's Public Reference Room, Washington, D.C. Copies of the lists may be purchased from the FCC's duplicating contractor. See § 0.465(a). Copies of the data bases may be obtained from: National Technical and Information Service, Springfield, Virginia 22161, (703) 557–4660.

(a) For AM broadcast stations, the lists are arranged as follows:

(1) Pending construction permit applications for new stations and changes in existing facilities. There is one list arranged by frequency, one by state and city, and one by file number. Complete lists are prepared approximately every two weeks.

(2) There is currently no list of authorized stations available.

(3) See also § 0.432, The NARBA List.

(b) For FM broadcast stations, the lists are arranged as follows:

(1) Authorized stations, pending construction permit applications, proposed rulemakings, vacant channels, and translators. There is one list available by state and city, and another list by frequency. Complete lists are prepared approximately once a month with updates each week.

(2) Vacant assignments and applications therefor. The list is in order by state and city. Complete lists are prepared approximately once a month; there are no updates.

(c) For TV stations, the lists are arranged as follows:

(1) Authorized stations, pending construction permit applications, proposed rulemakings, and vacant channels in order of state and city. A complete list is prepared approximately once a month, with updates approximately each week.

(2) Vacant assignments and applications therefor. The list is in order by state and city. Complete lists are prepared approximately once a month; there are no updates.

(d) For TV broadcast translator stations, the lists contain authorized stations and pending construction permit applications for new stations and changes in existing facilities. There is one list arranged in order by state, city, and channel; and another list arranged in order by state, channel, and call. Complete lists are prepared approximately once a month, with updates each week.

(e) Users of the lists are cautioned that the data bases are unofficial listings. They have been prepared for the convenience of the FCC's staff, and should not be relied on by the public because in some instances the lists may not agree with the primary sources of information (*e.g.*, official license documents, international notifications, actual applications, and the like). Action by the public, such as the filing of applications, should be based on the primary sources of information and not on the lists. If there are discrepancies between the lists and the primary sources of information the latter control. Any error discovered in the lists should be brought to the attention of: Federal Communications Commission, Broadcast Bureau—Data Base Management Staff, Washington, D.C. 20554.

(f) The United States and its officers, agents and employees shall not be responsible or liable for any loss, expense or damage arising from or incident to the use of the lists by the public.

PART 73—RADIO BROADCAST SERVICES

2. In § 73.1201, paragraph (b)(2) is amended and (b)(2)(i) is added to read as follows:

§ 73.1201 Station identification.

* * * * *

(b) *Content.* * * *

(2) Where given specific written authorization to do so, a station may include in its official station identification the name of an additional community or communities, but the community to which the station is licensed must be named first.

(i) Such applications for additional-community identification will be considered only if the community or communities are within the station's principal-city contours as defined by § 73.188(b) for AM stations; § 73.315(a) for FM stations and § 73.685(a) for TV stations.

* * * * *

3. In § 73.1226, paragraph (a)(1) is added to read as follows:

§ 73.1226 Availability to FCC of station logs and records.

(a) * * *

(1) Logs and records stored on microfilm, microfiche or other data-storage systems are subject to the requirements pertaining thereto found in § 73.1840(b).

* * * * *

4. Section 73.1840 is amended by redesignating the present text as paragraph (a), and adding a new paragraph (b) as follows:

§ 73.1840 Retention of logs.

(a) Logs of all stations shall be retained by the licensee for a period of 2 years. However, logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the FCC and about which the licensee has been notified, shall be retained by the licensee until specifically authorized in writing by the FCC to destroy them. Logs incident to or involved in any claim or compliant of which the licensee has notice shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for filing of suits upon such claims.

(b) Logs may be retained on microfilm, microfiche or other data-storage systems subject to the following conditions:

(1) Suitable viewing-reading devices shall be available to permit FCC inspection of logs pursuant to § 73.1226, Availability to FCC of station logs and records; and public inspection of program logs pursuant to § 73.1850;

(2) Reproduction of logs, stored on data-storage systems, to full-size copies,

is required of licensees if requested by the FCC or the public as authorized by FCC rules. Such reproductions must be completed within 2 full work days of the time of the request.

(3) Corrections to logs shall be made:

(i) Prior to converting to a data-storage system pursuant to the requirements of § 73.1800 (c) and (d), (§ 73.1800, General requirements relating to logs).

(ii) After converting to a data-storage system, by separately making such corrections and then associating with the related data-stored logs. Such corrections shall contain sufficient information to allow those reviewing the logs to identify where corrections have been made, and when and by whom the corrections were made.

(4) Copies of any log required to be filed with any application; or placed in the station's local public inspection file as part of an application; or filed with reports to the FCC must be reproduced in fullsize form when complying with these requirements.

5. Section 73.1850 is amended to add new subparagraph (b)(7) as follows:

§ 73.1850 Public inspection of program logs.

* * * * *

(b) * * *

(7) Logs stored on microfilm, microfiche or other data-storage systems are subject to the requirements pertaining thereto found in § 73.1840(b).

6. In § 73.3517, the introductory paragraph is amended to read as follows:

§ 73.3517 Contingent applications.

Contingent applications for new stations and for changes in facilities of existing stations are not acceptable for filing. Contingent applications will be accepted for filing under circumstances described below:

* * * * *

7. In § 73.3526, paragraphs (a) and (e) are amended, and paragraph (a)(13) is added to read as follows:

§ 73.3526 Local public inspection file of commercial stations.

(a) *Records to be maintained.* Every applicant for a construction permit for a new station in the commercial broadcast services shall maintain for public inspection a file containing the material described in (a)(1) of this section. Every permittee or licensee of an AM, FM or TV station in the commercial broadcast services shall maintain for public inspection a file containing the material described in (a)(1), (2), (3), (4), (5), (6), (7), (9), (11) and (12) of this section. In addition, every permittee or licensee of a TV station shall maintain for public inspection a file containing the material described in (a)(8) and (13) of this section. The material to be contained in the file is as follows:

* * * * *

(13) A copy of those portions of exclusively contracts for programs for which a TV licensee or permittee has requested program carriage protection on a cable antenna TV system, such contract portions to be signed by both the copyright holder and the licensee or permittee, setting forth in full the provisions pertinent to the duration, nature and extent of the exclusivity terms concerning broadcast signal exhibition (whether over-the-air or by cable) to which the parties have agreed.

* * * * *

(e) *Period of retention.* The records specified in paragraph (a)(4) of this section shall be retained for the periods specified in § 73.1940 (2 years). The manual specified in (a)(6) of this section must be retained indefinitely. The letters specified in (a)(7) of this section must be retained for the period specified in § 73.1202 (3 years). The contract(s) specified in paragraph (a)(13) must be retained for the life of the contract(s). The records specified in paragraphs (a)(1), (2), (3), (5), (8), (9), (11) and (12) of this section shall be retained as follows:

* * * * *

8. In § 73.3527, paragraphs (a) and (g) are amended and (a)(8) is added to read as follows:

§ 73.3527 Local public inspection file of noncommercial educational stations.

(a) *Records to be maintained.* Every applicant for a construction permit for a new station in the noncommercial educational broadcast services shall maintain for public inspection a file containing the material in (a)(1) and (7) of this section. Every permittee or licensee of a station in the noncommercial educational broadcast services shall maintain for public inspection a file containing the material described in (a)(1) through (7) of this section. In addition, every permittee or licensee of a TV station shall maintain for public inspection a file containing the material described in (a)(8) of this section. The material to be contained in the file is as follows:

* * * * *

(8) A copy of those portions of exclusivity contracts for programs for which a TV licensee or permittee has requested program carriage protection on a cable antenna TV system, such contract portions to be signed by both the copyright holder and the licensee or permittee, setting forth in full the provisions pertinent to the duration, nature and extent of the exclusivity terms concerning broadcast signal exhibition (whether over-the-air or by cable) to which the parties have agreed.

* * * * *

(g) *Period of retention.* The records specified in (a)(4) of this section shall be retained for the periods specified in § 73.1940 (2 years). The manual specified in (a)(6) of this section shall be retained indefinitely. The contract(s) specified in paragraph (a)(8) shall be retained for the life of the contract(s) between the parties to the contract(s). The records specified in paragraphs (a)(1), (2), (3), (5), (7), (b) and (c) of this section must be retained as follows:

* * * * *

[FR Doc. 80-18325 Filed 6-17-80; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 45, No. 119
Wednesday, June 18, 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.

FEDERAL RESERVE SYSTEM

12 CFR Part 211

[Reg. K; Docket No. R-0291]

Nonbanking Activities of Foreign Banking Organizations; Extension of Comment Period

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule: Extension of comment period.

SUMMARY: The Board of Governors of the Federal Reserve System has extended the period for receipt of public comment on proposed rules concerning the nonbanking activities of foreign banking organizations operating in the United States.

DATE: Comments must be received by July 31, 1980.

ADDRESS: Comments, which should refer to Docket No. R-0291, may be mailed to Theodore E. Allison, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, Northwest, Washington, D.C. 20551, or delivered to Room B-2223 between 8:45 a.m. and 5:15 p.m. Comments may be inspected at Room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

FOR FURTHER INFORMATION CONTACT: C. Keefe Hurley, Jr., Senior Counsel (202/452-3269) or Kathleen M. O'Day, Attorney (202/452-3786), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On May 1, 1980 (45 FR 30082), the Board requested comment on a proposal to implement the exemptions afforded qualifying foreign organizations from the nonbanking prohibitions of the Bank Holding Company Act. The proposal describes the types of foreign organizations eligible for the exemptions and the types of nonbanking activities and investments that are permissible. The Board has been requested to extend the comment period on the proposal in order to provide interested parties with additional time in which to prevent their views. In light of the issues presented by the proposal and in order to encourage public participation in this matter, the comment period has been extended to July 31, 1980.

By order of the Board of Governors, through its Secretary under delegated authority.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-18389 Filed 6-17-80; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF COMMERCE

Office of the Secretary

15 CFR Part 17a

Cooperative Generic Technology Program; Proposed Procedures

AGENCY: Office of the Secretary, Department of Commerce.

ACTION: Notice of proposed procedures.

SUMMARY: This notice announces the intention of the Department of Commerce to develop and carry out a Cooperative Generic Technology Program in cooperation with U.S. industry and commerce. This new program will provide an opportunity for government, industry, technical institutes, and universities to cooperate in the development of needed generic technology in instances where it is inappropriate for the private sector, acting alone, to do so. The cooperation will include the activities of problem analysis, discovering new knowledge, and providing institutional mechanisms that will promote the development, improvement, and/or transfer of generic technology in selected areas of major importance.

DATE: Comments are requested on the proposed procedures by July 18, 1980.

ADDRESS: Written comments should be submitted in four copies to the Assistant Secretary for Productivity, Technology and Innovation, Room 3862, U.S. Department of Commerce, Washington, D.C. 20230. All written comments will be filed in the Central Reference and Records Inspection Facility, Room 5317, Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, and will be available for public inspection and copying at that location.

FOR FURTHER INFORMATION CONTACT: Mr. Frederick Haynes, Department of Commerce, Room 3520, 14th and Constitution Avenue, N.W., Washington, D.C. 20230. (202) 377-5905.

SUPPLEMENTARY INFORMATION: Maintaining vitality in the Nation's economy and improving our quality of life requires an increased commitment to the development of new technology and improved application of existing technology by domestic industry. In recent years, analysts and decision makers in Government and industry have noted opportunities for stimulating the development of generic Technologies—those that underlie a broad range of industries. These generic technologies, broadly used in industry, are often beyond the capability of any one industry to develop for a variety of reasons (cost, lack of management expertise, limited return on investment within a single industry, among others). To encourage a commitment to technological growth and innovation in these generic fields, the Department of Commerce seeks to promote cooperative centers for generic technology research, development and transfer to the private sector. Sharing costs, risks and ideas and building cumulative expertise through a co-operative program such as the one described here will encourage technical progress in these generic technologies.

To this end, the President's Industrial Innovation Initiatives announced on October 31, 1979 called for establishment of non-profit centers—at universities or other private sector sites—to develop and transfer generic technologies. Each center will be targeted on a technology that is involved in the processes of several industrial sectors, and has the potential for significant technological upgrading. The Centers would not supplant efforts in the private sector that are designed for specific product development. Each center will be jointly financed by industry and government, with the government's share dropping to 20 percent or less of the center's cost in the fifth year. In future years, the size of the program will depend on the proposals received, and the experience gained from this initial effort. Initially, centers

will be sponsored by the Department of Commerce at a cost of approximately $5 million.

Program Goals

The goals of this program are to stimulate technological and industrial innovation in the United States. By stimulating innovation, this program will help to satisfy important national goals such as:

—Generating advances in productivity necessary for a growing and noninflationary economy;
—Developing new jobs by fostering the creation of new high technology companies;
—Protecting environmental quality and human health and safety while enhancing productivity and competitiveness; and
—Meeting foreign competitive challenges.

The institutional mechanism chosen to satisfy these program goals is the Cooperative Generic Technology (COGENT) Center. One center will be established for each technology area selected by the program. These centers will be independent non-profit institutions that are managed and controlled by private industry, and funded through government and private cost sharing.

Procedural Description

The establishment of centers for generic technologies will follow a step process. Invitations for the submission of detailed proposals and requests for funding will be issued. The proposals received will be reviewed, and funds will be released to implement those proposals that best fit the program goals and budgetary limitations.

Description of a Generic Technology Center

A COGENT center will be responsible for the conduct of major R&D projects in the specified generic technology and for promoting technology transfer and utilization. To carry out this responsibility, each Center must perform the following major functions:

A. In-House Generic R&D

Each center will conduct R&D to develop the knowledge needed for new technologies which are unlikely to be created without a cooperative effort. The R&D agenda established by members or their governing boards must be relevant to the specified generic technology, and the potential results should significantly outweight costs. This R&D must be performed in-house in order to take advantage of cumulative research and problem solving expertise. Therefore the center should plan to develop its facilities, equipment and personnel to the point where it has the capacity to perform in-house as much of the required R&D as possible. The center will not develop a technology beyond the point at which a member firm, acting on its own, may assume the development and resulting commercialization.

B. Technical Services

A major facet of this program is that each center is cooperatively funded by government and industry. However, it is recognized that industry support is likely only if members obtain concrete benefits which are available only to them, and which provide an adequate and near-term return on contributions of the members. Such returns are unlikely from long-term generic R&D. Therefore, each center is expected to design and operate a program of technical services that will provide knowledge of, and ability to utilize available technologies. The specific nature and mix of these services will undoubtedly vary from field to field. However, candidate services include:

1. *Consulting and Technology Service:* A center may have the capability to provide consulting and technical services to interested members, and to non-member firms on an appropriate fee basis. Center staff should include specialists that can provide services such as technical audits, quality control calibrations, technology evaluation, etc. However, the services chosen should complement the capabilities of private consultants rather than compete with them. Therefore, the center must create and distribute a directory of outside experts who can serve as consultants in the specified generic technology.

2. *Information System Service:* The center may establish and maintain a specialized library and data bank that gathers worldwide information on all new developments relevant to the generic technology and disseminates it to its membership. The center could produce periodic status reports on the technology and respond to queries for technical information from both center members, and from nonmembers on an appropriate fee basis.

3. *Training:* The center should ensure the availability of programs and facilities for the training of both management and labor in the evaluation and use of the technology in industry. Such services, if provided in-house, must complement programs available from universities and other private sources.

4. *Technology Evaluation:* On a continuing basis, a center will assess new developments in technology on a generic, rather than producer by producer, basis. In this way the center will keep members informed as to progress being made in the development of the technology and the appropriate utilization of new developments.

C. Strategic Planning

The center must have the capability of doing strategic planning in the area of technology development and technology transfer. Strategic planning will involve the periodic assessment of the technology, technology forecasting, identification of critical R&D projects that are required for the advancement of the technology, and of future technology transfer requirements.

Issued: June 12, 1980.

Jordan J. Baruch,

Assistant Secretary.

It is proposed that Title 15 of the Code of Federal Regulations be amended by adding Part 17a, as follows:

PART 17a—COOPERATIVE GENERIC TECHNOLOGY PROGRAM PROCEDURES

Sec.

17a.1 Purpose.
17a.2 Definitions.
17a.3 Program overview.
17a.4 Workshops on generic technologies.
17a.5 Invitations for proposals to fund centers.
17a.6 Annual notice of availability of funds.
17a.7 Content of proposals.
17a.8 Criteria for selection of center proposals.
17a.9 Proprietary data.
17a.10 Coordination/cooperation with other Federal agencies.
17a.11 Amendments of procedures and criteria.

Authority: 15 U.S.C 1512; sec. 2, 31 stat. 1449, as amended; sec. 1, 64 stat. 371; (15 U.S.C. 272); Reorganization Plan No. 3 of 1946, Part VI; Reorganization Plan No. 5 of 1950.

§ 17a.1 Purpose.

The purpose of this part is to establish procedures under which the Department of Commerce will administer the Cooperative Generic Technology Program.

§ 17a.2 Definitions.

(a) The term "Secretary" means the Secretary of Commerce or his designee.

(b) The term "Program" means the Cooperative Generic Technology Program.

(c) The term "Generic Technology" means technology that is not product-specific, or that has not been refined to a point where a single firm could reasonably be expected to complete its development.

(d) The term "center" means the Cooperative Generic Technology Centers.

(e) The term "person" means individuals, associations, companies, corporations, firms, government agencies at the Federal, State and local level, organizations, professional societies, and institutions.

(f) The term "sponsor group" means a group of persons (including users, producers, and/or suppliers of the technology) organized to support centers in a specific technology area.

§ 17a.3 Program overview.

The establishment of a center will follow a two part process. First, when the Secretary has selected a specific generic technology for inclusion in the Program, the Secretary shall seek proposals for funding, under Section 17a.5. Second, the proposals received will be reviewed, and funds will be released to implement those proposals that best fit the program goals and budgetary limitations.

§ 17a.4 Workshops on generic technologies.

The Secretary may hold workshops with representatives from the private sector in order to better understand the nature, need, and value of work in a field of generic technology. Notice of such workshops shall be published in the **Federal Register** and *Commerce Business Daily*, a reasonable time before such a meeting is to be held. Such notice shall state that the workshop is open to the public, and shall give time and location of the workshop.

§ 17a.5 Invitations for proposals to fund centers.

(a) Upon making a determination that a specific technology shall be included in the Program, the Secretary shall issue in the **Federal Register** an invitation for proposals to fund Centers in the specific technology. The notice shall contain a deadline for submission of the proposal.

(b) The notice shall require that the contents of each proposal shall be as prescribed in Section 17a.7 of these regulations.

(c) The Secretary may select one or more proposals for funding which best meets the requirements set out in Section 17a.7.

§ 17a.6 Annual notice of availability of funds.

The Secretary shall publish annually, in the **Federal Register** and the *Commerce Business Daily*, a notice containing information about:

(a) Those technologies which the Secretary has designated for inclusion in the Program.

(b) The amount of funds available to the Program; funds for the various technology centers will be available from this total amount.

(c) Contact person, address and phone number.

(d) A listing of other publications in which the funding announcement will appear.

§ 17a.7 Content of proposals.

Each proposal for the establishment of a Center shall contain the following:

(a) A completed *cover sheet* applying for Federal Assistance, SF–424, as described in OMB Circular A–110, Attachment M.

(b) *Corporate Charter and By-laws*, showing that the organization has been established, or will be established, as a nonprofit corporation and the sponsoring individuals.

(1) Each Center's by-laws shall state that the governing board of the Center will be elected in a manner which will ensure fair representation of the interests of all members. No Federal employees will be eligible to serve on a governing board in any capacity.

(2) The Center's by-laws shall also provide that:

(i) Membership to a Center shall be open to all interested domestic persons.

(ii) Dues will be assessed by a formula which considers such factors as:

(A) Overall size of each member;

(B) Volume of activity relevant to the Center's technology;

(C) The member's directness of interest.

(D) A prorated share of the cost of research previously conducted by the Center.

(iii) Membership in a Center may not be conditioned upon adherence to agreements which unreasonably restrain trade. Prohibited agreements shall include:

(A) Restrictions upon members' operational use of technical information or patents developed by the Center;

(B) Restrictions upon independent research conducted by individual members; and

(C) Restrictions upon the use, by individual members, of technology developed outside the Center.

(iv) A Center will not serve as a means for sharing confidential business data among members. Should research or development require the use of such data, it shall be collected either by employees of the Center, or by some independent entity. In no event will such information be shared with the sources' competitors in a form which would allow identification of individual firms.

(v) The Center shall make technical information, resulting from the Center's research activities available to all members at a reasonable cost without discrimination. Terms and conditions of dissemination to nonmembers of the Center shall be at the discretion of the Board; however, the Board shall be governed by the consideration that no significant anticompetitive result ensue from such decisions.

(c) *The Site and Organizational Affiliation* of the proposed Center.

(d) *A Center Organization Plan*, which will describe the Center's activities in these major areas;

(1) In-house R&D;

(2) Technical Service, including:

(i) Consulting and technical services;

(ii) Information system services;

(iii) Training;

(iv) Technology evaluation;

(3) Strategic planning.

(4) The Organizational Plan will include the following for each Center function listed above:

(i) Budget;

(ii) Equipment requirements;

(iii) Personnel requirements;

(iv) Facility requirements;

(v) Major milestones;

(vi) Expected outputs.

(e) *Overall Center Budget and Funding Plan*, covering the first five years of Center operation. This plan should identify the funding sources and indicate how these funds will be spent. Institutional support for the Center operations will be funded by membership dues, sales of technical services, and government supplements that will decline over a number of years.

§ 17a.8 Criteria for selection of center proposals.

(a) The Secretary may select one or more proposals for funding, which best meets the following criteria:

(1) The breadth and extent of the base of sponsors committed to collaborate in the work of a center, including the likelihood of operation of the center independent of government support after a reasonable period of time.

(2) The degree of center operation's enhancement of industry structure and competition.

(3) The comprehensiveness of coverage of the requirements in Sec. 17a.7.

(4) Availability of funds, and program priorities.

§ 17a.9 Proprietary data.

All persons who request the Secretary to select a technology for inclusion in the Program, and all persons submitting proposals to establish a specific Center, are cautioned that data submitted to the Department may be vulnerable to dissemination under the Freedom of

Information Act. The Department would, however, withhold any information it deemed proprietary, on the basis of the provision of 5 U.S.C. 552(b)(4). The Department will consult with the submitter of any data requested under the Freedom of Information Act, prior to the release of such information.

§ 17a.10 Coordination/cooperation with other Federal agencies.

While the Secretary is considering a request prior to making either a preliminary or final determination to establish a specific Center, it may become apparent that the request covers such subjects that are of primary interest of another Federal agency(ies). In such a case, the Secretary will coordinate the request with the other agency or agencies.

§ 17a.11 Amendment of procedures and criteria.

(a) The Secretary may amend these Procedures and Criteria by publishing in the **Federal Register** a notice of proposed amendment. A thirty (30) day period will be allowed from the date of publication for written comment by the public on the proposed amendment. Any amendment adopted shall be published in the **Federal Register.**

(b) If the Secretary finds for good cause that an amendment must be made in a shorter time period than required by this section, he may publish an interim amendment in the **Federal Register,** and at the same time, request comments as provided in paragraph (a) of Section 17a.11.

[FR Doc. 80-18547 Filed 6-17-80; 8:45 am]

BILLING CODE 3510-18-M

FEDERAL TRADE COMMISSION

16 CFR Part 439

Cellular Plastics Products; Disclosure of Combustion Characteristics in Marketing and Certification

AGENCY: Federal Trade Commission.

ACTION: Final withdrawal of proposed rule and termination of rulemaking proceeding.

SUMMARY: The Federal Trade Commission has withdrawn its proposed rule concerning cellular plastics products and has terminated the rulemaking proceeding. The proposed rule would have required disclosure of combustion characteristics in the marketing and certification of cellular plastics products used in the construction of structures. The Commission has taken this final action after reviewing written comments submitted in response to an invitation to comment on its proposal to terminate the rulemaking proceeding, published on January 16, 1980 (45 FR 3060).

FOR FURTHER INFORMATION CONTACT: Kent C. Howerton, Attorney, Division of Energy and Product Information, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580. Telephone number 202-724-1514.

SUPPLEMENTARY INFORMATION: On January 9, 1980, the Commission tentatively concluded to terminate its rulemaking proceeding concerning cellular plastics products. The Commission's tentative determination was based on its review of written comments received in response to a **Federal Register** notice published on August 9, 1978 (43 FR 35341), of subpoena responses from four trade associations, and of voluntary submissions of promotional material from manufacturers of products that would have been covered by the proposed rule. The Commission reached its tentative conclusion because of changed industry practices, as compared to earlier conditions that indicated a need for the proposed rule, and because of existing regulations which may fulfill the purposes of the proposed rule. In the invitation to comment published on January 16, 1980, the Commission invited interested parties to comment on additional materials the Commission had placed on the rulemaking record in support of its tentative conclusion. To assist those who wished to comment on the additional materials, the Commission also released to the public the staff memorandum, which summarized all of the record information and recommended that the rulemaking proceeding be terminated.

Seven (7) industry members, trade associations and other interested parties responded to the Commission's invitation to comment on its tentative conclusion. Five (5) of the commenters agree with the tentative conclusion that there is no current need for the rule, and with the tentative decision to terminate the rulemaking proceeding. One (1) commenter believes that the flammability warning which would have been required by the rule is till needed to protect both sophisticated and unsophisticated users from the serious fire hazard which unprotected cellular plastics insulation may present. However, the comment concedes that, due to FTC activity in the marketing and advertising of cellular plastics insulation materials, many of the previous abuses have been ameliorated. Another commenter argued that there is still a need for the rule and submitted documents concerning state building code requirements that address the need for safe installation of cellular plastics insulation and the hazards of flexible polyurethane used in mattresses and upholstered furniture.

The Commission has fully considered each of these comments, and has concluded that there is no current need for the rule. Specifically, the Commission has determined that: (1) the safety risk disclosure principles being enforced by the Commission in an existing industrywide investigation of insulation sellers already require the disclosure of safety risks, such as combustibility hazards from improper installation of cellular plastics insulation; (2) evidence of current industry practices indicates that many industry members are presently disclosing that their products are combustible, and that they must be properly installed to minimize combustion hazards, and some are providing specific installation instructions; (3) significant pressures are being exerted on industry members to continue to make such disclosures, due to industry self-enforcement, as well as to external pressures such as the Commission's industrywide insulation investigation, standards set by the Department of Housing and Urban Development and the Department of Energy, local building code requirements, product liability litigation, and the insurance industry; and (4) the proposed cellular plastics rule would not have remedied hazards presented by flexible cellular plastics used in matresses or upholstered furniture, but would have prohibited misrepresentations that those products were non-combustible. However, the Consumer Product Safety Commission has been actively involved in considering safety standards for upholstered furniture.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 80-18225 Filed 6-17-80 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-16889]

Off-Board Trading Restrictions

AGENCY: Securities and Exchange Commission.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Commission has withdrawn a proposed rule which would have eliminated all remaining exchange off-board trading restrictions on (1) off-board principal transactions and (2) off-board agency transactions in which an exchange member acts as agent for both buyer and seller in the same transaction, with respect to reported securities.

EFFECTIVE DATE: July 18, 1980.

FOR FURTHER INFORMATION CONTACT: Bruce Beatt (202–272–2888), Room 390, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced the withdrawal of proposed Rule 19c–2 (17 CFR 240.19c–2) under the Securities Exchange Act of 1934 ("Act"),[1] which, if adopted, would have amended existing rules of national securities exchanges ("exchanges") which limit or condition the ability of members of those exchanges to effect transactions otherwise than on an exchange in securities which are listed or admitted to unlisted trading privileges on those exchanges ("off-board trading restrictions"). Specifically, Rule 19c–2 would have eliminated all remaining exchange restrictions on (1) off-board principal transactions and (2) off-board agency transactions in which an exchange member acts as agent for both buyer and seller in the same transaction, with respect to reported securities.[2]

The Commission today announced the adoption of Rule 19c–3 under the Act (17 CFR 240.19c–3), which will preclude off-board trading restrictions from applying, with certain exceptions, to any reported security (1) which was not traded on an exchange on April 26, 1979, or (2) which was traded on an exchange on April 26, 1979, but which ceases to be traded on an exchange for any period of time thereafter.[3] In view of the adoption of Rule 19c–3, the Commission does not expect to take further action in the near future with respect to off-board trading restrictions generally. Accordingly, the Commission has also determined to withdraw proposed Rule 19c–2 thirty days after publication of this release in the **Federal Register.**[4]

By the Commission.

George A Fitzsimmons,

Secretary.

June 11, 1980.

[FR Doc. 80–18393 Filed 6–17–80; 8:45 am]

BILLING CODE 8010–01–M

[1] 15 U.S.C. 78a *et seq.*, as amended by the Securities Acts Amendments of 1975, Pub. L. No. 94–29 (June 4, 1975), 89 Stat. 97, (1975) U.S. Code Cong. & Ad. News 97.

[2] *See* Securities Exchange Act Release No. 13662 (June 23, 1977) ("19c–2 Release"), 42 FR 33510. In January 1978, the Commission deferred a final decision on Rule 19c–2 pending evaluation of industry and self-regulatory responses to national market system initiatives announced by the Commission. *See* Securities Exchange Act Release No. 14416 (January 26, 1978), at 38–41, 43 FR 4354, 4359–60. *See also* Securities Exchange Act Release Nos. 15376 (December 1, 1978) and 15671 (March 2, 1979), 43 FR 58664, 44 FR 20360.

[3] *See* Securities Exchange Act Release No.16888 (June 11, 1980).

[4] In the proceeding relating to proposed Rule 19c–2 the Commission proposed four alternative rules to deal with overreaching concerns. *See* 19c–2 Release, at 111–31, 42 FR at 33525–27. The Commission wishes to point out that, although the Commission has determined to withdraw proposed Rule 19c–2, the alternative overreaching rules published in connection with proposed Rule 19c–2 are still outstanding.

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 561

[FAP 9H5240/P17; FRL 1519–1]

Thiabendazole; Proposed Feed Additive Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposed that a tolerance be established for thiabendazole (2-(4-thiazolyl) benzimidazole) in or on the animal feed rice hulls at 8 parts per million. The proposal was submitted by Merck & Co. This amendment would establish maximum permissible levels for residues of thiabendazole in or on rice hulls.

DATE: Comments must be received by June 30, 1980.

ADDRESS COMMENTS TO: Mr. Henry Jacoby, Product Manager (PM) 21, Office of Pesticide Programs (TS–767), Registration Division, Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Henry Jacoby at the above address (202/755–2562).

SUPPLEMENTARY INFORMATION: On October 24, 1979, the EPA announced (44 FR 61248) that Merck & Co., had filed a feed additive petition (FAP 9H5240). This petition proposed that 21 CFR 561.380 be amended by establishing tolerances for the residues of the fungicide thiabendazole (2-(4-thiazolyl)benzimidazole) in or on the animal feed rice bran and polishing at 2.5 parts per million (ppm) and rice hulls at 8 ppm. At the same time Merck & Co. submitted a pesticide petition (PP 9F2261) proposing that 40 CFR 180.242 be amended by permitting residues of the fungicide thiabendazole in or on the raw agricultural commodities rice at 2.5 ppm and rice straw at 10.0 ppm (44 FR 61248).

Merck & Co. subsequently amended the petition by deleting the proposed tolerances for thiabendazole in or on the animal feed rice bran and polishing at 2.5 ppm. They also amended their petition (PP 9F2216) by deleting the tolerance for the raw agricultural commodity rice at 2.5 ppm; and by increasing the tolerance in or on rice straw to 10 ppm and by proposing a tolerance in or on rough rice to 3 ppm. (A document proposing a pesticide petition appears elsewhere in today's **Federal Register**).

The data submitted in the petition and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerances are sought. Tolerances established under 40 CFR 180.242 for residues in eggs, milk, meat, or poultry are not expected to be exceeded from the proposed use of thiabendazole on animal feed rice hulls. Because this petition proposes to establish a rule that could result in an increase of residues of thiabendazole in an animal feed the tolerance is being proposed at this time to provide an opportunity for public comment. The proposed analytical method for determining residues is spectrofluorometry.

The pesticide is considered useful for the purpose for which a tolerance is sought, and it is concluded that the pesticide may be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973, 89 Stat. 751; 7 U.S.C. 136(a) et seq.). Therefore, it is proposed that 21 CFR 561.380 be amended as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains any of the ingredients listed herein, may request on or before June 30, 1980, that this rulemaking proposal be referred to an advisory committee in accordance with Section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject of the petition and document control number. All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the Office of PM

21, Room 305, East Tower, from 8:30 a.m. to 4:00 p.m., Monday through Friday.

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

(Sec. 408(e) 68 Stat. 514 (21 U.S.C. 348))

Dated: June 12, 1980.

Reto Engler,

Acting Director, Registration Division of Pesticide Programs.

Part 560, Subpart E, § 561.380, be amended by alphabetically inserting the following crops:

§ 561.380 Thiabendazole.

Feed:	Parts per million
* * * * *	
Rice, hulls	6

[FR Doc. 80-18503 Filed 6-17-80; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Parts 203, 221, 222, and 235

[Docket No. R-80-825]

Increased Loan-to-Value Ratios for Dwellings With Warranty Plans

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of transmittal of interim rule to Congress under Section 7(o) of the Department of HUD Act.

SUMMARY: Recently enacted legislation authorizes Congress to review certain HUD rules for fifteen (15) calendar days of continuous session of Congress prior to each such rule's publication in the Federal Register. This Notice lists and summarizes for public information an interim rule which the Secretary is submitting to Congress for such review. This rule would amend 24 CFR Parts 203, 221 and 222 by permitting HUD to insure loans for dwellings which are covered by consumer protection or warranty plans and satisfy all requirements which would have been applicable if the dwellings had been approved for mortgage insurance prior to the beginning of construction. The rule would also amend Part 235 by enabling HUD to insure loans for dwellings which have been previously occupied and were built under a Secretary approved warranty plan.

FOR FURTHER INFORMATION CONTACT: Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, 451 7th Street, S.W., Washington, D.C. 20410 (202) 755-6207.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both the Senate Banking, Housing and Urban Affairs Committee and the House Banking, Finance and Urban Affairs Committee the following rulemaking documents.

24 CFR Parts 203, 221, 222 and 235—Increased Loan-to-Value Ratios for Dwellings with Warranty Plans.

(Section 7(o) of the Department of HUD Act, 42 U.S.C. 3535(o), Section 324 of the Housing and Community Development Amendments of 1978)

Issued at Washington, D.C., June 12, 1980.

Moon Landrieu,

Secretary, Department of Housing and Urban Development.

[FR Doc. 80-18332 Filed 6-17-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Ch. VII

Public Hearing and Public Comment Period on the Oklahoma Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed Rule: Comment Period and Public Hearing on Oklahoma Permanent Program Submission.

SUMMARY: OSM is announcing procedures for the public comment period and hearing on the substance of the proposed Oklahoma regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

This notice sets forth the times and locations that the Oklahoma program is available for public inspection; additions or modifications to the submission made since February 28, 1980; the date when and the location where OSM will hold a public hearing on the submission; the comment period which interested persons may submit written comments and data on the proposed program and other information relevant to public participation during the comment period and public hearing.

DATES: A public hearing to review the substance of the Oklahoma program submission will be held from 4:00 p.m. to 7:00 p.m. on July 15, 1980, at the address listed below. Written comments, data or other relevant information may be submitted as a supplement to, or in lieu of, an oral presentation at the hearing. Comments from the public must be received on or before 4:30 p.m., July 22, 1980, to be considered in the Secretary of the Interior's decision on the proposed Oklahoma regulatory program.

ADDRESSES: The public hearing will be held at the Holiday Inn, 800 S. 32nd, Muskogee, Oklahoma 74401. Written comments should be sent to: Raymond L. Lowrie, Regional Director, Office of Surface Mining, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106, or may be hand delivered to the Regional Office.

A listing of scheduled public meetings and copies of all written comments are available for review and copying at the OSM Region IV Office and the Oklahoma Department of Mines Office listed below, Monday through Friday, 8:00 a.m., to 4:00 p.m. excluding holidays:

Office of Surface Mining, Reclamation and Enforcement, Region IV, 5th Floor Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106.

Oklahoma Department of Mines, 4040 N. Lincoln, Suite 107, Oklahoma City, Oklahoma 73105.

Copies of the full text of the proposed program are available for inspection during regular business hours at the OSM Region IV Office and the Oklahoma Department of Mines listed above, and the OSM Headquarters Office, listed below:

U.S. Department of the Interior, Office of Surface Mining, Interior South Building, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Richard Rieke, Assistant Regional Director, Office of Surface Mining, Reclamation and Enforcement, Scarritt Bldg., 818 Grand Avenue, Kansas City, Missouri 64106, Telephone: (816) 374-3920.

SUPPLEMENTARY INFORMATION: On February 28, 1980, the State of Oklahoma submitted to OSM a proposed permanent regulatory program. Pursuent to the provisions of 30 CFR Part 732 (44 FR 15326-15328, March 13, 1979), the Regional Director published notification of receipt of the program submission in the March 6, 1980, **Federal Register** (45 FR 14599-14600) and in newspapers of general circulation in Oklahoma. In accordance with that announcement, public comments were solicited and a public meeting was held in Oklahoma City, Oklahoma, on April 17, 1980, on the issue of the program's completeness.

On April 25, 1980, the Regional Director published a notice announcing that he had determined the program to be incomplete (45 FR 27954–27955). The notice specified that the program submission was missing a section-by-section comparison of Oklahoma regulations with the Federal regulations by the Attorney General of Oklahoma or the chief legal officer of the state regulatory authority as required by 30 CFR 731.14(c).

Since the submission of the program on February 28, 1980, Oklahoma has modified its program as follows: On April 17, 1980, Oklahoma submitted a "state window" proposal pursuant to 30 CFR 731.13 concerning reference areas for determining success of revegetation.

On May 13, 1980, Oklahoma submitted two amendments passed in 1980 by the Oklahoma Legislature that amended the statutes administered by the Oklahoma Department of Mines. One amendment created the position of Deputy Chief Mine Inspector. The other amendment re-created the State Mining Board, and granted the Board advisory responsibility with regard to matters affecting coal mining and the expenditure of funds collected from the state severance tax.

On May 30, 1980, Oklahoma submitted to OSM a legal opinion from the Attorney General of Oklahoma, including a section-by-section comparison of the state regulations with the federal regulations, and withdrew Volumes III, IV, and V of the program submission. Volumes III, IV, and V contained a side-by-side comparison of the state act and regulations with the federal act and regulations but did not discuss the legal differences and was not prepared by the Attorney General, who is the chief legal officer of the regulatory authority.

On June 11, 1980, Oklahoma submitted numerous revisions to the Oklahoma permanent program submission. These revisions were a result of the Attorney General's opinion on the state regulations and communications between Oklahoma and OSM after the preliminary review of the Oklahoma program submission. Revisions were made to the surface coal mining regulations and the program narrative.

A number of the revisions were minor in nature such as corrections of typographical errors, corrections of references to section numbers in the regulations, adding lines that had been inadvertently dropped in the regulations, correcting the method for incorporating documents by reference into state regulations, and other items of clarification. These minor modifications will not be discussed in this notice. However, the significant modifications to the regulations and program narrative are summarized below as required by 30 CFR 732.12(a)(1).

Regulations

1. Oklahoma withdrew the regulations of Part 795 for the Small Operator Assistance Program because the Attorney General issued an opinion saying these regulations are contrary to the Oklahoma Constitution. Public comments are invited on the necessity of including the Small Operator Assistance Program in the state program.

2. Oklahoma has revised Section 701.11 to make the regulations applicable to "operators" rather than "persons," because the term "persons" was not defined in the state act and the Attorney General rules that the Department of Mines cold not make the regulations applicable to "persons."

3. Oklahoma has deleted § 785.13 regarding experimental practices.

4. Oklahoma amended § 786.19(d) to include in the criteria for permit approval that the proposed permit area is not within an area under study for designation as unsuitable for surface coal mining operations.

5. Oklahoma amended § 786.23(b) by specifying 30 days as a reasonable time for processing a complete permit application.

6. Oklahoma amended § 800.5 by changing the definition of "common size comparative balance sheet" and "common size comparative income statement."

7. Oklahoma amended § 805.13(d) to delete the exception from revegetation requirements for a long term intensive agricultural land use.

8. Oklahoma amended § 806.1 by deleting the sentence, "Bonding may be exempt from special categories of mining and special mine methods."

9. Oklahoma has deleted § 806.11(c) on alternative bonding systems.

10. Oklahoma has amended § 807.11(e) to provide for citizen access to mining areas during informal conferences on bond releases.

11. Oklahoma has amended § 808.12(c) by deleting the phrase "with respect to protection of the hydrologic balance."

12. Oklahoma has added regulations for Part 824 and § 785.14, the performance standards and permit requirements for mountaintop removal.

13. Oklahoma has added regulations on rules of practice in administrative proceedings.

14. Oklahoma has added regulations on the award of costs and attorney fees in administrative proceedings.

Narrative

1. 731.13 (e), (i) and (j)—Oklahoma has revised these sections to reflect recent organization and staffing changes.

2. 731.14(g)(9)—Oklahoma has amended this section to more directly discuss coordinating the issuance of permits required of mining operators by other federal, state, and local agencies.

3. 731.14(g)(15)—Oklahoma has added to this section a description of administrative and judicial review of bond release procedures, enforcement actions, civil penalty assessments, and designations of land as unsuitable for surface coal mining.

4. 731.14(g)(16)—Oklahoma has deleted the narrative description for the Small Operator Assistance Program because the Attorney General invalidated the regulations for Part 795.

Subsequent to the public hearing announced today and review of all comments, the Regional Director will transmit to the Director of OSM his recommended decision along with a record composed of the hearing transcript, written presentations, exhibits and copies of all public comments.

Upon receipt of the Regional Director's recommendation, the Director will consider all relevant information in the record and will recommend to the Secretary that the program be approved, or disapproved, in whole or in part, or conditionally approved. The recommendation will specify the reasons for the decision. The procedures for the recommended decisions of the Regional Director and the Director to the Secretary are established in 30 CFR 732.12 (d) and (e) (44 FR 15326–15327). For further details refer to §§ 732.12 and 732.13 of the permanent regulatory program (44 FR 15326–15327) and corresponding sections of the preamble (44 FR 14959–14961).

In a decision issued by the U.S. District Court for the District of Columbia on May 16, 1980, *in Re: Permanent Surface Mining Regulation Litigation* (Civil Action 79–1144), the Secretary was ordered affirmatively to disapprove provisions in state programs that incorporate regulations suspended by the Secretary or suspended or remanded by the Court in the case. The Secretary intends to appeal that decision, but will comply with it until it is modified or reversed. The Secretary's proposal for complying with the decision in the context of his decision on the Oklahoma program will be the subject of another **Federal Register** notice to be published shortly.

At the public hearing, all persons wishing to comment on the proposed

program will have the opportunity to do so. Persons who wish to make arrangements to comment at a specific time at the hearing may contact Richard Rieke at the OSM Region IV Office or by phone at (816) 374–3920. In addition, the Regional Director has prescribed the following hearing format and rules of procedure in accordance with 30 CFR 732.12(b)(1) (44 FR 15326).

Individual testimony at the hearing will be limited to 15 minutes. The hearing will be transcribed. Filing of a written statement at the time of giving oral testimony would be helpful and would facilitate the job of the court reporter.

The public hearing will continue until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak and wish to do so will be heard following the scheduled speakers.

Public participation in the review of state programs is a vital component in fulfilling the purposes of SMCRA. On September 19, 1979 (44 FR 54444–54445) OSM published guidelines in the **Federal Register** governing contacts between the Department of the Interior and both state officials and members of the public. It is hoped that issuance of these guidelines will encourage full cooperation by all affected persons with the procedures being implemented.

Set forth below is a summary of the contents of the proposed Oklahoma Program:

1. The Oklahoma Coal Reclamation Act
2. Surface coal mining regulations
3. Other state laws directly affecting the regulation of surface coal mining operations, i.e., from the Oklahoma Statutes, Title 45—Mines and Mining, Title 75—Administrative Procedures Act, Title 25—Open Meeting Law, Title 52—Oil and Gas Drilling, and Title 58—Probate Procedure.
4. A legal opinion of the Oklahoma Attorney General stating that the Oklahoma Department of Mines has the necessary authority to implement, administer and enforce a permanent regulatory program in accordance with SMCRA and all regulations promulgated thereunder.
5. A section-by-section comparison of the state's laws and regulations with SMCRA and 30 CFR Chapter VII.
6. A letter from Governor Nigh designating the Oklahoma Department of Mines, as the regulatory authority for administering SMCRA.
7. A description of the existing and proposed structural organization of the Oklahoma Department of Mines.
8. A copy of supporting agreements between the Oklahoma Department of Mines and other agencies that will have duties in the state program.
9. A description of the proposed system for:

(a) Receiving, reviewing, disapproving or approving and issuing permits for exploration and mining operations;

(b) Assessing fees for permit applications, including a fee schedule;

(c) Implementing, administering and enforcing a system of performance bonds and public liability insurance;

(d) Inspecting and monitoring coal exploration and mining and reclamation operations, and providing opportunity for public participation in the inspection process;

(e) Enforcing the administrative, civil and criminal provisions of the state Act and regulations, including citizen suit provisions;

(f) Administering and enforcing the permanent program performance standards of the state Act and regulations;

(g) Assessing and collecting civil penalties;

(h) Issuing public notices and holding public hearings;

(i) Coordinating issuance of permits with other state, Federal and local agencies;

(j) Consulting with other appropriate state and Federal agencies in the implementation of the program;

(k) Designating lands unsuitable for surface coal mining operations, including a description of a planning process for identifying lands unsuitable, a description of the process to allow the public to petition the Oklahoma Department of Mines to have lands designated as unsuitable for mining;

(l) Monitoring, reviewing and enforcing restrictions against financial interests of state employees in coal mining operations;

(m) Training, examining and certifying blasters;

(n) Providing for public participation in the promulgation of regulations, in the development of the state program under SMCRA, and in the permitting process;

(o) Providing administrative and judicial review of actions taken by regulatory authority, including permit decisions and enforcement actions.

10. A listing of statistical information pertaining to the existing program as well as information pertinent to the proposed regulatory program, including:

(a) Coal production figures for each of the last three years;

(b) Acreage approved or permitted for exploration or mining for each of the last three years;

(c) A map showing the geologic distribution of coal in Oklahoma;

(d) The number of applications for Exploration and Development Operations permits received by the Oklahoma Department of Mines for each of the last three years;

(e) Projections of annual production and geographic distribution of both exploration and mining operations for the next five years.

11. A summary of both the existing and proposed staff of the Oklahoma Department of Mines showing job functions, titles, and required job experience and training.

12. A description of how the proposed staffing will be adequate to carry out the functions for the projected workload.

13. A description of projected use of professional and technical personnel available from other state and Federal agencies.

14. A description of the projected annual budget for each of the next two fiscal years.

Single copies of the Oklahoma Coal Reclamation Act and regulations adopted under that act are available to the public at no charge. Persons interested in obtaining copies should write the Regional Director of OSM at the address listed above.

No Environmental Impact Statement is being prepared in connection with the process leading to the approval or disapproval of the proposed Oklahoma program. Under Section 702(d) of SMCRA (30 U.S.C. 1292(d)) approval of a state program does not constitute a major action within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

Dated: June 12, 1980.

Raymond L. Lowrie,

Regional Director.

[FR Doc. 80-18432 Filed 6-17-80; 8:45 am]

BILLING CODE 4310-05-M

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30 CFR Ch. VII

Public Hearing and Public Comment Period on the New Mexico Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Notice of Intent: Notice of Hearing and Comment Period for Initial Decision on New Mexico Permanent Program Submission.

SUMMARY: OSM is announcing procedures for the public comment period and hearing on the substantive adequacy of the proposed regulatory program under the Surface Mining

Control and Reclamation Act of 1977 (SMCRA).

This notice sets forth the times and locations that the New Mexico program is available for public inspection; additions and/or modifications to the submission made since February 28, 1980; the date when and location where OSM will hold a public hearing on the submission; the comment period during which interested persons may submit written comments; and data on the proposed program and other information relevant to public participation during the comment period and public hearing.

DATES: A public hearing to review the substance of the New Mexico program submission will be held at 1:00 p.m. and 7:30 p.m. on July 23, 1980, at the address listed below. Written comments, data or other relevant information may be submitted to supplement or in lieu of an oral presentation at the hearing. Comments from members of the public must be received on or before the close of business on July 28, 1980, to be considered in the Secretary's initial decision on the New Mexico proposed State program.

ADDRESS: The public hearing will be held in New Mexico at the Energy and Minerals Department, Bureau of Mine Inspection, 2340 Menaul, N.W., Albuquerque, New Mexico. Written comments should be sent to Mr. Donald A. Crane, Regional Director, Office of Surface Mining, Department of the Interior, Brooks Towers, 1020 15th Street, Denver, Colorado 80202, or may be hand delivered to the Regional Director.

A listing of scheduled public meetings and copies of all written comments are available for review and copying at the OSM Region V Office and Central Office of the State Regulatory Authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays:

Office of Surface Mining Reclamation and Enforcement, Department of the Interior, Region V, Brooks Towers, 1020 15th Street, Denver, Colorado 80202.

Energy and Minerals Department, Division of Mining and Minerals, First Northern Plaza, East, Room 200, Santa Fe, New Mexico 87501.

Copies of the full text of the proposed program are available for inspection during regular business hours at the OSM Region V Office and the office of the State Regulatory Authority listed below:

Energy and Minerals Department, Division of Mining and Minerals, First Northern Plaza-East, Room 200, Santa Fe, New Mexico 87501.

A copy of this notice along with a copy of the New Mexico State statutes and regulations regarding the proposed New Mexico regulatory program has been placed on file and is available for inspection in the Library of the Office of the Federal Register, Room 8301, 1100 L Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Sylvia Sullivan, Public Information Officer, Office of Surface Mining, Region V, 1020 15th Street, Denver, Colorado 80202, Telephone (303) 837–4731.

SUPPLEMENTARY INFORMATION: On February 28, 1980, the state of New Mexico submitted to OSM a proposed State regulatory program. Pursuant to the provisions of 30 CFR Part 732 (44 FR 15326–15328, March 13, 1979) the Regional Director published notification of receipt of the program submission in the March 5, 1980 **Federal Register** (45 FR 14230–14231) and in newspapers of general circulation within the State. In accordance with that announcement, public comments were solicited and a public meeting held on April 15, 1980, on the issue of the program's completeness.

On May 1, 1980, the Regional Director published notice in the **Federal Register** announcing that he had determined the program to be complete (45 FR 29072). The notice specified that the program submission was complete in accordance with the Federal Act and regulations, as required by 30 CFR 731.14(c).

In accordance with § 732.11(d) of the permanent regulatory program regulations and the Regional Director's notice, the State could elect to modify any element of the complete submission and established June 11, 1980, as the final date for submission of a revised program. Modifications to the permanent program of New Mexico are listed below, along with the dates of each modification submission.

a. Copy of regulations as enacted by the Surface Coal Mining Commission on May 15, 1980.

b. Copy of the analysis and explanation compiled in response to OSM's review of New Mexico's program.

As a complete submission, the proposed program may now be considered for permanent regulatory program approval. Subsequent to the public hearing and review of all comments the Regional Director will transmit to the Director his recommended decision along with a record composed of the hearing transcript, written presentations, exhibits and copies of all public comments.

Upon receipt of the Regional Director's recommendation, the Director will consider all relevant information in the record and will recommend to the Secretary that the program be approved or disapproved, in whole or in part, or conditionally approved. The recommendation will specify the reasons for the decision. The procedures for the recommended decisions of the Regional Director and the Director to the Secretary are established in 30 CFR 732.12(d) and (e) (44 FR 15326–15327). For further details, refer to § 732.12 and §732.13 of the permanent regulatory program (44 FR 15326–15327) and corresponding sections of the preamble (44 FR 14959–14961).

At the public hearing parties wishing to comment on the proposed program will have opportunity to be listed on the speaker's agenda anytime prior to commencment of the hearing. Sign up for listing may be made either by writing the Regional Offices or in person, on or before the day of the hearing. In addition, the Regional Director has prescribed the following hearing format and rules of procedure in accordance with 30 CFR 732.12(b)(1) (44 FR 15326).

1. The hearing shall be informal and follow legislative procedures.

2. Each participant will be allowed 15 minutes.

3. Participants will be called in the order requests for testifying are received.

Public participation in the review of State programs is a vital component in fulfilling the purposes of SMCRA. On September 19, 1979, OSM published guidelines in the **Federal Register** (44 FR 54444–54445) governing contacts between the Department of the Interior and both State officials and members of the public. It is hoped that issuance of these guidelines will encourage full cooperation by all affected persons with the procedures being implemented.

Set forth is a summary of the contents of the proposed New Mexico program:

1. The New Mexico Surface Mining Act Sec. 69–25A–1 *et seq.*, NMSA 1978 and State of New Mexico Mining and Minerals Division regulations.

2. Other state laws directly affecting the regulation of surface coal mining operations.

3. A legal opinion of the New Mexico Attorney General stating that each regulatory authority has the necessary authority to implement, administer and enforce a permanent regulatory program.

4. A section-by-section comparison of differences of the state's laws and regulations with SMCRA and 30 CFR Chapter VII and a letter from the Governor designating the State Regulatory Authority as the Regulatory Authority for administering SMCRA.

5. A description of the existing and proposed structural organization of the Department.

6. A copy of supporting agreements between the regulatory authority and other agencies that will have duties in the state program.

7. A description of the proposed system for:

a. Receiving, reviewing, disapproving or approving and issuing permits for exploration and mining operations;

b. Assessing fees for permit applications, including a fee schedule;

c. Implementing, administering and enforcing a system of performance bonds and public liability insurance;

d. Inspecting and monitoring coal exploration and mining and reclamation operations, and providing opportunity for public participation in the inspection process;

e. Enforcing the administrative, civil and criminal provisions of the state Act and regulations, including citizen suit provisions;

f. Administering and enforcing the permanent program performance standards of the state Act and regulations;

g. Assessing and collecting civil penalties;

h. Issuing public notices and holding public hearings;

i. Coordinating issuance of permits with other state, Federal and local agencies;

j. Consulting with other appropriate state and Federal agencies in the implementation of the program;

k. Designating lands unsuitable for surface coal mining operations;

l. Monitoring, reviewing and enforcing restrictions against financial interests of state employees in coal mining operations;

m. Training, examining and certifying blasters;

n. Providing for public participation in the promulgation of regulations, in the development of the state program under SMCRA, and in the permitting process;

o. Providing administrative and judicial review of actions taken by regulatory authority, including permit decisions and enforcement actions;

p. Providing a Small Operator Assistance Program.

8. A listing of statistical information pertaining to the existing program as well as information pertinent to the proposed regulatory program.

9. A summary of both the existing and proposed staff.

10. A description of how the proposed staffing will be adequate to carry out the functions for the projected workload.

11. A description of projected use of professional and technical personnel available from other state and Federal agencies.

12. A description of the projected annual budget for each of the next two fiscal years.

13. A description of the existing and proposed physical resources to be used in implementing the permanent program.

14. A brief description of other programs administered by the Land Reclamation Commission.

In a decision issued by the U.S. District Court for the District of Columbia on May 16, 1980, *In Re: Permanent Surface Mining Regulation Litigation* (Civil Action #79–1144), the Secretary was ordered affirmatively to disapprove provisions in State programs that incorporate regulations suspended by the Secretary of remanded by the court in the case. The Secretary intends to appeal that decision, but will comply with it until it is modified or reversed. The Secretary's proposal for complying with the decision in the context of his decision on the New Mexico program will be the subject of another **Federal Register** notice to be published shortly.

No Environmental Impact Statement is being prepared in connection with the process leading to the approval or disapproval of the proposed New Mexico program. Under Section 702(d) of SMCRA (30 U.S.C. 1292(d)) approval does not constitute a major action within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

Dated: June 13, 1980.

Donald A. Crane,

Regional Director.

[FR Doc. 80–18433 Filed 6–17–80; 8:45 am]

BILLING CODE 4310–05–M

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30 CFR Ch. VII

Public Hearing and Public Comment Period on the North Dakota Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Notice of Intent: Notice of Hearing and Comment Period for Initial Decision on North Dakota Permanent Program Submission.

SUMMARY: OSM is announcing procedures for the public comment period and hearing on the substantive adequacy of the proposed regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

This notice sets forth the times and locations that the North Dakota program is available for public inspection; additions and/or modifications to the submissions made since 2–29–80; the date when and location where OSM will hold a public hearing on the submission; the comment period during which interested persons may submit written comments and data on the proposed program and other information relevant to public participation during the comment period and public hearing.

DATES: A public hearing to review the substance of the North Dakota program submission will be held at 3:00 p.m. and 7:30 p.m. on 7–14–80, at the address listed below. Written comments, data or other relevant information may be submitted to supplement or in lieu of an oral presentation at the hearing. Comments from members of the public must be received on or before 7–18–80, to be considered in the Secretary's initial decision on the North Dakota proposed State program

ADDRESSES: The public hearing will be held at the State Highway Building, Large Auditorium, Capitol Grounds, in Bismarck, North Dakota. Written comments should be sent to Mr. Donald A. Crane, Regional Director, Office of Surface Mining, Department of the Interior, Brooks Towers, Room 5010, 1020–15th Street, Denver, Colorado 80202, or may be hand delivered to the Regional Office.

A listing of scheduled public meetings and copies of all written comments are available for review and copying at the OSM Region V Office and Central Office of the State Regulatory Authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays:

Office of Surface Mining, Reclamation and Enforcement, Department of Interior, Region V, Brooks Towers, Room 5010, 1020 15th Street, Denver, Colorado 80202

Reclamation Division, Public Service Commission, Bismarck, North Dakota 58505

Copies of the full text of the proposed program are available for inspection during regular business hours at the OSM Region V Office and the Central Office of the State Regulatory Authority listed below:

Reclamation Division, Public Service Commission, Bismarck, North Dakota 58505

A copy of this notice along with a copy of the North Dakota State statutes and regulations regarding the proposed North Dakota regulatory program has been placed on file and is available for inspection in the Library of the Office of the Federal Register, Room 8301, 1100 L Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Ms. Sylvia Sullivan, Public Information Officer, Office of Surface Mining—Region V, 1020–15th Street, Denver, Colorado 80202. Telphone No: (303) 837–4731.

SUPPLEMENTARY INFORMATION: On 2–29–80 the State of North Dakota submitted to OSM a proposed State regulatory program. Pursuant to the provisions of 30 CFR Part 732 (44 FR 15326–15328, March 13, 1979) the Regional Director published notification of receipt of the program submission in the 3–7–80, **Federal Register** (45 FR 14881–83) and in newspapers of general circulation within the State. In accordance with that announcement, public comments were solicited and a public meeting held on 4–10–80, on the issue of the program's completeness.

On 4–29–80, the Regional Director published notice in the **Federal Register** announcing that he had determined the program to be complete (45 FR 28366–28367). The notice specified that the program submission was complete in accordance with the Federal Act and regulations, as required by 30 CFR 731.14(c).

In accordance with § 732.11(d) of the permanent regulatory program regulations and the Regional Director's notice, the State could elect to modify any element of the complete submissions and established 6–12–80 as the final date for submission of a revised program. Modifications to the permanent program of North Dakota are listed below, along with the dates of each modification submission:

a. A detailed response to the May 12, 1980 letter from OSM concerning the preliminary Federal review of the State Program.

b. Revised regulations.

c. A new section-by-section comparison of the regulations.

As a complete submission the proposed program may not be considered for permanent regulatory program approval. Subsequent to the public hearing and review of all comments the Regional Director will transmit to the Director his recommended decision along with a record composed of the hearing transcript, written presentations, exhibits and copies of all public comments.

Upon receipt of the Regional Director's recommendation, the Director will consider all relevant information in the record and will recommend to the Secretary that the program be approved or disapproved, in whole or in part, or conditionally approved. The recommendation will specify the reasons for the decision. The procedures for the recommended decisions of the Regional Director and the Director to the Secretary are established in 30 CFR 732.12 (d) and (e) (4 FR 15326–15327). For further details, refer to §§ 732.12 and 732.13 of the permanent regulatory program (44 FR 15326–15327) and corresponding sections of the preamble (44 FR 14959–14961).

At the public hearing parties wishing to comment on the proposed program will have opportunity to be listed on the speaker's agenda anytime prior to commencement of the hearing. Sign up for listing may be made either by writing the regional offices or in person, on or before the day of the hearing. In addition, the Regional Director has prescribed the following hearing format and rules of procedure in accordance with 30 CFR 732.12(b)(1) (44 FR 15326).

1. The hearing shall be informal and follow legislative procedures.

2. Each participant will be allowed 15 minutes.

3. Participants will be called in the order requests for testifying are received.

Public participation in the review of State programs is a vital component in fulfilling the purposes of SMCRA. On September 19, 1979, OSM published guidelines in the **Federal Register** (44 FR 54444–54445) governing contacts between the Department of the Interior and both State officials and members of the public. It is hoped that issuance of these guidelines will encourage full cooperation by all affected persons with the procedures being implemented.

Set forth below is a summary of the contents of the proposed North Dakota program:

a. The North Dakota Surface Reclamation Act NDCC 38–14.1; Coal Mining and Reclamation Operation Regulations NDAC 69–05.2.

b. Other state laws directly affecting the regulation of surface coal mining operations.

c. A legal opinion of the North Dakota Attorney General stating that each RA has the necessary authority to implement, administer and enforce a permanent regulatory program.

d. A section-by-section comparison of differences of the state's laws and regulations with SMCRA and 30 CFR Chapter VII and a letter from the Governor designating the State RA, as the regulatory authority for administering SMCRA.

e. A description of the existing and proposed structural organization of the Department.

f. A copy of supporting agreements between the RA and other agencies that will have duties in the state program.

g. A description of the proposed system for:

1. Receiving, reviewing, disapproving or approving and issuing permits for exploration and mining operations;

2. Assessing fees for permit applications, including a fee schedule;

3. Implementing, administering and enforcing a system of performance bonds and public liability insurance;

4. Inspecting and monitoring coal exploration and mining and reclamation operations, and providing opportunity for public participation in the inspection process;

5. Enforcing the administrative, civil and criminal provisions of the state Act and regulations, including citizen suit provisions;

6. Administering and enforcing the permanent program performance standards of the state Act and regulations;

7. Assessing and collecting civil penalties;

8. Issuing public notices and holding public hearings;

9. Coordinating issuance of permits with other state, Federal and local agencies;

10. Consulting with other appropriate state and Federal agencies in the implementation of the program;

11. Designating lands unsuitable for surface coal mining operations;

12. Monitoring, reviewing and enforcing restrictions against financial interests of state employees in coal mining operations;

13. Training, examining and certifying blasters;

14. Providing for public participation in the promulgation of regulations, in the development of the state program under SMCRA, and in the permitting process;

15. Providing administrative and judicial review of actions taken by regulatory authority, including permit decisions and enforcement actions; and

16. Providing a Small Operator Assistance Program.

h. A listing of statistical information pertaining to the existing program as well as information pertinent to the proposed regulatory program.

i. A summary of both the existing and proposed staff.

j. A description of how the proposed staffing will be adequate to carry out the functions for the projected workload.

k. A description of projected use of professional and technical personnel available from other state and Federal agencies.

l. A description of the projected annual budget for each of the next two fiscal years.

m. A description of the existing and proposed physical resources to be used in implementing the permanent program.

n. A brief description of other programs administered by the Land Reclamation Commission.

In a decision issued by the U.S. District Court for the District of Columbia on May 16, 1980, *In Re: Permanent Surface Mining Regulation Litigation* (Civil Action # 79–1144), the Secretary was ordered affirmatively to disapprove provisions in State programs that incorporate regulations suspended by the Secretary or remanded by the court in the case. The Secretary intends to appeal that decision, but will comply with it until it is modified or reversed. The Secretary's proposal for complying with the decision in the context of his decision on the North Dakota program will be the subject of another Federal Register notice to be published shortly.

No Environmental Impact Statement is being prepared in connection with the process leading to the approval or disapproval of the proposed North Dakota program. Under section 702(d) of SMCRA (30 U.S.C. 1292(d)) approval does not constitute a major action within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

Dated: June 13, 1980.

Donald A. Crane,

Regional Director.

[FR Doc. 80–18434 Filed 6–17–80; 8:45 am]

BILLING CODE 4310–05–M

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30 CFR Ch. VII

Public Hearing and Public Comment Period on the Iowa Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed Rule: Comment Period and Public Hearing on Iowa Permanent Program Submission.

SUMMARY: OSM is announcing procedures for the public comment period and hearing on the substance of the proposed Iowa regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

This notice sets forth the times and locations that the Iowa program is available for public inspection; the date when and the location where OSM will hold a public hearing on the submission; the comment period during which interested persons may submit written comments and data on the proposed program and other information relevant to public participation during the comment period and public hearing.

DATES: A public hearing to review the substance of the Iowa program submission will be held from 4:00 p.m. to 7:00 p.m. on July 17, 1980, at the address listed below. Written comments, data or other relevant information may be submitted as a supplement to, or in lieu of, an oral presentation at the hearing. Comments from the public must be received on or before 4:30 p.m., July 24, 1980, to be considered in the Secretary of the Interior's decision on the proposed Iowa regulatory program.

ADDRESSES: The public hearing will be held at the Holiday Inn, I–235 and Sixth Avenue, Des Moines, Iowa. Written comments should be sent to:

Raymond L. Lowrie, Regional Director, Office of Surface Mining, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106

or may be hand delivered to the Regional Office. A listing of scheduled public meetings and copies of all written comments are available for review and copying at the OSM Region IV Office and the Iowa Department of Soil Conservation's office listed below, Monday through Friday, 8:00 a.m., to 4:00 p.m., excluding holidays:

Office of Surface Mining, Reclamation and Enforcement, Region IV, 5th Floor Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106

Iowa Department of Soil Conservation, Mines & Minerals Division, Wallace State Office Building, Des Moines, Iowa 50319

Copies of the full text of the proposed program are available for inspection during regular business hours at the OSM Region IV Office and the Iowa Department of Soil Conservation listed above, and the OSM Headquarters Office, listed below:

U.S. Department of the Interior, Office of Surface Mining, Interior South Building, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Richard Rieke, Assistant Regional Director, Office of Surface Mining, Reclamation and Enforcement, Scarritt Bldg., 818 Grand Avenue, Kansas City, Missouri 64106, Telephone: (816) 374–3920.

SUPPLEMENTARY INFORMATION: On February 28, 1980, the State of Iowa submitted to OSM a proposed permanent regulatory program. Pursuant to the provisions of 30 CFR Part 732 (44 FR 15326–15328, March 13, 1979), the Regional Director published notice of receipt of the program submission in the March 6, 1980, **Federal Register** (45 FR 14598–14599) and in newspapers of general circulation in Iowa. In accordance with that announcement public comments were solicited and a public meeting was held on April 15, 1980, on the issue of the program's completeness.

On April 25, 1980, the Regional Director published notice announcing that he had determined the program to be incomplete (**Federal Register** 45 FR 27953–27954). The notice specified that the program submission was missing a section-by-section comparison of Iowa regulations with the federal regulations, as required by 30 CFR 731.14(c).

On June 11, 1980, the Iowa Department of Soil Conservation submitted to OSM numerous revisions in the Iowa permanent program submission. Revisions were made to the Surface Coal Mining regulations and the program narrative and the section-by-section comparison of the Iowa rules and federal regulations was submitted.

A number of the revisions were minor in nature, such as corrections and typographical errors, incorrect references to section numbers and regulations, dropped lines, and other items of clarification. These minor modifications will not be discussed in this notice. However, the significant modifications to the regulations and progam narrative will be summarized below as required by 30 CFR 732.12(a)(1). Public comments are invited on these revisions.

Regulations

1. Iowa amended Rule 4.366(1)(e) to require that a decision be made within 30 days after the close of a public hearing.

2. Iowa amended Rule 4.362(6) to require a written decision on a permit application within 60 days of an informal conference.

3. Iowa has amended Rule 4.6 to authorize citizen entry of property only if there is consent or a warrant.

4. Iowa has amended Rule 4.22(1)(b) to specify that only one of the criteria of Section 8(1) of the Iowa Act is needed to designate an area unsuitable for mining.

5. Iowa has amended Rule 4.1(3) requiring citizens to give notice to the department 60 days prior to suit against the department or any alleged violator.

6. Iowa has amended Rule 4.1(2) to include definitions of "affected area" and "cropland."

7. Iowa amended Rule 4.1(2) to define "Department" as the Department of Soil Conservation.

8. Iowa has amended Rule 4.1(2) to define "Director" as the Director, Department of Soil Conservation.

9. Iowa has amended Rule 4.321(1) to require identification of the resident agent of the applicant who will accept service of process.

10. Iowa has amended Rule 4.322(3) and 4.332(3) to require that hydrologic information be in the permit application.

11. Iowa has amended Rules 4.322(3)(b) and 4.332(3)(b) to provide that the waiver of the statement of results of test borings may be granted only if the department makes a written determination that this statement is unnecessary because equivalent information is available.

12. Iowa has amended Rule 4.332(14) to require that a permit applicant submit a request for a negative determination for prime farmland with the permit application.

13. Iowa has amended Rule 4.323(10)(a)(3) to require a description of the time table and a plan to remove structures.

14. Iowa has amended Rule 4.333(3) to require a description of steps to be taken to comply with the requirements of the Clean Air Act, other applicable air and water quality laws and regulations, and health and safety standards.

15. Iowa amended Rule 4.333(13)(b)(10) by inserting the phrase "and coal processing wastebank" after the phrase "coal processing waste dam," and inserted "disposal area for underground development waste and excess spoil" after the word "embankment."

16. Iowa amended Rule 4.333(15)(a) by inserting the words "and the mine safety and health administration" after the word "authority."

17. Iowa amended Rule 4.34(4)(a) to include the phrase "and in accordance with procedures set forth in the U.S. Dept. of Agriculture Handbooks 436 and 18."

18. Iowa amended Rule 4.34(7) to require a written finding to be made before a permit may be issued to coal processing plants or other support facilities.

19. Iowa amended Rule 4.35 by establishing criteria for permit approval or denial.

20 Iowa amended Rule 4.35 by establishing criteria for approval or denial or permits proposing to use existing structures.

21. Iowa amended Rule 4.35 by setting forth time limits and procedures for departmental actions on permits.

22. Iowa amended Rule 4.35(2)(b) to provide that comments must be submitted within 60 days.

23. Iowa amended Rule 4.37(2)(b)(2) by including a reference to Rule 4.333.

24. Iowa amended Rule 4.37(2)(c) to clarify when the 120 day period for approval or disapproval of a permit revision will begin.

25. Iowa amended Rule 4.37(8)(b)(2) to clarify when the 30 day period will begin for submission of written comments on the application.

26. Iowa has amended Rule 4.41(1) by correcting the references to 4.42 and 4.43 and corrected the reference in Rule 4.4(4) to 4.43(4).

27. Iowa has deleted Rule 4.42(3)(d), which provides an exception to the revegetation requirements for long-term intensive agriculture land use.

28. Iowa has eliminated Rule 4.44(1)(e) and will not provide informal conference procedures for release of performance bonds.

29. Iowa amended Rule 4.45(1)(c) by eliminating the phrase, "with respect to protection of hydrologic balance."

30. Iowa has proposed a new Rule 4.367, entitled "Petitions for Award of Costs and Expenses Under Section 14(5) of the Act," which provides award of costs and expenses in administrative proceedings.

31. Iowa has amended Rule 4.523(4) to indicate that it deals with "Casing and sealing of underground openings: Permanent."

32. Iowa amended Rule 4.121(a) to specify when employees must file conflict of interest statements.

It should be noted that neither the proposed regulations provided with the original program submission on February 28, 1980, nor the proposed regulations submitted on June 11, 1980, as modifications to the program submission, were fully enacted by June 11, 1980, the 104th day after program submission. 30 CFR 732.11(d), as amended May 20, 1980, (45 FR 33926), requires that program submissions contain all required and fully enacted regulations by the 104th day after program submission. OSM will, however, review the proposed regulations and provide comments to the state on their adequacy. Public comments are invited on these proposed regulations.

OSM specifically solicits public comments on the civil penalty system as described in Section 15 of the Iowa Surface Coal Mining Act. Section 15 provides for judicial assessments of civil penalties instead of administrative assessment of civil penalties. OSM invites comments on whether the proposed Iowa assessment system satisfies the requirements of Section 518(i) of SMCRA, that a state program shall incorporate penalties no less stringent that those set forth in Section 518 and shall contain the "same or similar procedural requirements relating thereto."

Subsequent to the public hearing announced today and review of all comments the Regional Director will transmit to the Director of OSM his recommended decision along with a record composed of the hearing transcript, written presentations, exhibits and copies of all public comments.

Upon receipt of the Regional Director's recommendation, the Director will consider all relevant information in the record and will recommend to the Secretary that the program be approved or disapproved, in whole or in part, or conditionally approved. The recommendation will specify the reasons for the decision. The procedures for the recommended decisions of the Regional Director and the Director to the Secretary are established in 30 CFR 732.12(d) and (e) (44 FR 15326–15327). For further details refer to Sections 732.12 and 732.13 of the permanent regulatory program (44 FR 15326–15327) and corresponding sections of the preamble (44 FR 14959–14961).

In a decision issued by the U.S. District Court for the District of Columbia on May 16, 1980, *In Re: Permanent Surface Mining Regulation Litigation* (Civil Action 79–1144), the Secretary was ordered affirmatively to disapprove provisions in state programs that incorporate regulations suspended by the Secretary or suspended or remanded by the Court in the case. The Secretary intends to appeal that decision, but will comply with it until it is modified or reversed. The Secretary's proposal for complying with the decision in the context of his decision on the Iowa program will be the subject of another **Federal Register** notice to be published shortly.

At the public hearing, all persons wishing to comment on the proposed program will have the opportunity to do so. Persons who wish to make arrangements to comment at a specific time at the hearing may contact Richard Rieke at the OSM Region IV Office or by phone at (816) 374–3920. In addition, the Regional Director has prescribed the following hearing format and rules of procedure in accordance with 30 CFR 732.12(b)(1) (44 FR 15326).

Individual testimony at the hearing will be limited to 15 minutes. The hearing will be transcribed. Filing of a written statement at the time of giving oral testimony would be helpful and would facilitate the job of the court reporter.

The public hearing will continue until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak and wish to do so will be heard following the scheduled speakers. Public participation in the review of state

programs is a vital component in fulfilling the purposes of SMCRA. On September 19, 1979 (44 FR 54444–54445) OSM published guidelines in the **Federal Register** governing contacts between the Department of Interior and both state officials and members of the public. It is hoped that issuance of these guidelines will encourage full cooperation by all affected persons with the procedures being implemented.

Set forth below is a summary of the contents of the proposed Iowa Program:

1. The Iowa Coal Mining Act, Chapter 29, laws of the 68th General Assembly, 1979 session.

2. Surface Coal Mining Rules.

3. Other state laws directly affecting the regulation of surface coal mining operations, i.e., Administrative Procedure Act; Official Meetings Open to the Public; Examination of Public Records; Soil Conservation; Flood and Erosion Control; Soil Conservation and Flood Control Districts; Conservancy Districts; Administrative Rules, Department of Environmental Quality; Administrative Rules, Natural Resources Council; Administrative Rules, Department of Soil Conservation.

4. A legal opinion of the Iowa Attorney General stating that the Department of Soil Conservation has the necessary authority to implement, administer and enforce a permanent regulatory program in accordance with SMCRA and all regulations promulgated thereunder.

5. A section-by-section comparison of the state's laws and regulations with SMCRA and the federal regulations.

6. A letter designating the Department of Soil Conservation, Mines and Minerals Division, as the regulatory authority for administering SMCRA.

7. A description of the existing and proposed structural organization of the Department of Soil Conservation, Mines and Minerals Division.

8. A copy of a supporting agreement between the Department of Soil Conservation and the Iowa Geological Survey.

9. A description of the proposed system for:

(a) Receiving, reviewing, disapproving or approving and issuing permits for exploration and mining operations;

(b) Assessing fees for permit applications, including a fee schedule;

(c) Implementing, administering and enforcing a system of performance bonds and public liability insurance;

(d) Inspecting and monitoring coal exploration and mining and reclamation operations, and providing opportunity for public participation in the inspection process;

(e) Enforcing the administrative, civil and criminal provisions of the state Act and regulations, including citizen suit provisions;

(f) Administering and enforcing the permanent program performance standards of the state Act and regulations;

(g) Assessing and collecting civil penalties;

(h) Issuing public notices and holding public hearings;

(i) Coordinating issuance of permits with other state, Federal and local agencies;

(j) Consulting with other appropriate state and Federal agencies in the implementation of the program;

(k) Designating lands unsuitable for surface coal mining operations, including a description of a planning process for identifying lands unsuitable, a description of the process to allow the public to petition the Department of Soil Conservation to have lands designated as unsuitable for mining;

(l) Monitoring, reviewing and enforcing restrictions against financial interests of state employees in coal mining operations;

(m) Training, examining and certifying blasters;

(n) Providing for public participation in the promulgation of regulations, in the development of the state program under SMCRA, and in the permitting process;

(o) Providing administrative and judicial review of actions taken by the regulatory authority, including permit decisions and enforcement actions;

(p) Providing a Small Operator Assistance Program.

10. A listing of statistical information pertaining to the existing program as well as information pertinent to the proposed regulatory program, including:

(a) Coal production figures for each of the last three years;

(b) Number of mines producing coal for the last three years;

(c) Acreage approved or permitted for exploration or mining for each of the last three years;

(d) A map showing the geologic distribution of coal in Iowa;

(e) The number of applications for permits, revisions and renewals of permits for coal exploration and mining for each of the last three years;

(f) Frequency of state inspections for each permit during the interim regulatory program;

(g) Number of coal exploration and mining activities under permit and actively mined, the number of operations undergoing reclamation, and;

(h) Projections of annual production and geographic distribution of both exploration and mining operations for the next five years.

11. A summary of both the existing and proposed staff of the Department of Soil Conservation's Mines and Minerals Division showing job function, titles, and required job experience and training.

12. A description of how the proposed staffing will be adequate to carry out the functions for the projected workload.

13. A description of projected use of professional and technical personnel available from other state and Federal agencies.

14. A description of the projected annual budget for each of the next two fiscal years.

15. A description of the existing and proposed physical resources to be used in implementing the permanent program.

16. A brief description of other programs administered by the Department of Soil Conservation.

Single copies of the Iowa Coal Mining Act and regulations proposed under that act are available to the public at no charge. Persons interested in obtaining copies should write the Regional Director of OSM at the address listed above. No Environmental Impact Statement is being prepared in connection with the process leading to the approval or disapproval of the proposed Iowa program. Under Section 702(d) of SMCRA (30 U.S.C. Section 1292(d)) approval of a state program does not constitute a major action within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

Dated: June 12, 1980.

Raymond L. Lowrie,
Regional Director.

[FR Doc. 80-18435 Filed 6-17-80; 8:45 am]
BILLING CODE 4310-05-M

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30 CFR Part 780

Coal Mining; Research and Demonstration of Reclamation Technology

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior, Washington, D.C. 20240.

ACTION: Consideration of Petition to Amend 30 CFR Chapter VII, Subchapter G, Permits and Coal Exploration Procedures Systems.

SUMMARY: OSM seeks public comment on whether to grant a petition for an amendment to 30 CFR 780 relating to

research and demonstration of reclamation technology.

The petition proposes that a new subsection be added to the permanent program regulations at 30 CFR 780 (Reclamation Plan) which would allow the use of alternative reclamation practices for research or demonstration purposes. If OSM grants the petition, rulemaking will be initiated to consider appropriate amendments to OSM's regulations.

DATES: Comments must be received by July 11, 1980, at the address below by not later than 5:00 p.m. A public hearing will be held on July 10, 1980. Representatives of OSM will be available to meet with interested persons upon request between the date of this notice and July 11, 1980.

ADDRESSES: Written comments must be mailed or hand delivered to: Administrative Record Office, Room 153, South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240. The public meeting will be held in the Department of the Interior Auditorium, 18th and C Streets, N.W., Washington, D.C. 20240.

Persons wishing to testify at the hearing should contact the person listed below under "For Further Information Contact." Summaries of meetings with representatives of OSM will be prepared and made available for public review in Room 153 of the Interior South Building.

FOR FURTHER INFORMATION CONTACT: Donald F. Smith, Agricultural Engineer, Division of Research, Office of Surface Mining, U.S. Department of the Interior, Interior South Building, 1951 Constitution Ave., N.W., Washington, D.C. 20240; (202)343–8032.

SUPPLEMENTARY INFORMATION: On March 13, 1979, OSM issued permanent program regulations which include systems for surface coal mining and reclamation operations permits and coal exploration procedures in Subchapter G. 44 FR 15350–85, codified at 30 CFR Title VII, Chapter G. A petition of April 17, 1980, to amend Subchapter G has been submitted to OSM, by the U.S. Department of Agriculture, Reclamation of Lands Affected by Mining (RECLAM) Coordinating Committee. (A copy of the petition is at Appendix A hereto.) The issue of enhancing the opportunities for reclamation research and demonstration of reclamation technology within permit areas has been the subject of continuing discussion between the USDA, Soil Conservation Service and Forest Service, and OSM. Other documents relating to these discussions are contained in the Administrative Record.

The petition seeks to amend 30 CFR Subchapter G by proposing a new section, § 780.28 entitled Reclamation Plan: Reclamation Research and Demonstration of Reclamation Technology. Petitioners' proposed subsection would allow use of alternative reclamation practices for research and demonstration purposes.

These alternative practices would be sponsored by a State or Federal agency pursuant to a study reviewed and approved by the Director, OSM. If approved, such alternative methods for reclamation need not comply with the performance standards of 30 CFR Chapter VII, Subchapter K but would not reduce the public health and safety requirements of those regulations.

30 CFR Title VII, Subchapter J, Bond and Insurance Requirements for Surface Coal Mining and Reclamation Operations, is in the process of being amended as the result of a petition from the Mining and Reclamation Council of America (MARC), the Green Mountain Company, and the Travelers Indemnity Company. See 44 FR 28005–08, May 14, 1979; 44 FR 52098, September 6, 1979; and 45 FR 6028–42, January 24, 1980. The latter notice announces proposed amendments to 30 CFR Chapter VII, Subchapter J. Comments received by OSM from the Soil Conservation Service and the Forest Service in regard to the MARC petition and the proposed bonding regulations are being treated together with the USDA-RECLAM petition to amend because of the close relationship between the comment letters and the petition. A copy of these comment letters are included as Appendix B and Appendix C, respectively. OSM seeks public comment as to whether this petition should be granted in whole or in part, and is specifically requesting comments on the following related issues:

a. Whether Sections 509, 515, and 519 of the Act authorize the petitioners' proposed regulation.

b. Whether Section 711 of the Act and 30 CFR 785.13 relating to experimental practices reclamation are appropriate vehicles for research.

c. Whether existing regulations on approval of alternative postmining land uses are appropriate vehicles for reclamation research.

d. How bond release for research and development areas should be effected.

PUBLIC COMMENT PERIOD: The comment period on the petition will extend until July 11, 1980. All written comments must be received at the address given above by 5 p.m. on July 11, 1980. Comments received after that hour will not be considered or included in the administrative record on this petition. The Office cannot insure that written comments received or delivered during the comment period to any other location than specified above will be considered and included in the administrative record on this petition.

AVAILABILITY OF COPIES: Copies of 30 CFR Subchapters G and J and the USDA RECLAM petition, and additional information on the proposed bonding regulations, are available and may be obtained at the following offices:

OSM Headquarters, U.S. Department of the Interior, South Building, Room 153, 1951 Constitution Avenue, N.W., Washington, D.C. 20240; (202) 343–4728.

OSM Region I, First Floor, Thomas Hill Building, 950 Kanawha Boulevard East, Charleston, West Virginia 25301; (304) 342–8125.

OSM Region II, 530 Gay Street, S.W., Suite 500, Knoxville, Tennessee 37902; (615) 637–8060.

OSM Region III, Federal Building and U.S. Courthouse, 46 East Ohio Street, Indianapolis, Indiana 46204; (317) 269–2609.

OSM Region IV, 818 Grand Avenue, Scarritt Building, 5th floor, Kansas City, Missouri 64106; (913) 758–2193.

OSM Region V, Brooks Tower Building, 1020 15th Street, Denver, Colorado 80202; (303) 837–5511.

Walter N. Heine,

Director, Office of Surface Mining.

Appendix A—Petition of USDA, RECLAM Coordinating Committee

Mr. Walter N. Heine,
Director, Office of Surface Mining, Reclamation and Enforcement,
U.S. Department of the Interior,
Washington, D.C.

April 17, 1980.

Dear Mr. Heine: the USDA Reclamation of Land Affected by Mining (RECLAM) Coordinating Committee petitions the Office of Surface Mining (OSM) for amendment of 30 CFR 780. The enclosed rule amendment, which includes suggestions for improvement added at our RECLAM meeting on April 16, 1980, covers the criteria on the needs for reclamation research and demonstration.

A draft of this petition was sent to you on March 18, 1980. The major change from the draft was an addition to (b)(9) to add the following sentence: "The plan will include bonding or alternative arrangements to bonding."

Sincerely,

Edward E. Thomas,

Alternate Chairman, USDA RECLAM Coordinating Committee.

Enclosure

Enclosure: Proposed New Section to be Used in Petition to OSM for Rule Amendment. Section 780.28 Reclamation Plan: Reclamation Research and Demonstration of Reclamation Technology.

(a) Paragraphs (b) and (c) of this Section apply to any State or Federal Agency that

assumes responsibility on a designated area for the purpose of performing reclamation research and/or demonstration of reclamation technology.

The purpose of this Section is to outline provisions whereby reclamation research and demonstration of reclamation technology sponsored by State or Federal Agencies may occur after a mining permit has been issued.

This Section applies to the use of alternative reclamation practices for research or demonstration purposes. These practices need not comply with specific environmental protection performance standards of Subchapter K or a regulatory program, if approved pursuant to this Section.

No person should engage in or maintain reclamation research and/or reclamation technology unless that person is sponsored by a Federal Agency with responsibility for said research activities.

Activities performed under this Section shall not reduce the protection afforded public health and safety below that provided by the requirement of Subchapter K in the Permanent Program Performance Standards and the regulatory program.

(b) The research organization shall submit for each study the following information for review and approval by the Director:

(1) A concise statement of the problem to be analyzed.
(2) The objective of the study.
(3) Brief statement of methods of conduct of the study.
(4) Map of plot location.
(5) Mining permit number.
(6) Copy of cooperative agreements with mining company and/or landowner(s).
(7) Expected duration of study.
(8) Potential benefits and beneficiaries.
(9) A plan to reclaim research areas that do not meet standards when study is completed. The plan will include bonding or alternative arrangements to bonding.

(c) Upon completion or termination of the study, a final report will be sent to the Director.

Appendix B—Comment Letter of Soil Conservation Service

Mr. Walter N. Heine,
Director, Office of Surface Mining,
Reclamation and Enforcement,
U.S. Department of the Interior,
Washington, D.C.

March 18, 1980.

Dear Mr. Heine: The U.S. Department of Agriculture Soil Conservation Service (SCS) has reviewed the proposed amendments to the permanent regulatory program (30 CFR Chapter VII, Subchapter J) as outlined in the **Federal Register**, Vol. 45, No. 17, dated January 24, 1980.

In making this review, we discussed our comments with Forest Service, Science and Education Administration, including Agricultural Research, Cooperative Research, and Extension. All of the agencies agree with the specific suggestions developed originally by Forest Service as follows:

1. Section 805.13, paragraph (a) would be worded as set forth below. Additional wording is underscored.

(a) Liability under performance bond(s) applicable to a permit shall continue until all reclamation, restoration and abatement work required of persons who conduct surface coal mining and reclamation operations under requirements of the Act, this Chapter, the regulatory program, and the provisions of the permit have been completed, *or responsibility is assumed by State or Federal Agencies or organizations for reclamation research activities or demonstration of reclamation technology,* and the permit terminated by release of the permittee from any further liability in accordance with 30 CFR Part 807.

2. Section 807.12, paragraph (e)(2) would be revised to include subparagraph (vi).

(vi) Responsibility for a designated area is assumed by Federal or State Agencies or organizations for reclamation research activities or demonstration of reclamation technology.

In addition we have the following general comments:

Specific reference to reclamation research and demonstration is needed. Additional technology is required to minimize adverse environmental effects of surface mining and provide for the most beneficial uses of mined lands.

To encourage research and field demonstrations in reclamation and to promote cooperation between research organizations and mine operators, we feel that it would be desirable to make some provisions for early release of reclamation performance bonds on specific delineated areas that are dedicated to reclamation research and demonstration of reclamation technology. In most cases, research areas will not include an entire increment of a permitted area. Therefore, a need exists to provide release of performance bonds on entire increments within which research plots are located provided such increments otherwise qualify for release of performance bonds.

Cooperation in reclamation research will be greatly enhanced if the entire performance bond is released at the time research or demonstration areas are delineated and responsibility assumed by the research agency or organization. It would further promote cooperation if the bond for the research area could be released even prior to release of the increment in which the plot is located.

USDA agencies already have ongoing reclamation research and demonstrations with mining companies. SCS has carried out plant materials field trials on mined lands for nearly 30 years. Cooperative Research, through State Experiment Stations, has many research projects in operation on mined lands. Forest Service and Agricultural Research also have the framework for carrying out this work and have completed much needed reclamation technology for many years. Extension is organized to provide a delivery system for research findings.

Sincerely,

David B. Unger, Acting for Norman A. Berg,
Administrator.

cc: R. Max Peterson, Chief, Forest Service (FS).
Walter I. Thomas, Administrator, Cooperative Research, SEA.
T. B. Kinney, Jr., Acting Administrator, Agricultural Research, SEA.
Mary Nell Greenwood, Acting Administrator, SEA-Extension.

Appendix C: Comment Letter of Forest Service

Mr. Walter Heine, Director, USDI—Office of Surface Mining, 1951 Constitution Avenue, N.W., Washington, D.C.

March 20, 1980.

Dear Mr. Heine: We at the Forest Service have reviewed the proposed amendments to the permanent regulatory program (30 CFR Chapter VII, Subchapter J) as outlined in the **Federal Register** Vol. 45, No. 17, dated January 24, 1980. In the existing or proposed rules we find no specific reference to reclamation research areas.

We believe a continued effort in reclamation research and demonstration is essential to assure the least adverse environmental effects of surface mining while at the same time assuring the most productive uses of mined lands.

Rarely are reclamation research activities planned for an area at the initiation of the mining permit application stage. Rather, most research areas are selected following reclamation phase I. In order to encourage research in reclamation and to promote cooperation between research organizations and mine operators, we feel that it would be desirable to make some provisions for early release of reclamation performance bonds on specifically delineated areas that are dedicated to reclamation research and/or demonstration of reclamation technology. Seldom will research areas encompass an entire increment of a permitted area. Therefore, a need exists to provide release of performance bonds on entire increments within which research plots are located provided such increments otherwise quality for release of performance bonds.

Cooperation in reclamation research will be greatly enhanced if the entire performance bond is released at the time research areas are delineated and responsibility assumed by the research organization.

These comments are being made under the assumption that research is being carried out by, or sponsored by, State and/or Federal agencies.

Following are some specific suggestions for incorporating provisions that we feel are necessary:

1. Section 805.13, paragraph (a) would be worded as set forth below. Additional wording is underscored.

(a) Liability under performance bond(s) applicable to a permit shall continue until all reclamation, restoration, and abatement work required of persons who conduct surface coal mining and reclamation operations under requirements of the Act, this chapter, the regulatory program, and the provisions of the permit has been completed, *or responsibility is assumed by Federal or State Agencies or organizations for reclamation research activities or demonstration of reclamation* technology, and the permit terminated by release of the permittee from any further liability in accordance with 30 CFR part 807.

2. Section 807.12, paragraph (e)(2) would be revised to include subparagraph (vi).

(vi) Responsibility for a designated area is assumed by Federal or State Agencies or organizations for reclamation research activities or demonstration of reclamation technology.

These suggested changes may not be sufficient to meet all legal requirments since a change in one section may require additional wording in other sections.

Sincerely,

Einar L. Roget for R. Max Peterson,

Chief.

[FR Doc. 80-18364 Filed 6-17-80; 8:45 am]

BILLING CODE 4310-05-M

VETERANS ADMINISTRATION

38 CFR Ch. I

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Veterans Administration.

ACTION: Notice of Semiannual Agenda of Regulations.

SUMMARY: This agenda announces the regulations, both significant and nonsignificant, that the Veterans Administration will have under development and review during the 6-month period from June 17, 1980 through December 17, 1980. The Veterans Administration's purpose in publishing this agenda is to give the public notice for comment on these regulations under development or review during this 6-month period.

DATES: Comments must be received on or before August 18, 1980.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

All written comments will be available for public inspection until August 28, 1980, at the above address, room 132, between the hours of 8 a.m. and 4:30 p.m., Monday through friday (except holidays). Persons visiting the VA Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Service Unit (271A) in room 132. Persons visiting or calling VA field stations will be informed that the records are available for inspection only in Central Office.

FOR FURTHER INFORMATION CONTACT: Celia Fasone, Management Services (61), 810 Vermont Avenue, N.W., Washington, D.C. 20420, (202-389-3770).

SUPPLEMENTARY INFORMATION: Executive Order 12044, "Improving Government Regulations" requires that executive agencies publish, every 6 months, in the **Federal Register** a semiannual agenda of regulations under development and review. The Veterans Administration's next semiannual agenda of regulations will be published in the December 18, 1980 issue of the **Federal Register.**

Approved: June 12, 1980.

Max Cleland,

Administrator.

Significant Regulations Proposed or Under Development

Legal Authority	Title	Brief description	Contact
1. Public Law 95-563 Contract Disputes Act of 1978, November 1, 1978.	Rules of Procedure for VA Board of Contract Appeals.	Contains the rules to be followed in appeals to the VA Board of Contract Appeals under Public Law 95-563 and guidelines for uniform rules issued by OFPP (44 FR 34227) June 14, 1979.	Patricia H. Maloy (202) 275-1750.
2. 38 U.S.C. 1682(e)	Independent Study	To define "independent study" for VA purposes	June C. Schaeffer (202) 389-2092.
(This regulatio, listed in the December 18, 1979 agenda, is being redrafted and republished as a result of comments received.)			
3. 38 U.S.C. Chapter 31	Vocational Rehabilitation	To improve and modernize the Vocational Rehabilitation program	Do.
(The development of these regulations, listed in the December 18, 1979 agenda, is not yet completed.)			

Nonsignificant Regulations Proposed or Under Development

1. 38 CFR 1.514	Medical Records Disclosure	To permit medical records disclosure to treating physicians with verified oral consent from the veteran.	Neal Lawson (202) 389-3294.
(The above regulation was listed in the agenda of December 18, 1979. Agency comments have been received and it is pending final revision.)			
2. 38 CFR 1.577	Access to One's Own Records	To establish special procedures for disclosures of an individual's records if they would be harmful to the individual's mental or physical health.	Do.
(The above regulation was listed in the agenda of December 18, 1979, but is still in the final drafting stage.)			
3. 38 CFR 17.49	Admission Priorities	Defines the admission priority for hospital care for Commonwealth Army Veterans and New Philippine Scouts.	J. Fleckenstein (202) 389-3785.
4. 38 CFR 17.30(w)	Definitions	Redefines Veterans Administration facilities to provide authority to furnish medical services at private facilities for certain veterans receiving housebound or aid and attendance benefits. To define also, authority to obtain diagnostic services from private facilities under certain conditions.	Do.
5. 38 CFR 17.56	Medical Care for Certain Philippine Beneficiaries	Provides authority for furnishing hospital and nursing home care and medical services in the United States at VA health care facilities for treatment of the service-connected disabilities of Commonwealth Army veterans and New Philippine Scouts.	Do.
6. 38 CFR 17.123	Authorization of Outpatient Dental Treatment	Provides authority for furnishing outpatient dental treatment: (1) for service-connected, noncompensable dental conditions or disabilities of those veterans who had been prisoners of war for a period of not less than 6 months, and (2) for any dental disability from which a veteran who has a service-connected disability rated as total is suffering.	Do.
(The regulations listed in items 3 through 6 appeared in the December 18, 1979 agenda as Significant Regulations Proposed or Under Development. Since that time they have been redesignated as nonsignificant and are under development.)			
7. 38 CFR 17.60b	Emergency Outpatient Care	Defines authority for furnishing outpatient care in emergencies to individuals attending national conventions of VA recognized organizations.	Do.
8. 38 CFR 17.60g	Priorities for Medical Services	Defines the outpatient priority category for veterans being examined to determine the existence or rating of a service-connected disability.	Do.
9. 38 CFR 17.62	Charges for Care or Services	Defines authority for charging for emergency services provided to individuals, other than eligible veterans, attending national conventions of VA recognized service organizations.	Do.
10. 38 CFR 17.53a	Pilot Program using Contract Facilities for Treatment of Alcohol and Drug Dependence.	Establishes authority to conduct a five year pilot program using community based treatment facilities on a contract basis to provide care, treatment and rehabilitative services for eligible veterans suffering from alcohol or drug dependence disabilities.	Dr. Stewart L. Baker (202) 389-5193.

Legal Authority	Title	Brief description	Contact
Nonsignificant Regulations Proposed or Under Development			
11. 38 CFR 3.557(b)(3)	Incompetents—Estates over $1500 and Hospitalized.	To revise regulation to conform to statutory language of 38 U.S.C. 3203(b)(1).	T. H. Spindle (202) 389-3005.
12. 38 CFR 3.203	Service Records	To amend evidence of service requirements to conform to recent changes in issuing such evidence by the Department of Defense.	Do.
13. 38 CFR 3.7	Persons included as Veterans	To provide that service in the Women's Army Auxiliary Corps (WAAC) constituted active military service.	Do.
14. 38 CFR 6.58	Conditional Designation of Beneficiary	Gender changes	Robert W. Carey (215) 951-5360.
15. 38 CFR 6.60	Change of Beneficiary	Gender changes	Do.
16. 38 CFR 6.62	Assignment, Claims of Creditors, and Taxation	Gender changes	Do.
17. 38 CFR 6.69b	Higher Interest Rates for Amounts Payable to Beneficiaries.	Allows the beneficiary of a United States Government life insurance policy who is receiving the proceeds in equal monthly installments over a limited period of months to receive a higher rate of interest on each installment than the current prescribed interest rate being paid.	Do.
18. 38 CFR 8.26	Dividends, How Paid	Amended to authorize dividends on insurance issued under Section 725, of Title 38, United States Code, as amended by Public Law 96-128.	Do.
19. 38 CFR 8.82	Higher Interest Rates for Amounts Payable to Beneficiaries.	Allows the beneficiary of a National Service Life Insurance (NSLI) policy who is receiving the proceeds in equal monthly installments over a limited period of months to receive a higher rate of interest on each installment than the prescribed interest rate now in use.	Do.
20. 38 CFR Part 18e	Age Discrimination	To establish standards for determining what age discrimination is and procedures for enforcing the Age Discrimination Act of 1975.	Marion Slachta (202) 389-2943.
21. 38 CFR 1.450-1.455	Investigation	Covers investigation policies, jurisdiction, and regulations pertaining to Central Office investigations.	William L. Rettew (202) 389-3093.
(These regulations were listed in the agenda of December 18, 1979. They are current under revision and will soon be submitted for publication.)			
Nonsignificant Regulations Scheduled for Review			
1. 38 CFR 1.526, 1.555 and 1.579	Fee Regulations	To update and consolidate these regulations into a single agency fee schedule regulation covering duplication, search, and certification fees, and fee waiver criteria.	Neal Lawson (202) 389-3294.
2. 38 CFR 17.54	Medical Care for Survivors and Dependents of Certain Veterans.	Revise the current regulation to provide CHAMPVA benefits to the surviving spouse or child of a person who died in the active military, naval, or air service, in the line of duty, and who is not eligible for CHAMPUS or MEDICARE benefits.	J. Fleckenstein (202) 389-3785.
3. 38 CFR 17.166c	Amount of Aid Payable	Amend the published per diem rates payable to a recognized state home for domiciliary care, nursing home care, and for hospital care furnished to eligible veterans.	Do.
4. 38 CFR 36.4283(f)	Resale of Repossessed Mobile Home Units	To authorize the Administrator to enter into agreements with holders of VA mobile home loans authorizing the holders to sell the repossessed mobile homes to new purchasers and make partial claims under the Loan Guaranty certificates based on losses incurred as a result of repossessions.	Raymond L. Brodie (202) 389-3668.
5. 38 CFR 36.4283(h)	Repairs to Repossessed Mobile Home Units	To require loan holders to obtain VA prior approval of repairs to a repossessed mobile home unit if the repairs will cost more than $400.	Do.
(The regulations listed in items 4 and 5 above, were listed in the December 18, 1979 agenda, but are still under review.)			
6. 38 CFR 6.79, 6.80 and 6.88	United States Government Life Insurance Reinstatement.	Change in job titles to Assistant Director for Insurance. Makes the necessary gender changes.	Murray Zuckerman (215) 486-5733.
7. 38 CFR 6.90	Physical Examinations and Inspections	Enables a physician's assistant to make certain examinations for insurance purposes. Gender changes.	Do.
8. 38 CFR 8.0	National Service Life Insurance	To include the Modified Life at Age 70 plan. Gender changes	Do.
9. 38 CFR 8.1	Definition of and Criteria for "good health"	Gender changes	Do.
10. 38 CFR 8.3	Premiums	To include the 20-Payment Life Plan where appropriate	Do.
11. 38 CFR 8.24	Application and Medical Evidence	Change in job title to Assistant Director for Insurance. Gender changes.	Do.
12. 38 CFR 8.27	Cash Value	States how long paid-up additions must be in force for cash values	Do.
13. 38 CFR 8.29	Extended Term and Paid-Up Insurance	To make the necessary changes for the Modified Life at 70 Plan	Do.
14. 38 CFR 8.33-8.36	Change in Plan	To make the necessary changes for the Modified Life at 70 Plan and 20-Payment Life Plan. Gender changes.	Do.
15. 38 CFR 8.64-8.65	Examinations	Enables a physician's assistant under certain conditions to make an examination. Changes the title to Director for the head of a regional office. Gender changes.	Do.
16. 38 CFR 8.70	Claims Alleging Insurance where there is no Application for Insurance on File.	Changes the title of person charged with making original determinations as to valid contracts.	Do.
17. 38 CFR 8.99c	Total Disability Income Provisions	Provides for updated pamphlets dealing with premiums for the Total Disability Income Provisions. Add the 20-Payment Life Plan where appropriate.	Do.
18. 38 CFR 8.100	Insurance Provided by Special Litigation	Gender changes	Do.
19. 38 CFR 8.102	National Service Life Insurance Appropriations	Provides for the 20-Payment Life plan where appropriate	Do.
20. 38 CFR 8.103	National Service Life Insurance Nonparticipating Funds.	Provides for the 20-Payment Life plan where appropriate and gender changes.	Do.
21. 38 CFR 8.106	National Service Life Insurance Policy Forms	Updates the applicable forms. Includes the Modified Life at Age 70 Plan and the 20-Payment Life plan where appropriate.	Do.
22. 38 CFR 8.110-8.112b	National Service Life Insurance issued on or after April 25, 1951.	Includes the Modified Life at 70 Plan where appropriate and gender changes.	Do.
(The loan regulations listed in items 6 through 22, were listed in the December 18, 1979 agenda. These regulations have been reviewed, but the revisions are not yet finalized.)			
(Note.—A review of 38 CFR 13.1 through 13.111 (Veterans Assistance—DVB Fiduciary Activities) was reported in the December 18, 1979 agenda. The review of these regulations that was planned has been cancelled.)			
23. 38 CFR 18.1-18b.95	Civil Rights	Gender changes. Updated material includes Affirmative Action, written agreements, compliance reports, compliance reviews, prohibited intimidatory or regulatory acts, and administrative review procedures.	Marion Slachta (202) 389-2943.

[FR Doc. 80-18374 Filed 6-17-80; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 9F2216/P145; FRL 1518-8]

Thiabendazole; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a tolerance be established for thiabendozole (2-(4-thiazolyl) benzimidazole) in or on the following raw agricultural commodities: rice straw at 10 parts per million (ppm) and rough rice at 3 parts per million. The proposal was submitted by Merck & Co. This amendment would establish maximum permissible levels for residues of thiabendazole in or on rice straw and rough rice.

DATE: Comments must be received by June 30, 1980.

ADDRESS COMMENTS TO: Mr. Henry Jacoby, Product Manager (PM) 21, Office of Pesticide Programs (TS-767), Registration Division, Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Henry Jacoby at the above address (202/755-2562).

SUPPLEMENTARY INFORMATION: On October 24, 1979, the EPA announced (44 FR 61248) that Merck & Co., had filed a pesticide petition (PP 9F2216). This petition proposed that 40 CFR 180.242 be amended by establishing tolerances for the residues of the fungicide thiabendazole (2-(4-thiazolyl) benzimidazole) in or on the raw agricultural commodities rice at 2.5 parts per million (ppm) and rice straw at 10.0 ppm. At the same time Merck & Co. submitted a feed additive petition (FAP 9H5240) proposing that 21 CFR 561.380 be amended by permitting residues of the fungicide thiabendozole in or on the animal feed rice bran and polishings at 2.5 ppm and rice hulls at 8.0 ppm (44 FR 61248).

Merck & Co. subsequently amended this petition by deleting their request for a tolerance for rice at 2.5 ppm; by increasing the tolerance in or on rice straw to 10 ppm and by proposing a tolerance in or on rough rice to 3 ppm. (A document proposing a feed additive petition appears elsewhere in today's **Federal Register**).

The data submitted in the petition and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerances are sought. Tolerances established under 40 CFR 180.242 for residues in eggs, milk, meat or poultry are not expected to be exceeded from the proposed us of thiabendozole on rice. Because this petition proposes to establish a rule that could result in an increase of residues of thiabendozole in food and feed, these tolerances are being proposed at this time to provide an opportunity for public comment. The proposed analytical method for determining residues is spectrofluorometry.

The Agency has determined that these tolerances will protect the public health and it is proposed therefore, that the tolerances be established by amending § 180.242 as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains any of the ingredients listed herein, may request on or before June 30, 1980, that this rulemaking proposal be referred to an advisory committee in accordance with Section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject of the petition and document control number "PP 9F2216/P145". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the Office of PM 21, Room 305, East Tower, from 8:30 a.m. to 4:00 p.m., Monday through Friday.

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

(Sec. 408(e) 21 U.S.C. 346a(e))

Dated: June 12, 1980.

Reto Engler,

Acting Director, Registration Division of Pesticide Programs.

Part 180, Subpart C, § 180.242 is amended by alphabetically inserting the following raw agricultural commodities:

§ 180.242 Thiabendazole; tolerances for residues.

Commodities	*Parts per million*
* * * * *	
Rice, rough	3
Rice, straw	10
* * * * *	

[FR Doc. 80-18502 Filed 6-17-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-246; RM-3614]

FM Broadcast Station in Hertford, N.C.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: Action taken herein proposes the assignment of a Class A channel to Hertford, North Carolina, as that community's first FM assignment, in response to a petition filed by Perquimans County Broadcasters. The proposed channel could bring a first local aural broadcast service to Hertford.

DATES: Comments must be filed on or before August 1, 1980, and reply comments must be filed on or before August 21, 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 29, 1980.

Released: June 9, 1980.

By the Chief, Policy and Rules Division.

1. *Petitioner, Proposal, Comments:*

(a) *Notice of Proposed Rule Making* is given concerning the assignment of FM Channel 285A to Hertford, North Carolina, in response to a petition [1] filed by Perquimans County Broadcasters ("petitioner").[2]

(b) Channel 285A can be assigned to Hertford in compliance with the minimum distance separation requirements, provided the transmitter site is located 2 kilometers (1 mile) east of Hertford.

(c) Petitioner states it will apply for the channel, if assigned.

2. *Community Date:*

(a) *Location:* Hertford, seat of Perquimans County, is located approximately 200 kilometers (125 miles) northeast of Raleigh, North Carolina.

(b) *Population:* Hertford—2,023 [3]; Perquimans County—8,351.

(c) *Local Aural Broadcast Service:* None.

3. *Economic Considerations:* Petitioner states that the area is basically agricultural in nature with forestry being the largest industry in the county. Petitioner has submitted demographic data in an effort to show the need for a first FM assignment to Hertford.

4. In view of the apparent need for a first local aural broadcast service in Hertford, the Commission proposes to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, with respect to Hertford, North Carolina, as follows:

City	Channel No.	
	Present	Proposed
Hertford, North Carolina		285A

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. *NOTE* A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

[1] Public Notice of the petition was given on March 31, 1980, Report No. 1221.

[2] Petitioner had requested that Channel 272A be assigned to Hertford. However, that petition conflicts with a proposal to assign Channel 272A to Edenton, North Carolina (RM-3413). To avoid conflict, we have determined that Channel 285A can be assigned to Hertford instead.

[3] Population figures are taken from the 1970 U.S. Census.

6. Interested parties may file comments on or before August 1, 1980, and reply comments on or before August 21, 1980.

7. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponents(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties, may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 80-18324 Filed 6-17-80; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants Notice of Acceptance of Petition and Status Review

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Acceptance of Petition and Status Review.

SUMMARY: The Service has accepted a petition to add the Amargosa meadow vole to the U.S. List of Endangered and Threatened Wildlife. This small mammal formerly was considered extinct, but recently was rediscovered in a restricted area of marshes just east of Death Valley National Monument in southeastern California. The Service now is assembling supporting information and as soon as possible will issue a proposal in the Federal Register to list the Amargosa meadow vole.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240 (703/ 235-2771).

SUPPLEMENTARY INFORMATION: On March 3, 1980, Mr. Earl Baysinger submitted a petition requesting that the Amargosa meadow vole (*Microtus californicus scirpensis*), a small rodent,

be listed as Endangered, pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*). Other recent information available to the Service includes the following papers:

Bleich, Vernon C. 1979. *Microtus californicus scirpensis* is not extinct. Journal of Mammalogy, 60 (4):850–851.

Bleich, Vernon C. 1980. Amargosa vole study. Job Final Rept., Project No. W–54–R–10, California Department of Fish and Game.

This information indicates that the Amargosa meadow vole was long thought to have vanished, but that from 1973 to 1977, 24 specimens were taken near the towns of Tecopa and Tecopa Hot Springs, just east of Death Valley National Monument, in southeastern Inyo County, California. The specimens were collected in the vicinity of marshes, covered by bulrushes (*Scirpus olneyi*). Although this habitat is surrounded by desert, the Amargosa River provides perennial surface water and allows thriving marsh community to survive. The vole population seems relatively dense in some localities, but suitable habitat is highly restricted and is subject to natural and human-caused destruction. Problems include the grazing and burning of the marshes. Most of the known population is on private land, though some habitat is administered by the U.S. Bureau of Land Management.

The Service has determined that this petition presented substantial evidence warranting a proposal to add the Amargosa meadow vole to the List of Endangered and Threatened Wildlife. The Service is now assembling supporting information needed to list the species and determine its Critical Habitat, and will issue a proposed rulemaking as soon as possible.

The primary authors of this notice are Ronald M. Nowak and John L. Paradiso, Office of Endangered Species (703/235–1975).

Dated: June 11, 1980.

Harold J. O'Connor,

Director, Fish and Wildlife Service.

[FR Doc. 80–18371 Filed 6–17–80; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

[Docket No. MMPAH 1980–1]

Taking of Marine Mammals Incidental to Commercial Fishing Operations

AGENCY: National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Order of Administrative Law Judge.

SUMMARY: The Order modifies and supplements previous information published in the **Federal Register** [45 FR 10552 45 FR 13498; 45 FR 14909; 45 FR 23002; 45 FR 29375] relating to the formal hearing to consider proposed incidental taking regulations. This notice constitutes a further revision of the schedule for submissions in this proceeding.

DATES: See below.

FOR FURTHER INFORMATION CONTACT: Hugh J. Dolan, Administrative Law Judge, U.S. Department of Commerce, Washington, D.C. 20235, AC202–377–3135.

SUPPLEMENTARY INFORMATION: Order.

The following revised schedule is announced: Exceptions to the Recommended Decision of the Administrative Law Judge will be submitted six working days after the date of that decision.

The revision to the schedule is necessary because the press of other cases precludes fixing a date for issuance of the recommended decision.

Dated: June 10, 1980.

Hugh J. Dolan,

Administrative Law Judge, Office of Hearings and Appeals.

[FR Doc. 80–18331 Filed 6–17–80; 8:45 am]

BILLING CODE 3510–22–M

Notices

Federal Register
Vol. 45, No. 119
Wednesday, June 18, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL AERONAUTICS BOARD

[Docket No. 34271]

Davis Airlines, Inc. Fitness Investigation; Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that, as determined in the Order of Administrative Law Judge Deferring Procedural Dates of May 30, 1980, a hearing in the above-entitled proceeding is assigned to be held on September 10, 1980, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., June 12, 1980.

Elias C. Rodriguez,

Administrative Law Judge.

[FR Doc. 80-18400 Filed 6-17-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 37835; Order 8056-70]

Houston-Anchorage Subpart Q Proceeding

AGENCY: Civil Aeronautics Board

ACTION: Notice of Order 80-6-70 Houston-Anchorage Subpart Q Proceeding, Docket 37835.

SUMMARY: The Board is instituting the *Lone Star Houston-Anchorage Subpart Q Proceeding* and is proposing to grant authority in the Houston-Anchorage market to Lone Star Airways, Inc. under the expedited procedures of Subpart Q of its Procedural Regulations. The tentative findings and conclusions will become final if no objections are filed, provided that the Board finds, in Docket 38185, that Lone Star is fit, willing and able to engage in scheduled domestic air transportation. The complete text of this order is available as noted below.

DATES: All interested parties having objections to the Board issuing the proposed authority shall file and serve upon all persons listed below, no later than July 14, 1980, a statement of objections, together with a summary of testimony, statitical data, and other material expected to be relied upon to support the stated objections.

ADDRESSES: Objections to the issuance of a final order should be filed in Docket 37835, which we have entitled the *Lone Star Houston-Anchorage Subpart Q Proceeding.* This should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served on Lone Star Airways; the Alaska and Texas Departments of Transportation; the Mayors of Anchorage, Alaska and Houston, Texas and the managers of the airports in Anchorage and Houston. For further information contact: Peter Bonanno, Jr., Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Ave., N.W., Washington, D.C. 20428; (202) 673-5009.

SUPPLEMENTARY INFORMATION: The complete text of Order 80-6-70 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Ave., N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 80-6-70 to that address.

By the Civil Aeronautics Board: June 12, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-18402 Filed 6-17-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 37937]

U.S.-London Case (1981); Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that, as established at the Prehearing Conference on April 17, 1980, a hearing in the above-entitled proceeding is assigned to be held on July 1, 1980, at 9:30 a.m. (local time), in Room 1003, Hearing Room A, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., June 12, 1980.

Elias C. Rodriguez,

Administrative Law Judge.

[FR Doc. 80-18401 Filed 6-17-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

National Institutes of Health; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666 11th Street, N.W. (Room 735) Washington, D.C.

Docket No. 80-00006. Applicant: National Institutes of Health, Building 10, Room 7B-15, Bethesda, Maryland 20014. Article: Balloon Inflation Device complete with Accessories. Manufacturer: Schneider Medintag AG, Switzerland. Intended use of article: The article is intended to be used to increase the blood flow to the heart of patients with coronary artery disease by dilating obstructions in the coronary arteries.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: This application is a resubmission of Docket Number 79-00070 which was denied without prejudice to resubmission on May 7, 1979 for informational deficiencies. The foreign article provides balloon lengths of 5 to 20 millimeters (mm) with diameters of 2.0 to 5.0 mm and requires only 3 to 6 bars pressure to reach the final balloon shape. The National Bureau of Standards advises in its memorandum dated March 20, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value

to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-18229 Filed 6-17-80; 8:45 am]

BILLING CODE 3510-25-M

U.S. Army Biomedical Laboratory; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. 666-11th Street, N.W., (Room 735) Washington, D.C.

Docket No.: 80-00018. Applicant: U.S. Army Biomedical Laboratory, Comparative Pathology Group, Aberdeen Proving Ground, Edgewood Area, Maryland 21010. Article: LKB 2128 Ultrotome IV Ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for studies of animal muscle tissues with emphasis on the ultrastructure and receptor function of neuromuscular junctions. Ultrastructure studies will include: (a) the fine structure of normal vs. abnormal synaptic function. (b) Localization of acetylcholine receptors with conjugated and unconjugated electron opaque molecular probes. (c) The binding properties of altered acetylcholine receptors as determined by electron opaque markers.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (July 2, 1979). Reasons: the foreign article provides knife stage rotation from −45 to +45 degrees (°) and specimen adjustment up to 45° on either side of the specimen arm. The Department notes that the MT 5000 ultramicrotome manufactured domestically by the DuPont/Sorvall Division of the DuPont Company became available on April 24, 1979. Its universal arc specimen holder became available August 1, 1979, as an optional accessory. However, at the time the foreign article was ordered the Model MT 5000 provided knife stage rotation −6 to 30° and specimen adjustment up to 20° on either side of the specimen arm. The Department of Health, Education, and Welfare advises in its memorandum dated March 10, 1980 that (1) the differences cited above between the domestic instrument and the foreign article are pertinent to the applicant's intended uses and (2) the domestic instrument was not of equivalent scientific value to the foreign article at the time the article was ordered. We, therefore, find that the Model MT 5000 was not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-18230 Filed 6-17-80; 8:45 am]

BILLING CODE 3510-25-M

University of California, Los Angeles; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666-11th Street, N.W. (Room 735) Washington, D.C.

Docket No.: 79-00334. Applicant: University of California, Los Angeles, Department of Earth and Space Sciences, 405 Hilgard Avenue, Los Angeles, CA 90024. Article: Mass Spectrometer, Model Isomass 54E and Assessories. Manufacturer: VG Micromass, United Kingdom. Intended use of article: The article is intended to be used to measure the isotopic composition of the elements Nd (Neodymium), Sm (Samarium), Sr (Strontium), Rb (Rubidium) and several others in the geological materials. Typical experiment involves obtaining particular rock samples, crushing and dissolving them, chemically separating the elements of interest and then measuring the isotopic composition of these using the mass spectrometer. The investigations pursued will address geoloical problems concerning origin, age and evolution of the Earth's continental crust, the history of evolution of the Earth's mantle, the formation of igneous rocks, and origins of certain types of ore deposits. In addition, the article will be used for training of graduate students at the pre-Ph.D. levels pursuing original scientific research.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capabilities in resolution, sensitivity, and precision of a 54 centimeter radius of curvature. The National Bureau of Standards advises in its memorandum dated April 10, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-18231 Filed 6-17-80; 8:45 am]

BILLING CODE 3510-25-M

Office of the Secretary

[Department Organization Order 10-13; Transmittal 494]

Inspector General; Authority and Functions

Effective Date: May 22, 1980.

Subject: This order effective May 22,

1980 supersedes the material appearing at 44 FR 3303 of January 16, 1979.

Section 1. Purpose. This Order prescribes the scope of authority and functions of the Inspector General of the Department of Commerce. The organization of the Office of the Inspector General is set forth in Department Organization Order 23–1.

Section 2. Status and Line of Authority. .01 The Inspector General Act of 1978 (hereinafter, the "Act"), was enacted October 12, 1978 (Public Law 95–452; 5 U.S.C. Appendix). It established in the Department of Commere an Office of Inspector General (hereinafter the "OIG") headed by an Inspector General appointed by the President by and with the advice and consent of the Senate. The Act provides that the OIG is to be an independent and objective unit, that the Inspector General is to report and be under the general supervision only of the Secretary or the office next in rank (the Deputy Secretary), and that the Inspector General may be removed from office only by the President.

.02 The Act further provides that neither the Secretary nor the Deputy Secretary shall prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena during the course of any audit or investigation. This proscription shall apply to all officers and employees of the Department.

.03 The Inspector General shall be assisted by:

a. An Assistant Inspector General for Auditing;

b. An Assistant Inspector General for Investigtions;

c. A Director of Policy and Administration;

d. A Counsel to the Inspector General;

e. Such other subordinate officials as the Inspector General may establish for the purpose of carrying out assigned authorities and functions; and

f. The establishment of such regional offices as may be desirable to further the purposes of the Act.

0.4 The Assistant Inspector General for Auditing or the Assistant Inspector General for Investigations shall be designated to act as Inspector General in the latter's absence.

Section 3. Authorities and Functions. .01 The Inspector General has the responsibilities and functions authorized by the Act. A copy of the Act is on file with the original of this document in the Office of the Federal Register.

.02 The Inspector General shall have for the OIG the same authorities as are delegated to Secretarial Officers and heads of operating units in the Department Administrative Orders and other Departmental rules.

.03 In response to requests from the Inspector General, the Secretary may from time to time transfer to the Inspector General such further authorities, powers, or duties as the Secretary may determine are properly related to the functions of the OIG and which if so transferred would further the purposes of the Act, as provided in section 9(a)(2) of the Act.

.04 The Inspector General may delegate authority to any employee of the OIG, and may authorize redelegation by any such employee, subject to such conditions as the Inspector General may prescribe.

Section 4. Departmental Policies. .01 The officers and employees of the Department shall, consistent with the Act, cooperate fully with the Inspector General and provide such information, assistance and support as is needed to properly carry out the responsibilities and authorities in the Act.

.02 The Inspector General shall generally comply with the substantive and procedural rules which are applicable to Departmental organizations and personnel, unless compliance with any particular requirement would prevent or prohibit the Inspector General from: (a) initiating, carrying out, or completing any audit or investigation; (b) issuing any subpoena during the course of any audit or investigation; or (c) otherwise complying with a requirement of the Act. In the event of any serious conflict or dispute, the matter may be taken to the Secretary or Deputy Secretary.

Elsa A. Porter,

Assistant Secretary for Administration.

[FR Doc. 80-18313 Filed 6-17-80; 8:45 am]

BILLING CODE 3510-17-M

[Department Organization Order 23-1; Transmittal 495]

Office of Inspector General; Organization and Functions

Effective Date: May 22, 1980.

Subject: This order effective May 22, 1980 supersedes the material appearing at 43 FR 31056 of July 19, 1978.

Section 1. Purpose. .01 This Order prescribes the organization and functions of the Office of the Inspector General established in the Department under the Inspector General Act of 1978 (the "Act"). The scope of authority and functions of the Inspector General are set forth in Department Organization Order 10–13.

Section 2. Organization. The Office of Inspector General shall be directed by the Inspector General and is comprised of the Office of Audits, Office of Investigations, two staff offices: the Office of Policy and Administration, and the Office of the Counsel to the Inspector General, and such regional and sub-regional offices as may be established.

Section 3. Office of Audits. .01 The Office of Audits shall be headed by an Assistant Inspector General for Auditing, who shall report and be responsible to the Inspector General.

a. The Assistant Inspector General for Auditing shall have the responsibility for supervising the performance of auditing activities relating to programs and operations of the Department; shall be the advisor to, and serve as the representative of the Inspector General on all audit matters of the Department; shall serve as advisor to other Department officials with respect to these matters; and shall represent the Department in conferences and negotiations with officials of other Federal agencies or other groups with respect to audit matters. Under guidelines promulgated by the Office of Inspector General, the Assistant Inspector General for Auditing may arrange with other Federal, State, and local agencies, and other organizations, to make external audits of Departmental programs.

b. The Deputy Assistant Inspector General for Auditing shall be the chief operating aide to the Assistant Inspector General for Auditing on audit matters; shall be responsible for managing the audit staff; and shall perform such duties and functions as the Assistant Inspector General for Auditing may assign. The Deputy Assistant Inspector General for Auditing shall also perform the functions of the Assistant Inspector General for Auditing in the latter's absence.

.02 The Office of Audits shall conduct, supervise and coordinate audits of all organizational units of the Department. The audits may (a) encompass the operating, administrative, automatic data processing (ADP), and financial activities of units, and may be directed to determining compliance with applicable law, economy and efficiency, and achievement of program results, or (b) concern claims, costs, cost proposals, and cost and pricing data arising from contracts, grants, subsidies, loans, or other agreements entered into, or proposed by, Departmental organizational units. The Office shall review, as appropriate, audits performed by State or local government audit organizations or independent public accountants. The Office may also, by agreement, conduct audits for other

Government organizations on a reimbursable basis, with the approval of the Inspector General.

a. The operating audit divisions within the Office shall carry out comprehensive internal and external audits of the operating activities of Department organizational units, or special audits relating thereto. Each audit division is assigned, as specified below, a group of organizations of the Department, all of which include programs which are national in scope.

Divisions	Organizations assigned
Science and Research Division.	National Bureau of Standards
	National Oceanic and Atmospheric Administration
	National Technical Information Service
	National Telecommunications and Information Administration
	Patent and Trademark Office
Trade and Economics Division.	Bureau of the Census
	Bureau of Economic Analysis
	Bureau of Industrial Economics
	International Trade Administration
	Maritime Administration
	Office of the Secretary
	United States Travel Service
Procurement and Minority Business Division.	Departmentwide Procurement
	Minority Business Development Agency
Economic Development Division.	Economic Development Administration (Existing and expanded grant-in-aid programs)
	Regional Commissions
Development Financing Division.	Economic Development Administration (Developing Financing Program)
ADP and Finance Division.....	Departmentwide financial, administrative and ADP services

Each audit division will, as appropriate, maintain liaison with other Federal Agencies and other groups on all matters pertaining to audits; and carry out such other duties and functions as the Assistant Inspector General for Auditing may assign.

b. The Regional Offices (located in Atlanta, Chicago, Denver and San Francisco, with designated district offices located in Boston, Dallas, Kansas City, New York, Philadelphia, and Seattle, or such other locations as the Inspector General may determine) shall carry out, or arrange for, such audits, within an assigned geographic region, as the Assistant Inspector General for Auditing shall determine to be appropriate. As directed by the Assistant Inspector General for Auditing, the Regional Offices shall make any necessary arrangements with other Federal, State and local audit organizations, or with independent public accountants, for the performance of audits of such contracts, grants, loans or other agreements, on a reimbursable or other basis, shall prescribe the scope of such audits, and maintain liaison with the auditing agency or organization. The Regional Offices shall supervise all activities of the audit districts administratively assigned to the region and shall assist in comprehensive internal and external audit programs as directed by the Assistant Inspector General for Auditing. The Regional Offices will, as appropriate, maintain liaison with other Federal agencies and other groups on all matters pertaining to audits; and carry out such other duties and functions as the Assistant Inspector General for Auditing may assign.

Section 4. Office of Investigations. .01 The Office of Investigations shall be headed by an Assistant Inspector General for Investigations who shall report and be responsible to the Inspector General. The Assistant Inspector General for Investigations shall have the responsibility for supervising the performance of investigative activities under the Act relating to Departmental programs and operations; shall be the advisor to, and serve as the representative of, the Inspector General on those investigative matters; and shall advise other Departmental officials with respect to those matters. The Assistant Inspector General for Investigations shall represent the Department in conferences with officials from the Department of Justice and other Federal agencies with respect to investigative matters covered under the Act. The Director, Headquarters Operations and Inspections Division, shall perform the duties of the Assistant Inspector General for Investigations in the latter's absence.

.02 The Office of Investigations shall conduct, supervise, and coordinate investigations of Departmental programs and operations, as authorized by the Act. The functions of the Office shall be organized and carried out as provided below:

a. The Headquarters Operations Division shall be headed by a Director, and be responsible for the headquarters investigation program and regional complaints involving indications of widespread abuse with potential for serious impact on Department programs, and such other duties as the Assistant Inspector General for Investigations may assign.

b. The Field Operations Division shall be headed by a Director, responsible for the regional investigation program of the Office of Investigations, and shall perform such other duties as the Assistant Inspector General for Investigations may assign. The Regional Offices (located in Atlanta, Chicago, Denver, Philadelphia and San Francisco, with designated district offices located in Boston, Dallas, Kansas City, Miami, New York and Seattle, or such other locations as the Inspector General may determine) shall each be responsible for the investigation program within an assigned geographic region. The Regional Offices shall supervise all activities of the district office administratively assigned to the region. The Regional Offices will, as appropriate, maintain liaison with other Federal agencies and other groups on matters pertaining to investigations; and carry out such other duties and functions as the Assistant Inspector General for Investigations may assign.

Section 5. Office of Policy and Administration. .01 The Office of Policy and Administration shall be headed by a Director who shall report and be responsible to the Inspector General.

.02 The Office shall develop, in cooperation with the Assistant Inspector General for Auditing and the Assistant Inspector General for Investigations, policies, procedures, and standards for planning, programming, executing, and reporting on internal and external audits, investigations, and policies and procedures for management and administrative matters for the Inspector General. The Office, in cooperation with the Offices of Audits and Investigations, shall review existing and proposed legislation and regulations relating to Departmental programs and operations in cooperation with the Office of Counsel to the Inspector General; prepare the semiannual report and other reports required by the Inspector General Act of 1978; and prepare policy recommendations for studies and activities designed to promote efficiency and economy in the administration of, or prevent and detect fraud and abuse in, Departmental programs and operations. The Office shall coordinate, review, and revise, as appropriate, standard audit guides and programs and individual audit programs and audit plans applicable to financial and other audits prepared by the operating audit divisions and Regional Offices; maintain surveillance, through audit site visits, reports and conferences, over operations to determine compliance with approved policies, plans, and programs; post-review selected audits, and investigations in detail as a quality control; review, reference, edit, and process audit reports; coordinate and control, in cooperation with the Assistant Inspector General for Auditing, efforts by operating divisions and Regional Offices on follow-up on all

audit findings and recommendations; coordinate Departmental responses and comments on General Accounting Office reports; in cooperation with the Assistant Inspector General for Auditing and the Assistant Inspector General for Investigations, maintain liaison with other Federal agencies and other groups on matters pertaining to audits, investigations; and carry out such other duties and functions as the Inspector General may assign.

.03 The Office shall provide to the Office of Inspector General professional advice and consultation, policy and procedural guidance, and direct services for matters of an administrative nature, which include (a) participating in or providing expert advice to audit teams performing reviews of departmental administrative functions or major programs whose successful accomplishment is heavily dependent upon organizational or administrative systems; (b) conducting research, special analyses or studies, as may be required, to maintain within the Office of Inspector General efficient, effective and economical patterns of organizational and administrative operations; and (c) maintaining liaison with Departmental, Federal, and other organizations on matters pertaining to organizational or administrative activities. The Office shall provide day-to-day administrative guidance and support in the areas of budget, personnel, administration, travel arrangements, space, property management, communications, and other controls to ensure compliance with budgetary limitations, Department rules and Orders, and Office of Inspector General policies on staffing; coordinate the preparation of budgets and funding plans; assist in the development and maintenance of budgetary and funding records and controls; and prepare financial reports for the entire Office of Inspector General.

Section 6. Office of the Counsel to the Inspector General. .01 The Office of the Counsel to the Inspector General shall consist of the Counsel to the Inspector General and such other attorneys as the Inspector General may employ.

.02 Initial qualifications of attorneys to be employed in the Office of the Counsel to the Inspector General shall be subject to clearance by the General Counsel. Such clearance shall be on the basis of the same criteria otherwise applied throughout the Department. Promotion of attorneys employed in the Office of the Counsel to the Inspector General shall be consistent with the advancement criteria issued by the General Counsel applicable to all attorneys in the Department. Performance evaluation and decisions on the promotion of attorneys in the Office of the Counsel to the Inspector General shall be solely by the Inspector General.

.03 The Counsel to the Inspector General shall be responsible for the day-to-day provision of legal services to the Inspector General on matters relating to audits and investigations. On such matters, the Inspector General or the Counsel to the Inspector General may consult with the General Counsel as he/she deems appropriate. The Inspector General or Counsel to the Inspector General shall consult with the General Counsel on legal matters when they involve significant issues in important cases which may have a substantial impact on the operations of the Department. Where, in the judgment of the Inspector General, consultation on such significant issues would hinder or impede an audit or investigation, the Inspector General may decline to consult and will so notify the Secretary.

.04 The Inspector General and Counsel to the Inspector General shall consult with and give due regard to the opinion of the General Counsel on significant issues relating to all other legal matters, particularly program statutes and regulations, Department Orders, and general statutes such as the Freedom of Information Act and the Privacy Act.

.05 Comments on Legislation and Executive proposals prepared by the Counsel to the Inspector General, other than comments included in the Inspector General's Semi-Annual Report, will be forwarded to the Office of the Assistant General Counsel for Legislation in accordance with established procedures. Where the views of the Inspector General are not in accordance with the Department's final position, and the Inspector General's views will be stated separately in the Department's comments if the Inspector General so requests.

.06 In the performance of the responsibilities of his/her office, the General Counsel will respect the independence and integrity of the Office of the Inspector General; in the performance of the responsibilities of his/her office, the Inspector General will give due regard to the authority of the General Counsel as chief legal officer for the Department.

Section 7. Support Services and Budget. Pursuant to the Act:

a. The Assistant Secretary for Administration, in consultation with the Inspector General, shall ensure that the Department provides to the Office of the Inspector General appropriate and adequate personnel, space, furnishing and equipment, accounting, payroll, and other administrative support services, as may be necessary for the operation of the Office of Inspector General. The Inspector General may utilize the services of the budget, personnel, and other administrative support offices of the Secretary, or, with the approval of the Secretary, may employ persons on the staff of the Office of Inspector General to fulfill these functions.

b. The budget of the Office of Inspector General shall be set out as a separate activity in the general administration budget.

Elsa A. Porter,

Assistant Secretary for Administration.

[FR Doc. 80-18314 Filed 6-17-80; 8:45 am]

BILLING CODE 3510-17-M

DEPARTMENT OF DEFENSE

Department of the Army

Intent To Prepare a Draft Environmental Impact Statement for a Proposed Local Flood Protection Project at LaNana and Banita Creeks in Nacogdoches, Tex.

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

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. The primary purpose of this project is to reduce flood damages caused by LaNana and Banita Creeks in Nacogdoches, Texas. The study is being conducted under the authority of Section 205 of the Flood Control Act of 1948.

2. In order to meet the primary purpose of the proposed action, several alternative plans will be considered in detail. Reasonable alternatives include nonstructural, channels, and combination channel and nonstructural plans.

3. Scoping Process.

a. Public Involvement. A comprehensive public involvement program is being conducted locally by the Fort Worth Army Engineer District as a means of disseminating information and soliciting public views. The techniques being used are formal public meetings, informal public information sessions as needed, and continuing dialogue with Federal, State, and local agencies, organizations, and the interested public.

b. Significant Issues Requiring In-Depth Studies. Vegetative resources, water quality, wetlands, and socio-economic effects on area residents are considered to be significant issues to be addressed in-depth in the DEIS.

c. Assignments. None.

d. Environmental Review and Coordination Requirements. The draft statement will be circulated for review and all comments will be incorporated into the final environmental impact statement.

4. A scoping meeting will be held in Nacogdoches, Texas. A public notice will be issued when the time and place have been set.

5. The draft environmental impact statement is expected to be available to the public by October 1980.

ADDRESS: Person to contact for additional information is Mr. L. E. Horsman, Chief, Environmental Resources Section, U.S. Army Corps of Engineers, Fort Worth District, P.O. Box 17300, Fort Worth, Texas 76102. Telephone (817) 334–2095.

Dated June 10, 1980.

Donald J. Palladino,

Colonel, CE, District Engineer.

[FR Doc. 80-18365 Filed 6-17-80; 8:45 am]

BILLING CODE 3710-FR-M

Performance Review Boards; Names of Members

ACTION: Notice.

SUMMARY: Notice is hereby given of the names of the members of the Performance Review Board for the Office, Secretary of the Army.

EFFECTIVE DATE: June 20, 1980.

FOR FURTHER INFORMATION CONTACT: Carol D. Smith, Executive Assignment Office, Directorate of Civilian Personnel, Headquarters, Department of Army, The Pentagon, Washington, DC 20310; Telephone: (202) 697–2169.

SUPPLEMENTARY INFORMATION: Section 4314(c)(1) through (5) of Title 5, U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The boards shall review and evaluate the initial appraisal of senior executive's performance by the supervisor and make recommendations to the appointing authority relative to the performance of the senior executives. Each board's review and evaluation will include only those senior executive's appraisals from their respective commands or activities. Publication of this notice recinds that portion of the notice published in 45 CFR, page 25113, dated 14 April 1980, pertaining to the Performance Review Board for the Office, Secretary of the Army.

The Members of the Performance Review Board for the Office, Secretary of the Army (OSA) are:

Dr. Robert H. Spiro, Jr., Under Secretary of the Army, Office of the Secretary of the Army—Chairperson

Mr. Milton G. Hamilton, Administrative Assistant, Office of the Secretary of the Army—Alternate Chairperson

Mr. Leon Kniaz, Deputy for Civilian Personnel Policy, Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs)

Dr. Joseph H. Yang, Deputy Assistant Secretary of the Army (Research and Development), Office of the Assistant Secretary of the Army (Research, Development and Acquisition)

Mr. Edward L. Rogers, Principal Deputy, Office of the Assistant Secretary of the Army (Civil Works)

Mr. John F. Wallace, Deputy for Management Systems, Office of the Assistant Secretary of the Army (Installations, Logistics and Financial Management)

Mr. Issac C. Hunt, Jr., Principal Deputy General Counsel, Office of the General Counsel

Brigadier General Charles D. Franklin, Deputy Chief of Legislative Liaison, Office of the Chief of Legislative Liaison

Mr. David C. Hardison, Deputy Under Secretary of the Army for Operations Research, Office of the Under Secretary of the Army

William S. Fraim,

Chief, Civil Service Reform Act, Special Project Office.

[FR Doc. 80-18347 Filed 6-17-80; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Voluntary Agreement and Plan of Action To Implement the International Energy Program; Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272), notice is hereby provided that a meeting of Subcommittee A of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on June 24, 1980, at the offices of the IEA, 2 rue Andre Pascal, Paris, France, beginning at 10:00 a.m. The purpose of this meeting is to permit attendance by representatives of Subcommittee A at a meeting of an IEA Standing Group on Emergency Questions (SEQ) Working Party on Naphtha and Bunkers, which is being held at Paris on that date.

The agenda for the meeting is under the control of the SEQ Working Party. It is expected that the following agenda will be followed:

1. Introductory remarks and administrative arrangements.

2. Election of the Chairman.

3. Review of present procedures in IEA Emergency System to handle naphtha and bunkers.

4. Volumetric implications of inclusion of naphtha and/or bunkers in the stock holding commitment.

5. Arrangements to build-up protection by including naphtha and bunkers into the base against which stocks are being held.

6. Stocks of critical products.

7. Other business.

Issued in Washington, D.C., June 10, 1980.

Craig S. Bamberger,

Acting Assistant General Counsel, International Trade and Emergency Preparedness.

[FR Doc. 80-18403 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Report to Congress on Standby Motor Fuel Rationing Plans

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Progress Report to Congress on the Standby Motor Fuel Retioning Plans.

SUMMARY: Section 102(a) of the Emergency Energy Conservation Act of 1979 (Pub. L. 96–102, EECA) requires the President to transmit to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, a progress report on the development of standby gasoline and diesel fuel rationing plans.

The purpose of this notice is to inform the public, as required by section 102(e) of the EECA, that the President has transmitted to the appropriate committees of Congress a *Progress Report to Congress on the Standby Motor Fuel Rationing Plans.* The *Report* and the final Standby Gasoline Rationing Plan regulations are published in the Rules section of today's Federal Register.

FOR FURTHER INFORMATION CONTACT: Benton F. Massell (Office of Regulations and Emergency Planning), Room 7108–I, 2000 M Street, NW., Washington, D.C. 20461, (202) 653–3220.

Issued in Washington, D.C., June 12, 1980.

Hazel R. Rollins,

Administrator, Economic Regulatory Administration.

[FR Doc. 80-18390 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

The Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice that it has withdrawn its acceptance of petitions for temporary public interest exemptions filed pursuant to Section 311(e) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), U.S.C. 8301 *et seq.* and 10 CFR Part 508. The petitions sought exemptions from the prohibitions of Sections 301(a)(2) and (3) of the Act on behalf of the following petitioners:

Docket No.	Petitioner	Generating station	Powerplant identification
51100-0713-21-41	Georgia Power Co	McManus (Brunswick, Ga.)	CT 1
51100-0713-22-41	"	"	CT 2
51100-0713-23-41	"	"	CT 3
52637-2943-01-41	City of Shelby	Shelby Municipal (Shelby, Ohio).	#1
52637-2943-02-41	"	"	#2
52637-2943-03-41	"	"	#3
52637-2943-04-41	"	"	#4
52958-6619-21-41	Tri-State Generation and Transmission Association.	Burlington (Burlington, Colo.).	CT 1
52958-6619-22-41	"	"	CT 2
52958-6203-21-41	"	Republican River (Wray, Colo.).	CT 1
52958-6203-22-41	"	"	CT 2
52958-6203-23-41	"	"	CT 3

ERA previously published in the **Federal Register** on August 28, 1979 and October 22, 1979 (44 FR 50395 and 44 FR 60791) Notices of Acceptance of the above-mentioned petitions. The petitioners had filed for temporary public interest exemptions to use natural gas to displace oil for electric power generation pursuant to 10 CFR Part 508.

In the previously accepted petitions, the petitioners represented that the powerplants for which the exemptions were sought, were subject to the prohibitions of either Section 301(a)(2) or (3) of FUA. Based upon this information, ERA published its Notices of Acceptance of petitions in the **Federal Register.**

The petitioners listed above have now informed ERA that they wish to withdraw their petitions for the above listed powerplants. In light of this information, ERA hereby publishes this notice of withdrawal.

Any questions regarding this temporary public interest exemption action should be directed to Mr. James W. Workman, Acting Director, Existing Facilities Conversion Division, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, Room 3128, 2000 M Street, NW., Washington, D.C., 20461, (202) 653-3637.

Issued in Washington, D.C. June 11, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-18342 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-01-M

Powerplant and Industrial Fuel Use Act of 1978 Withdrawal of Acceptance of Petitions for Exemptions

The Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice that it has withdrawn its acceptance of petitions for temporary public interest exemptions filed pursuant to Section 311(e) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 *et seq.* and 10 CFR Part 508. The petitions sought exemptions from the natural gas use prohibitions of Sections 301(a) (2) and (3) of the Act on behalf of the following Petitioners:

Docket No.	Petitioner	Generating station	Unit identification
67008-9090-01-41	City of Springfield	Springfield municipal powerplant (Springfield, Colo.).	#1
67008-9089-04-41	"	"	#4
67008-9089-05-41	"	"	#5
50703-2231-01-41	City of Crete	Crete municipal powerplant (Crete, Neb.).	#1

The petitioners have been sent letters by certified mail informing them that acceptance of their petitions for the above listed units have been withdrawn since it now appears from information made available to ERA that the Petitioners are not eligible to obtain exemptions from the prohibitions of Sections 301(a) (2) and (3) of the Act for these units.

SUPPLEMENTARY INFORMATION: ERA previously published in the **Federal Register** on August 28, 1979 and October 22, 1979 (44 FR 50396 and 44 FR 60791) Notices of Acceptance of Petitions. The Petitioners had filed for temporary public interest exemptions pursuant to 10 CFR Part 508.

If granted, the exemptions would have allowed the Petitioners' units to use natural gas as a primary energy source, notwithstanding the prohibitions contained in Sections 301(a) (2) and (3) of the Act.

In the previously accepted petitions, the Petitioners represented that the units for which the exemptions were sought, were subject to the prohibitions of either Section 301(a) (2) or (3) of FUA. Based upon this information, ERA published its Notices of Acceptance of Petitions in the **Federal Register.** After publication of the Notices of Acceptance, ERA obtained new information from the Petitioners which described these units as internal combustion units.

The information indicated that the above mentioned units technically are not powerplants within the meaning of the Act. Section 103(a)(7) of the Act defines a powerplant as a generating unit consisting of a boiler, a gas turbine, or a combined cycle unit. Since internal combustion units are not included in the definition of an electric powerplant, they are not prohibited from burning natural gas by either Section 301(a) (2) or (3) of the Act. In addition, the City of Springfield submitted a letter to ERA withdrawing the petitions fro Municipal Units 1, 4 and 5. Since these units are not prohibited from burning natural gas by the Act, they are not eligible to apply for exemptions from the above mentioned prohibitions. In light of the foregoing reasons, ERA has withdrawn its acceptance of the petitions.

Any questions regarding these temporary public interest exemptions should be direced to Mr. James W. Workman, Acting Director, Existing Facilities Conversion division, Office of Fuels Conversion, Economic Regulatory administration, Department of Energy, Room 3128, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653-3637.

Issued in Washington, D.C., on June 11, 1980.

Robert L. Davies

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-18343 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 3068]

Alabama Electric Coop.; Application for Preliminary Permit

June 11, 1980.

Take notice that an application was filed on March 5, 1980, under the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r) by the Alabama Electric Cooperative for a preliminary permit. The project is to be known as the Coffeeville Hydroelectric Project, located at the U.S. Army Corps of Engineers' Coffeeville Lock and Dam, on the Tombigbee River in Clarke and Choctaw Counties, Alabama. Correspondence with the Applicant on this matter should be addressed to: Mr. Charles Lowman, General Manager, Alabama Electric Cooperative, P.O. Box 550, Andalusia, Alabama 36420.

Purpose of Project—The power generated from this project would be fed into an existing transmission system for eventual distribution to members of the Alabama Electric Cooperative, a Rural Electrification Administration generation and transmission cooperative with membership of southern Alabama and western Florida.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geologic investigations, consult with the U.S. Army Corps of Engineers, determine the economic feasibility of the project, consult with Federal, State, and local agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $357,000.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Coffeeville Lock and Dam on the Tombigbee River.

The project would consist of: (1) a concrete powerhouse to be located north of the spillway section containing one to six generating units with a total installed capacity of 16 MW; (2) an intake with trashracks and sliding guard gate; (3) a forebay and tailrace channel; and (4) appurtenant facilities. Applicant estimates the annual generation would average about 55,000,000 kWh.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 18, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 20, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (*as amended* 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33(a) and (d), (*as amended*, 44 *FR* 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 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 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 comment, protest, or petition to intervene must be filed on or before August 18, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-18248 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3058]

Alabama Electric Coop.; Application for Preliminary Permit

June 10, 1980.

Take notice that an application was filed on February 27, 1980, under the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r) by the Alabama Electric Cooperative for a preliminary permit. The project is to be known as the Gainesville Hydroelectric Project, located at the U.S. Army Corps of Engineers' Gainesville Lock and Dam, on the Tombigbee River in Sumter and Greene Counties, Alabama. Correspondence with the Applicant on this matter should be addressed to: Mr. Charles Lowman, General Manager, Alabama Electric Cooperative, P.O. Box 550, Andalusia, Alabama 36420.

Purpose of Project—The power generated from this project would be fed into an existing transmission system for eventual distribution to members of the Alabama Electric Cooperative, a Rural Electrification Administration generation and transmission cooperative with membership in southern Alabama and western Florida.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geologic investigations, consult with the U.S. Army Corps of Engineers, determine the economic feasibility of the projects, consult with Federal, State, and local agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report.

Applicant estimates the cost of studies under the permit would be $357,000.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Gainesville Lock and Dam on the Tombigbee River.

The project would consist of: (1) a concrete powerhouse to be located at the east abutment of the fixed-crest spillway containing one or two generating units with a total installed capacity of 15 MW; (2) an intake with trashracks and sliding guard gate; (3) a tailrace channel; and (4) appurtenant facilities. Applicant estimates the annual generation would average about 52,000,000 kWh.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 18, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 20, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (*as amended* 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33(a) and (d), (*as amended*, 44 FR 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in Section 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comment, protest, or petition to intervene must be filed on or before August 18, 1980. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-18234 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3067]

Alabama Electric Coop.; Application for Preliminary Permit

June 10, 1980.

Take notice that an application was filed on March 5, 1980, under the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r) by the Alabama Electric Cooperative for a preliminary permit. The project is to be known as the Aliceville Hydroelectric Project, located at the U.S. Army Corps of Engineers' Aliceville Lock and Dam, on the Tombigbee River in Pickens County, Alabama. Correspondence with the Applicant on this matter should be addressed to: Mr. Charles Lowman, General Manager, Alabama Electric Cooperative, P.O. box 550, Andalusia, Alabama 36420.

Purpose of Project—The power generated from this project would be fed into an existing transmission system for eventual distribution to members of the Alabama Electric Cooperative, a Rural Electrification Administration generation and transmission cooperative with membership in southern Alabama and western Florida.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geologic investigations, consult with the U.S. Army Corps of Engineers, determine the economic feasibility of the project, consult with Federal, State, and local agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $392,000.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Aliceville Lock and Dam on the Tombigbee River.

The project would consist of: (1) a concrete powerhouse to be located in the existing construction diversion channel and integral with the earth, nonoverflow embankment containing one to three generating units with a total installed capacity of 10 MW; (2) an intake with trashracks and sliding guard gate; and (3) appurtenant facilities. Applicant estimates the annual generation would average about 27,000,000 kWh.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examination to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 18, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 20, 1980. A notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 20, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (*as amended* 44 FR 61328, October 25, 1979). A competing application must conform with the

requirements of 18 CFR, 4.33 (a) and (d), (*as amended*, 44 FR 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules or Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in Section 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comment, protest, or petition to intervene must be filed on or before August 18, 1980. The Commission's address is: 825 North Capitol Street N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-18235 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3030]

Antrim County, Mich.; Application for Short-Form License (Minor)

June 11, 1980.

Take notice that Antrim County (Applicant) filed on January 22, 1980, an application for license [pursuant to the Federal Power Act, 16 U.S.C. §§ 791 (a)–825(r)] for a water power project to be known as Elk Rapids Project No. 3030. The project would be located on the Elk River in the village of Elk Rapids, Antrim County, Michigan. Correspondence with the Applicant should be directed to: Mr. Donald W. Lystra, Associate, Ayres, Lewis, Noris & May, Inc., 3983 Research Drive, Ann Arbor, Michigan 48104.

Project Description—The project would consist of: (1) an existing 87-foot long and 49.5-foot high concrete and brick integral powerhouse and dam structure containing two proposed units, each rated at 350 kW; (2) an existing underground, 50-long, 4,160 volt transmission line that extends southwest to a substation; and (3) appurtenant facilities. The estimated average annual output of the proposed project would be 3,000,000 kWh.

Purpose of Project—The purpose of the project is to generate electricity for public utility use in the northwestern part of the lower peninsula of Michigan. Delivery of power will be to the Traverse City Light and Power system through an agreement with Consumer Power Company.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 11, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 14, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (*as amended*, 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33(a) and (d), (*as amended*, 44 FR 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before August 11, 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. 80-18249 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-428]

APS—PJM Group; Filing

June 9, 1980.

The filing Company submits the following:

Take notice that on June 2, 1980, the Office of the Pennsylvania-New Jersey-Maryland Interconnection filed on behalf of the West Penn Power Company, the Potomac Edison Company, Monongahela Power Company (collectively referred to as APS Company) and Public Service Electric and Gas Company, Philadelphia Electric Company, Pennsylvania Power & Light Company, Baltimore Gas and Electric Company, Potomac Electric Power Company, Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (collectively referred to as PJM Group) Schedule 8.04 to the Interconnection Agreement between the APS Group and the PJM Group dated April 26, 1965.

The schedule provides for replacing the traditional percentage adders used in pricing Conservation Energy transactions with cost justified fixed adders based upon identifiable costs for the PJM Group rates. The APS Group rates retain the percentage adder, but apply a cap or maximum limit of 2.0 mills per kilowatthour.

No new facilities will be installed nor will existing facilities be modified in connection with the schedule. The filing parties have requested a waiver of any otherwise applicable Rules and Regulations not already complied with and have requested an effective date of August 1, 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, 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 30,

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. 80-18232 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-429]

APS—PJM Group; Filing

June 9, 1980.

The filing Company submits the following:

Take notice that on June 2, 1980, the Office of the Pennsylvania-New Jersey-Maryland Interconnection filed on behalf of the Western Penn Power Company, The Potomac Edison Company, Monongahela Power Company (collectively referred to as APS Group) and the Public Service Electric Gas Company, Philadelphia Electric Company, Pennsylvania Power & Light Company, Baltimore Gas and Electric Company, Potomac Electric Power Company, Jersey Central Power & Light Company and Metropolitan Edison Company (collectively referred to as PJM Group) Schedules 5.04, 7.05, and 9.03 to the Interconnection Agreement between APS Group and the PJM Group dated April 26, 1965.

The schedules provide for replacing the traditional percentage adders used in pricing Emergency, Extended Emergency, and Short Term Energy and Operating Capacity transactions, as well as for Non-Replacement Energy transactions, with cost justified fixed adders based upon identifiable costs for the PJM Group rates. The APS Group rates retain the percentage adders, but apply a cap or maximum limit of 2.0 mills per kilowatthour when generating and 1.0 mill per kilowatthour when purchasing for resale. the demand rates for Extended Emergency transactions are changed from a daily to an hourly basis.

The schedules also provide for increasing the demand rate for supply of Short Term Power purchased from another system is increased from $175 to $240 per megawatt per week.

No new facilities will be installed nor will existing facilities be modified in connection with the schedules. The filing parties have requested a waiver of any otherwise applicable Rules and Regulations not already complied with and have requested an effective date of August 1, 1980.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 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 27, 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. 80-18233 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-426]

Arizona Public Service Co.; Filing

June 12, 1980.

The filing company submits the following:

Take notice that on May 28, 1980, Arizona Public Service Company (APS) submitted for filing a revised Exhibit "A" to the Wholesale Power Supply agreement between the Bureau of Indian Affairs and APS.

APS states that pursuant to the Commission's letter of August 10, 1979, APS will file future revised exhibits only every fifth year for informational purposes.

A copy of this filing has been sent to the Bureau of Indian Affairs and the Arizona Corporation Commission.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 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 July 7, 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. 80-18266 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. QF80-9]

Brooks County Dairy; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

June 11, 1980.

On May 28, 1980, Brooks County Dairy filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

Brooks County Dairy is located on the Brooks County Dairy Farm, approximately five miles northeast of Quitman, Georgia. At the present time they have an existing unit used in emergency situations, generating their electrical power demand when needed power supply is unable to reach them through the local EMC grid. The existing unit is rated at 50 kilowatts, 625 KVA 120 or 208 volts with 174 Amps, powered by a conventional power train. Brooks County Dairy states that it is in the process of altering the existing facility. Agricultural biomass will be the only energy resource. The total power production capacity of the facility is anticipated to be the total power demand of the existing EMC substation and, or rural utility. It will be more than 50 kilowatts capacity, but less than 80 megawatts. Brooks County Dairy further states that the total ownership of the facility will be Doyle Weltzbarker; Secretary: Brooks County Dairy, Joe T. Moore; President: SWEL, Inc., and other local constituency.

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, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice 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. 80-18250 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-427]

CEI—PJM Group; Filing

June 9, 1980.

The filing Company submits the following:

Take notice that on June 2, 1980, the Office of the Pennsylvania-New Jersey-Maryland Interconnection filed on behalf of the Cleveland Electric Illuminating Company (CEI) and Public Service Electric and Gas Company, Philadelphia Electric Company, Pennsylvania Power & Light Company, Baltimore Gas and Electric Company, Potomac Electric Power Company, Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (collectively referred to as the PJM Group) Schedule 8.05 to the Interconnection Agreement between CEI and PJM Group dated September 30, 1965.

The schedule provide for replacing the traditional percentage adders used in pricing Conservation Energy transactions, with cost justified fixed adders based upon identifiable costs.

No new facilities will be installed nor will existing facilities be modified in connection with the schedule. The filing parties have requested a waiver of any otherwise applicable Rules and Regulations not already complied with and have requested an effective date of August 1, 1980.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 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 30, 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. 80-18236 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-430]

CEI—PJM Group; Filing

June 9, 1980.

The filing Company submits the following:

Take notice that on June 2, 1980, the Office of the Pennsylvania-New Jersey-Maryland Interconnection filed on behalf of the Cleveland Electric Illuminating Company (CEI) and Public Service Electric and Gas Company, Philadelphia Electric Company, Pennsylvania Power & Light Company, Baltimore Gas and Electric Company, Potomac Electric Power Company, Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (collectively referred to as PJM Group) Schedules 5.04, 7.04, and 9.03 Interconnection Agreement between CEI and PJM Group dated September 30, 1965.

The schedules provide for replacing the traditional percentage adders used in pricing Emergency, Extended, and Short Term Energy and Operating Capacity transactions, as well as for Non-Replacement Energy transactions, with cost justified fixed adders based upon identifiable costs. The demand rates for Extended Emergency transactions are changed from a daily to an hourly basis.

The schedules also provide for increasing the demand rate for supply of Short Term Power from $500 to $850 per megawatt per week. The demand rate for transmitting Short Term Power purchased from another system is increased from $125 to $240 per megawatt per week.

No new facilities will be installed nor will existing facilities be modified in connection with the Schedules. The filing parties have requested a waiver of any otherwise applicable Rules and Regulations not already complied with and have requested an effective date of August 1, 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene 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 petitions or protests should be filed on or before June 30, 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. 80-18237 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-84-M

[Docket No. ER80-449]

Central Hudson Gas and Electric Corp.; Filing

June 11, 1980.

The filing Company submits the following:

Take notice that on June 4, 1980, Central Hudson Gas and Electric Corporation (CHG) submitted for filing a letter agreement intended as a supplement to rate schedule F.E.R.C. No. 42 of CHG.

The Changes set forth in the enclosed agreements are proposed to become effective as of January 1, 1980. Accordingly, CHG requests waiver of the sixty day notice requirement.

A copy of this filing has been mailed to the Consolidated Edison Company of New York and the Niagara Mohawk Power Corporation.

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 Sections 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 July 3, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-18251 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-446]

Central Hudson Gas and Electric Corp; Filing

June 11, 1980.

The filing Company submits the following:

Take notice that on June 4, 1980, Central Hudson Gas and Electric Corporation (CHG) submitted for filing a letter agreement intended as a

supplement to rate schedule F.E.R.C. No. 43 of CHG.

The charges set forth in the inclosed agreement are proposed to become effective as of January 1, 1980. Accordingly, CHG requests waiver of the sixty day notice requirement.

A copy of this filing has been mailed to Consolidated Edison Company of New York.

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 Sections 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 July 3, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-18252 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER76-819]

Central Illinois Light Co.; Notice of Filing

June 12, 1980.

The filing company submits the following:

Take notice that on June 3, 1980, Central Illinois Light Company (CIL) submitted for filing revised rate schedules MW-2 and REA-2 pursuant to Commission Opinion No. 81, issued March 20, 1980.

CIL has also submitted for filing a revised cost of service study calculated in conformance with Opinion No. 81.

A copy of this filing has been served upon the affected wholesale customers.

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 July 7, 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. 80-18267 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3151]

Chain Dam Hydroelectric Corp.; Application for Preliminary Permit

June 5, 1980.

Take notice that Chain Dam Hydroelectric Corporation (Applicant) filed on April 23, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3151 to be known as the Chain Dam Project located on the Lehigh River in Palmer and Glenden Townships, Northampton County, Pennsylvania. Correspondence with the Applicant should be directed to: Mr. Pedro L. Boone, 65 E. Elizabeth Avenue, Suite 514, Bethlehem, Pennsylvania 18018.

Project Description—The proposed project would consist of: (1) an existing 600-foot long and 15-foot high concrete overflow dam known as the Chain Dam; (2) a proposed powerhouse having an installed capacity of 4,000 kW; and (3) appurtenances. Applicant estimates that the total annual energy generation would be about 21,000 MWh.

Purpose of Project—The project energy would be sold to private or public utilities in the Lehigh River Valley area or to local manufacturers.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would make preliminary designs, perform market analyses and safety studies of the dam, and assess the environmental effects of the project. The effects on historic and recreational resources in the area would also be considered. If the project is found to be feasible, Applicant would then prepare an application for FERC license, including an invironmental report. Applicant estimates the cost of studies under the permit would be $33,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 7, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 6, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), *(as amended,* 44 FR. 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33(a) and (d), *(as amended,* 44 FR 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before August 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. 80-18238 Filed 6-17 80: 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-109]

Colorado Interstate Gas Co.; Notice of Proposed Changes in FERC Gas Tariff

June 11, 1980.

Take notice that Colorado Interstate Gas Company (CIG), on May 30, 1980, tendered for filing certain revisions to its FERC Gas Tariff, Original Volume No. 1. CIG states that the purpose of this filing is to make miscellaneous revisions including certain technical changes in measurement procedures, a change in the interest rate charged by CIG on unpaid bills, and other routine tariff updating changes. An effective date of June 30, 1980, is requested for the revised tariff sheets.

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 20, 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. 80-18253 Filed 6-17-80: 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-2-21 (PGA80-3)]

Columbia Gas Transmission Corp.; Proposed changes in FERC Gas Tariff

June 6, 1980.

Take notice that Columbia Gas Transmission Corporation (Columbia) on May 28, 1980, tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1, to become effective June 1, 1980.

Sixty-first Revised Sheet No. 16.
Ninth Revised Sheet No. 16A.
Fourteenth Revised Sheet No. 64.

Columbia states that the foregoing tariff sheets are being filed to reflect a reduction in rates occasioned by a reduced level of purchases from Columbia's supplier, Columbia LNG Corporation, from those reflected in Columbia's original Purchased Gas Adjustment (PGA) filing effective March 1, 1980, and a corresponding increase in the level of purchases from other pipeline suppliers. The total reduction in gas purchase cost applicable to the months of June, July and August is $20,568,666.

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protests said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 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 or 1.10). All such petitions or protests should be filed on or before June 20, 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. 80-18239 Filed 6-17-80: 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER78-517]

Connecticut Light and Power Co.; Notice of Filing

June 12, 1980.

The filing Company submits the following:

Take notice that on June 4, 1980, Connecticut Light and Power Company (CLP) submitted for filing Third Revised Sheet No. 10, as a change to CLP's FERC Electric Tariff Resale Service Rate R-4. This filing is being made pursuant to the Commission's order, issued May 5, 1980, in the above-referenced proceeding.

A copy of this filing has been sent to the affected parties.

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 July 7, 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. 80-18266 Filed 6-17-80: 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3117]

Dodge Falls Hydro Associates; Application for Preliminary Permit

June 9, 1980.

Take notice that the Dodge Falls Hydro Associates (Applicant) filed on March 27, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3117 to be known as Ryegate Hydroelectric Project located on the Connecticut River in Caledonia County, Vermont, and Grafton County, New Hampshire. Correspondence with the Applicant should be directed to: Mr. Harvey D. Hill, President, CPM Inc., 131 Sullivan Street, Claremont, New Hampshire 03743.

Project Description—The proposed project would consist of: (1) the existing 540-foot long and 28-foot high concrete and rock-filled CPM Dam; (2) a 12-foot wide and 54-foot long training wall serving to divert flows from the CPR Dam impoundment to the powerhouse; (3) a 240-acre reservoir having a maximum storage capacity of 7,985 acre-feet; (4) a powerhouse with a proposed installed capacity of 2,200 to 5,300 kW; and (5) appurtenant facilities.

During the term of the permit, the Applicant would study several alternative developments, including various powerhouse modifications, penstock and water conveyance designs, and dam structure modifications. The proposed installed generating and energy output, dependent on the alternative selected, would vary from 2,200 to 5,300 kW, and 16,000 MWh to 26,500 MWh, respectively.

Purpose of Project—Project energy would be used for industrial purposes or sold to local public utilities.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would make preliminary designs, perform market analyses, estimate economic feasibility, identify water rights and dam ownership, and determine potential environmental impacts. Depending upon the outcome of the preliminary permit

studies, the Applicant would determine whether to proceed with the filing of an application for license. The Applicant estimates that the total cost of permit studies would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 8, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 7, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (*as amended*, 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), (*as amended*, 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before August 8, 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. 80-18240 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-434]

Duke Power Co.; Supplement to Electric Power Contract

June 9, 1980.

The filing company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on June 2, 1980 a revision to the Company's FCE—Fuel Conservation Energy schedule.

Duke Power states that this schedule is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 265.

Duke Power further states that the Company's filing of the FCE—Fuel Conservation Energy schedule is made in accordance with Docket No. ER78-229, et al, dated March 28, 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, 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 30, 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. 80-18241 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-448]

Edison Sault Electric Co.; Proposed Supplement to Electric Service Contract

June 11, 1980.

The filing Company submits the following:

Take Notice that Edison Sault Electric Company (Edison), on June 5, 1980, tendered for filing a Supplemental Agreement No. 4 between Edison and Cloverland Electric Cooperative, Inc., (Cloverland) dated February 7, 1980, which agreement will supplement an existing Contract for Electric Service, dated February 1, 1977, between the same two parties. The contract between the parties, dated February 1, 1977 has been designated FERC Rate Schedule No. 8 (Docket No. ER77-477). The proposed supplemental agreement provides for a change in the rate schedule as provided in the contract, dated February 1, 1977, under Section 5 Rate.

Copies of the filing were served upon Cloverland Electric Cooperative, Inc. and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said agreement, should file a Petition to Intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20462, 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 July 3, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of the agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-18254 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-2-2 (PGA80-2, IPR80-2, DCA80-2]

East Tennessee Natural Gas Co.; Rate Filing Pursuant to Tariff Rate Adjustment Provisions

June 6, 1980.

Take notice that on May 30, 1980, East Tennessee Natural Gas Company (East Tennessee) tendered for filing Thirty-Third Revised Sheet No. 4 and First Revised Sheet Nos. 4A and 4B of Sixth

Revised Volume No. 1 of its FERC Gas Tariff to be effective July 1, 1980.

East Tennessee states that the sole purpose of these tariff sheets is to reflect various rate adjustments pursuant to the General Terms and Conditions of its tariff as follows:

(1) A PGA Rate Adjustment pursuant to Section 22;

(2) A Curtailment Credit Rate Adjustment pursuant to Section 24; and

(3) Estimated Incremental Pricing Surcharges pursuant to Section 26.

East Tennessee also states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory 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 25, 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. 80-18242 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3111]

Eugene Water & Electric Board; Application for Preliminary Permit

June 10, 1980.

Take notice that Eugene Water & Electric Board (Applicant) filed on March 26, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3111 to be known as Dorena Dam Power Plant Project located on the Row River in Lane County, Oregon. The proposed project would utilize a Corps of Engineers' dam and affect lands of the U.S. under the administration of the Corps of Engineers. Correspondence with the Applicant should be directed to: Mr. Keith Parks, Eugene Water & Electric Board, P.O. Box 1048, Eugene, Oregon 97440.

Project Description—The proposed project would utilize water that is currently being released from the Corps of Engineers' Dorena Dam and Reservoir through five existing conduits. The proposed project would consist of: (1) a steel lined penstock which would be created by the conversion of one of the five existing 5-foot by 6-foot regulating outlet conduits; (2) a proposed power house containing one generating unit rated at 4-MW; and (3) a proposed transmission line. The existing access road might have to be extended. The energy generated by the project would be governed by water releases regulated by the Corps. The estimated average annual generation is 22,270 MWh.

Purpose of Project—The energy generated by the project would be used to serve the increasing load demands of the Applicant's service area.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct hydrologic and hydraulic studies, perform structural analyses of existing facilities, do an economic and financial analysis and feasibility study, review the environmental and social impacts including an environmental assessment, compute cost estimates and a schedule, and prepare an FERC license application. The estimated cost of the work to be performed under under the preliminary permit would be $90,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 11, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 10, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (*as amended* 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33(a) and (d), (*as amended*, 44 FR 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene: Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.18 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in Section 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comment, protest, or petition to intervene must be filed on or before August 11, 1980. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-18243 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3108]

Eugene Water & Electric Board; Application for Preliminary Permit

June 9, 1980.

Take notice that Eugene Water & Electric Board (Applicant) filed on March 26, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r) for proposed Project No. 3108 to be known as Fall Creek Dam Power Plant Project located on Fall Creek in Lane County, Oregon. The proposed project would utilize a government dam and affect U.S. lands under the administration of the U.S. Corps of Engineers. Correspondence with the Applicant should be directed to: Mr. Keith Parks, Eugene Water & Electric Board, P.O. Box 1048, Eugene, Oregon 97440.

Project Description—The proposed project would utilize water that is currently released from the Corps of Engineers' existing Fall Creek Reservoir and Dam through two existing outlet conduits and would consist of: (1) Two steel penstocks to be installed in each of the two existing outlet conduits; (2) a powerhouse containing one generating unit rated at 6 MW; (3) a transmission line. The energy generated would be governed by water released by the Corps of Engineers. The estimated average annual generation is 29,560 MWh.

Purpose of Project—The energy generated by the project would be used to serve the increasing load demands of the Applicant's service area.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct hydrologic and hydraulic studies, perform structural analyses of existing facilities, do an economic and financial analysis and feasibility study, review the environmental and social impacts including an environmental assessment, compute cost estimates and a schedule, and prepare an FERC license application. The estimated cost of the work to be performed under the preliminary permit is $90,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 11, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 10, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (*as amended* 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33 (a) and (d), (*as amended*, 44 FR 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 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 August 11, 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. 80-18244 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3109]

Eugene Water & Electric Board; Application for Preliminary Permit

June 9, 1980

Take notice that Eugene Water & Electric Board (Applicant) filed on March 26, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a) 825(r)] for proposed Project No. 3109 to be known as Blue River Dam Power Plant Project located on the Blue River in Lane County, Oregon. The proposed project would utilize a government dam and affect U.S. lands under the administration of the U.S. Corps of Engineers. Correspondence with the Applicant should be directed to: Mr. Keith Parks, Eugene Water & Electric Board, P.O. Box 1048, Eugene, Oregon 97440.

Project Description—The proposed project would utilize water that is currently released from the Corps of Engineers' existing Blue River Reservoir and Dam through the existing outlet conduit and would consist of: (1) a steel liner to be installed in the existing 1,800-foot long concrete outlet conduit; (2) a bifurcation at the end of the conduit; (3) a penstock; (4) a powerhouse containing a generating unit rated at 8 MW; (5) a transmission line; and (6) the upgrading of an existing road. The project would generate energy only when water is released by the Corps of Engineers. The estimated average annual generation is 43,420 MWh.

Purpose of Project—The energy generated by the project would be used to serve the increasing load demands of the Applicant's service area.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct hydrologic and hydraulic studies, perform structural analyses of existing facilities, do an economic and financial analysis and feasibility study, review the environmental and social impacts including an environmental assessment, compute cost estimates and a schedule, and prepare an FERC license application. The estimated cost of the work to be performed uder the preliminary permit is $90,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 11, 1980, either the

competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 10, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (*as amended*, 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33 (a) and (d), (*as amended*, 44 FR 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before August 11, 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. 80-18245 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-436]

Florida Power Corp.; Notice of Filing

June 9, 1980.

The filing Company submits the following:

Take notice that on June 2, 1980, Florida Power Corporation ("Florida Power") tendered for filing an Interchange Agreement ("Agreement") between Florida Power and the Jacksonville Electric Authority entered into on May 20, 1980. The Agreement provides for the following interchange services: emergency energy, short-term and long-term firm capacity and energy, and economy energy. Florida Power asks that the sixty (60)-day notice requirement be waived so that the Agreement, in accordance with its terms, may be permitted to become effective on June 2, 1980.

Any person desiring to be heard or to make any protest with reference to said filing should, on or before June 27, 1980, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, petitions to intervene or protests 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. Persons wishing to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The documents filed by Florida Power are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-18246 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-440]

Florida Power Corp.; Filing

June 9, 1980.

The filing Company submits the following:

Take notice that on June 3, 1980, Florida Power Corporation ("Florida Power") tendered for filing a revision to the daily capacity charge for its scheduled interchange service to Florida Power & Light Company, Tampa Electric Company, the Orlando Utilities Commission, the Cities of Gainesville, Kissimmee and St. Cloud, Florida, and the Sebring Utilities Commission under interconnection agreements with each of these utilities. According to Florida Power, the revised charge of $73.45 per MW per day is based on 1979 data and is derived according to the same method shown in cost support schedules submitted with the interconnection agreements. According to Florida Power, the present daily capacity charge based on 1978 data is $67.26 per MW per day.

Florida Power requests that the revised daily capacity charge be made effective on May 1, 1980 and requests waiver of the 60-day notice requirement.

According to Florida Power, the filing has been served on each of the above-named utilities and the Florida Public Service Commission.

Any person desiring to be heard or to make any protest with reference to said filing should, on or before June 30, 1980, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, petitions to intervene or protests 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. Persons wishing to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The documents filed by Florida Power are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-18247 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-438]

Florida Power & Light Co.; Filing

June 9, 1980.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FPL), on June 3, 1980, tendered for filing an amendment to an agreement executed only by it, entitled "Amendment Number Four to Agreement To Provide Specified Transmission Service Between Florida Power & Light Company and New Smyrna Beach Utilities Commission." Under the Amendment filed today, FPL will transmit power and energy for the New Smyrna Beach Utilities Commission (New Smyrna) as is required by New Smyrna in the implementation of its interchange agreement with the City of Vero Beach.

FPL requests that waiver of Section 35.3 of the Commission's Regulations be granted and that the proposed amendment be made effective immediately. FPL states that copies of the filing were served on the Director of Utilities of the Utilities Commission of the City of New Smyrna Beach.

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 Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before June 27, 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. 80-18294 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER80-327 and ER80-328]

Georgia Power Co.; Order Accepting for Filing and Suspending Proposed Rates, Rejecting Motion, Granting Intervention, Consolidating Proceedings and Establishing Hearing Procedures

May 30, 1980.

On April 4, 1980 Georgia Power Company (Georgia) submitted for filing revised tariff rates [1] for full requirements service to the City of Acworth, Georgia and the City of Hampton, Georgia in Docket No. ER80-327 and for partial requirements service to the City of Dalton, Georgia, Municipal Electric Authority of Georgia (MEAG), and Oglethorpe Electric Membership Corporation in Docket No. ER80-328. The proposals would increase revenues from the full requirements customers by $211,000 (22.5%) annually and from the partial requirements customers by $38,414,000 (18.26%) annually for the twelve month period ending July 31, 1981. Georgia requests that its proposed rates be allowed to become effective on August 1, 1980.

Public notice of both filings was issued on April 10, 1980, with responses due on or before May 2, 1980. Petitions to intervene and protests were filed by the City of Dalton on April 15, 1980, by the Cities of Acworth and Hampton on April 21, 1980, by Oglethorpe Electric Membership Corporation (Oglethorpe) on April 28, 1980, on behalf of its 39 member electric corporations, by the Consumer's Utility Counsel, State of Georgia, on April 30, 1980, and by Municipal Electric Authority of Georgia (MEAG) on May 2, 1980. With the exception of Dalton and the Consumer's Utility Counsel who did not specify issues in opposing Georgia's proposed rate increases, these intervenors allege numerous deficiencies in Georgia's cost of service study [2] and request a full, five month suspension and hearing. These intervenors also oppose Georgia's proposed effective date of August 1, 1980, citing settlement agreements in Docket No. ER79-88 which they allege preclude Georgia from increasing rates to them prior to November 1, 1980. Additionally, Oglethorpe requests summary disposition of issues pertaining to changes in depreciation rates, treatment of compensating bank balances and allocation of certain R&D expenses.

Oglethorpe made requests for summary disposition of three issues. We find that these issues are not appropriate for summary disposition but should be a subject for the hearing ordered below.

Our review of the filings by Georgia indicates that they may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. The Commission would normally suspend the proposed rates for 2 months to become effective October 1, 1980. However, the prior settlement agreement prohibits an effective date prior to November 1, 1980. The Commission shall therefore suspend the proposed rates until November 1, 1980 in order to give the customers the full benefit of their prior settlement agreement. Georgia's proposed effective date is consistent with the Commission's regulations but inconsistent with the prior settlement. The effect of the settlement agreement is therefore in the nature of a fixed contract and the Commission's action here is consistent with the treatment of a fixed rate contract.

In the event that future settlements are intended to preclude parties from making filings prior to a specified date, as implied by the petition to intervene, this should be made explicit in the settlement agreement. No evidence of that intent is expressed in the prior settlement agreement.

All petitions to intervene indicate material interests in the outcome of this proceeding, may be in the public interest and will be granted. In view of the common issues of law and fact involved, Docket Nos. ER80-327 and ER80-328 will be consolidated for hearing and decision.

The Commission Orders

(A) Georgia's proposed rates are hereby accepted for filing and suspended to become effective November 1, 1980, subject to refund pending the outcome of these proceedings as consolidated.

(B) Oglethorpe's motion for summary disposition is denied.

(C) All petitions to intervene are granted subject to the rules and regulations of the Commission; *Provided, however,* that participation by the intervenors shall be limited to matters set forth in their petitions to intervene; and *Provided, further,* that the admission of any intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(D) Docket Nos. ER80-327 and ER80-328 are consolidated.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 402(a) of the DOE Act and by the Federal Power Act, specifically Sections 205 and 206, and by the Commission's Rules of Practice and Procedure and the Regulations under the Federal Power Act (18 CFR, Chapter I (1979)), a public hearing shall be held concerning the justness and reasonableness of Georgia Power Company's proposed rates.

(F) Staff shall serve top sheets in this proceeding on August 21, 1980.

(G) A presiding administrative law judge to be designated by the Chief Administrative Law Judge for that purpose shall convene a conference in this proceeding to be held within ten days of the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol St., N.E., Washington, D.C. 20426. The designated law judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(H) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A—Georgia Power Company, Rate Schedule Designations

Dated: April 4, 1980.

Filed: April 4, 1980.

FPC Electric Tariff, Original Volume No. 2

(Partial Requirements Service) (PR-5).

Revised sheets	*Superseded sheets*
(1) 3rd Revised Sheet No. 1	2nd Revised Sheet No. 1
(2) 2nd Revised Sheet No. 3	1st Revised Sheet No. 3
(3) 4th Revised Sheet No. 4	3rd Revised Sheet No. 4
(4) 7th Revised Sheet No. 6	6th Revised Sheet No. 6
(5) 3rd Revised Sheet No. 7	2nd Revised Sheet No. 7
(6) 4th Revised Sheet No. 10	3rd Revised Sheet No. 10

[1] See Attachment A for rate schedule designations.

[2] These include among others allocations of excessive rate of return, inflated rate base, and excessively high period II projections.

(7) 1st Revised Sheet No. 10A	Original Sheet No. 10A
(8) 4th Revised Sheet No. 11	3rd Revised Sheet No. 11
(9) 3rd Revised Sheet No. 11A	2nd Revised Sheet No. 11A
(10) 3rd Revised Sheet No. 20	2nd Revised Sheet No. 20
(11) 2nd Revised Sheet No. 20A	1st Revised Sheet No. 20A

FPC Electric Tariff, Original Volume No. 1

(Full Requirements Service) (FR–3).

Revised sheets	*Superseded sheets*
(1) 5th Revised Sheet No. 1	4th Revised Sheet No. 1
(2) 8th Revised Sheet No. 23	7th Revised Sheet No. 23
(3) 11th Revised Sheet No. 24	10th Revised Sheet No. 24

[FR Doc. 80–18295 Filed 6–17–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER79–88]

Georgia Power Co.; Filing

June 12, 1980.

The filing Company submits the following:

Take notice that on June 5, 1980, Georgia Power Company (GPC) submitted for filing a compliance report pursuant to the Commission's order, dated May 15, 1980, in the above-referenced proceeding.

A copy of this filing has been sent to the affected jurisdictional customers.

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 July 7, 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. 80–18269 Filed 6–17–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. SA80–131]

Great Lakes Gas Transmission Co. Application for Adjustment

June 9, 1980

Take notice that on May 30, 1980, Great Lakes Gas Transmission Company (Applicant), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket tNo. SA80–131 an application pursuant to Section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) and Section 1.41 of the Commission's Rules of Practice and Procedure (18 CFR 1.41) for a permanent exemption from the requirements of Section 281.104 of the Commission's Regulations (18 CFR 281.104), all as more fully set forth in the application on file with the Commission and open to public inspection.

Section 281.104 of the Regulations implements in part Section 401 of the NGPA and requires each interstate pipeline to file tariff sheets which allow for the granting of adjustments to the otherwise applicable provisions of its curtailment plan to the extent necessary to supply the essential agricultural users or high-priority uses of its direct sale customers and its indirect sale customers. Applicant states that an adjustment from the requirements of Section 281.104 is necessary to prevent a special hardship and unfair administrative burden.

Applicant states that all of the gas which it purchases for resale is produced in and imported from Canada and purchased from Trans-Canada PipeLines Limited. Applicant states further that it has never had to curtail deliveries to its resale customers and that there is a surplus of natural gas in Canada and that no curtailment of gas flowing under existing export licenses issued by the National Energy Board of Canada is anticipated during the term of such licenses. Therefore, Applicant does not anticipate any curtailments of deliveries to its resale customers and submits that no regulatory purpose would be served by its compliance with the requirements of Section 281.104 of the Regulations. It is stated that if Applicant's gas-supply projections significantly change with regard to its resale customers, it will promptly make the tariff filings required by Section 281.104 in order to reflect its changed circumstances and to protect high priority and agricultural consumers.

The procedures applicable to the conduct of this adjustment proceeding are found in Section 1.41 of the Commission's Rules of Practice and Procedure (18 CFR 1.41).

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with Section 1.41. All petitions to intervene must be filed by July 3, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80 18296 Filed 6–17–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER80–437]

Idaho Power Co.; Filing

June 9, 1980.

The filing Company submits the following:

Take notice that on June 1, 1980, the Idaho Power Company tendered for filing in compliance with the Federal Energy Regulatory Commission's Order of October 7, 1978, a summary of sales made under the Company's 1st Revised FERC Electric Tariff, Volume No. 1 (Supersedes Original Volume No. 1) during April, 1980, along with cost justification for the rate charged.

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 petitions or protests should be filed on or before June 27, 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. 80–18297 Filed 6–17–80; 8:45 am]

BILLING CODE 6450–84–M

[Project No. 2375]

International Paper Co.; Application for Amendment of License

June 11, 1980.

Take notice that the International Paper Company (Applicant) filed on September 19, 1977, and last amended on May 19, 1980, an application for an amendment of its license [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for its Otis-Livermore Falls Project, FERC No. 2375, located on the Androscoggin River near the Towns of Riley, Jay, Chisolm, and Livermore Falls, Maine. Correspondence with the Applicant should be directed to: Robert McK. Hunziker, Esq., International Paper Company, 220 East 42nd Street, New York, New York 10017.

Under the proposal, Applicant requested that its license be amended to reflect the following changes to its project:

Riley Mill—Installation of six 1,300-kw tubular turbine-generator units in the existing powerhouse replacing twenty-four hydromechancial units with a total rated capacity of 7,250 hp which were

removed about 10 years ago. The new generating units would produce 40,000,000 kWh annually, saving the equivalent of 65,700 barrels of oil or 18,500 tons of coal. The Riley Mill would operate run-of-the-river.

Jay Power Plant—Rewinding five of the six generating units in the powerhouse to 4.16 kV, 60 cycle, 3-phase operation in 1974 after being damaged by floods in 1969. The sixth generator was removed in 1977.

Otis Mill—Replacement of a 1,180 kVA generator and a 935 kVA generator with a 500 kVA generator and a 560 kVA generator, respectively. The two generating units are presently inoperable. Applicant plans to rehabilitates these units. Applicant has reinforced the existing dam at the Otis Mill by constructing a concrete gravity dam 8 feet downstream of the existing timber crib dam. The space between the two structures was then filled with stone. The resulting dam was also capped with a 24-inch thick concrete slab. The resulting crest elevation remained unchanged.

Livermore Mill—A 1,175 kVA generator, a 937 kVA generator, and a 950 kVA generator were added to the existing powerhouse. All remaining units used for producing hydromechanical energy were removed.

In light of the redevelopment of the Riley Mill, Applicant has also requested a seven-year extension of the existing license term, thus giving the Applicant a full 50-year license term.

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 21, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-18255 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-435]

Iowa Public Service Co.; Filing

June 9, 1980.

The filing company submits the following:

Take notice that on June 2, 1980, Iowa Public Service Company and its wholesale customers filed for approval by the Commission an executed Service Agreement dated April 11, 1980 whereby Iowa Public Service Company will supply the City of Esterville, Iowa, with electric energy at wholesale, commencing May 1, 1980.

The Company states that the rates in the new filing will be the same as the rates that are contained in Iowa Public Service Company's FPC Electric Tariff Original Volume No. 1 which is filed with the Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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 and 1.10). All such petitions or protests should be filed on or before June 30, 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. 80-18298 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-442]

Kansas City Power & Light Co.; Filing of Initial Rate Schedule

June 11, 1980.

The filing Company submits the following:

Take notice than on June 3, 1980, Kansas City Power & Light Company (KCPL) tendered for filing a Transmission Service Agreement dated June 1, 1979, between KCPL and Associated Electric Service Cooperative, Incorporated (Associated). KCPL requests an effective date of June 1, 1979. KCPL has been providing Transmission Service to Associated since June 1, 1979, on which date the Associated Wholesale Firm Power Contract between KCPL and Associated was terminated by mutual consent.

In its filing, KCPL states that the rates included in the above-mentioned Transmission Service Agreement are KCPL's rates and charges for similar service under schedules previously filed by KCPL with the Federal Energy Regulatory Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before July 3, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-18256 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1896]

Richard J. Kelly; Filing

June 6, 1980.

Take notice that on May 23, 1980, Richard J. Kelly (Applicant) filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Senior Vice President, Georgia Power Company, Public Utility.

Director, Southern Electric Generating Company, Public Utility.

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 27, 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. 80-18299 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-444]

Kentucky Utilities Co.; Tariff Change

June 11, 1980.

The filing Company submits the following:

Take notice that on June 3, 1980, Kentucky Utilities (KY) tendered for filing an agreement between KU and East Kentucky Power Cooperative wherein KU agrees to purchase 200 MW of nearly firm power as available from Spurlock Unit No. 1 (50 MW) and Unit No. 2 (150 MW). The Agreement between KU and East Kentucky Power Cooperative was entered into on October 1, 1976.

A previous KU-East Kenticky Interconnection Agreement was designated KU Rate Schedule FPC No. 96.

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 and 1.10). All such petitions or protests should be filed on or before July 3, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-18257 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-84-M

[Docket No. QF80-1]

Lawrence Hydroelectric Associates, Small Power Production and Cogeneration Facilities—Qualifying Status; Order Granting Application for Certification of Qualifying Status of Small Power Production Facility

May 30, 1980.

On March 19, 1980, Lawrence Hydroelectric Associates (Lawrence Hydro or Applicant) filed an application, pursuant to § 292.207(b) of the Commission's rules, for an order certifying that the Lawrence hydroelectric project, Licensed Project No. 2800, is a qualifying small power production facility as defined in paragraph 3(17)(C) of the Federal Power Act, as amended by Title II of the Public Utility Regulatory Policies Act of 1978 (PURPA).

The Lawrence project is located in Lawrence, Massachusetts, on the Merrimack River. The facility is a hydroelectric generating unit with all of its energy input derived from a renewable energy source (water). The capacity of the facility is approximately 15 megawatts. No other hydroelectric facilities owned by the applicant are located within one mile of the facility site. No electric utility, public utility holding company, or any person owned by either has any ownerhsip interest in the facility.

The Commission has not received any protests or petitions to intervene.

The Commission Finds

The applicant meets the requirements set out in § 292.203(a) of the Commission rules regarding qualification as a small power production facility.

The Commission orders

The application for qualifying status filed on March 19, 1980 by the Lawrence Hydroelectric Associates for the Lawrence hydroelectric project, Licensed Project No. 2800, pursuant to § 292.203(a) of the Commission's rules, and paragraph 3(17)(C) of the Federal Power Act, as amended by Section 201 of the Public Utility Regulatory Policies Act of 1978, is hereby granted.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-18258 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1898]

Carroll R. Lee; Filing

June 6, 1980.

Take notice that on May 27, 1980, Carroll R. Lee (Applicant) filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Assistant Vice President, Engineering, Bangor Hydro-Electric Company, Public Utility.

Director, Maine Yankee Atomic Power Company, Public Utility.

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 27, 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. 80-18300 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3123]

Massachusetts Municipal Wholesale Electric Co.; Application for Preliminary Permit

June 6, 1980.

Take notice that the Massachusetts Municipal Wholesale Electric Company (Applicant) filed on March 31, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3123 to be known as the Stillwater Bridge Project near the town of Deerfield in Franklin County, Massachusetts. Correspondence with the Applicant should be directed to: Mr. Phillip Otness, General Manager, Massachusetts Municipal Wholesale Electric Company, P.O. Box 426, Ludlow, Massachusetts 01056.

Project Description—The Stillwater Bridge Project would consist of: (1) a 60- to 65-foot high, 750-foot long dam (material to be determined); (2) a reservoir with a maximum storage capacity of 9,000 acre-feet; (3) a powerhouse containing turbine-generator units with a total rated capacity of from 5 to 8 MW; (4) a 2,000-foot long transmission line and substation; and (5) appurtenant facilities. The Stillwater Bridge Project would generate up to 36,000,000 kWh annually that would save the equivalent of 59,000 barrels of oil or 16,700 tons of coal annually.

Purpose of Project—Power generated by the project would be sold by the Applicant to its member towns and cities.

Proposed Scope and Cost of Studies under Permit—The work proposed under this preliminary permit would include geotechnical investigations at the site of the proposed dam, engineering plans, and an environmental

assessment. Geotechnical investigations would include a seismic boring program in the vicinity of the axis of the proposed dam and may include a 600-foot long access road to the proposed dam site. Applicant states that all disturbed areas would be regraded and restored. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the work to be performed under this preliminary permit would cost $54,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 20, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 22, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (*as amended* 44 *Fed. Reg.* 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33 (a) and (d), (*as amended*, 44 *Fed. Reg.* 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules or 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 comment, protest, or petition to intervene must be filed on or before August 20, 1980. The Commission's address is: 825 North Capitol Street NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-18301 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-2-5 (PGA80-2, IPR80-2, DCA80-2)]

Midwestern Gas Transmission Co.; Rate Filing Pursuant to Tariff Rate Adjustment Provisions

June 6, 1980.

Take notice that on May 30, 1980, Midwestern Gas Transmission Company (Midwestern) tendered for filing Twenty-Eighth Revised Sheet No. 5, Fourteenth Revised Sheet No. 5A, and First Revised Sheet Nos. 5B and 5C to its FERC Gas Tariff, Third Revised Volume No. 1, to be effective July 1, 1980. Midwestern states that the sole purpose of the revised tariff sheets is to reflect adjustments to its rates pursuant to rate adjustment provisions of the General Terms and Conditions of its tariff as follows:

(1) PGA Rate Adjustment for the Southern System pursuant to Article XVII;

(2) a PGA Rate Adjustment for the Northern System pursuant to Article XVIII;

(3) a Curtailment Credit Rate Adjustment for the Southern System pursuant to Article XIX;

(4) Estimated Incremental Pricing Surcharge for the Southern System pursuant to Article XXII; and

(5) Estimated Incremental Pricing Surcharges for the Northern System pursuant to Article XXIII.

Midwestern states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory 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, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before June 20, 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. 80-18302 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER79-482]

Mississippi Power Co.; Filing

June 10, 1980.

The filing Company submits the following:

Take notice that on May 13, 1980, Mississippi Power Company (MPC) submitted for filing a refund report pursuant to the Commission's letter of May 1, 1980 in the above referenced proceeding.

A copy of this filing has been sent to the Mississippi Public Service Commission.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure, (18 CFR 1.8 and 1.10). All such protests should be filed on or before July 1, 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. 80-18303 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TC80-90]

Montana-Dakota Utilities Co.; Tariff Filing

June 11, 1980.

Take notice that on June 6, 1980, Montana-Dakota Utilities Co. (MDU), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. TC80-

90 [1] the following substitute tariff sheets for inclusion in its FERC Gas Tariff, Original Volume No. 1:

Substitute Second Revised Sheet No. 100.
Substitute Second Revised Sheet No. 102.
Substitute Second Revised Sheet No. 103.
Substitute Second Revised Sheet No. 110.

These sheets, which are designed to substitute for their counterparts filed on May 30, 1980, are on file with the Commission and open to public inspection. They are proposed to be effective July 1, 1980.

In transmitting the sheets, MDU states the following:

The changes made in the Index of Requirements for Elk River Concrete Products (on Substitute Second Revised Sheet No. 100) and Hebron Brick (on Substitute Second Revised Sheet No. 103) correct typographical errors in the original filing. The requirements for each, appearing under the Priority 2(a) classification on the previously filed revised sheets, should appear under the Priority 2(b) classification.

The change made for Wyoming Sawmills (Substitute Second Revised Sheet No. 110) reflects a recognition that Wyoming Sawmills is not an essential agricultural user as defined in the Tariff. Thus, Wyoming Sawmills' annual natural gas requirement is that which appeared on the previously effective tariff sheet (First Revised Sheet No. 110).

The change made in the listing of Annual Requirements for ALCO, Inc., is necessary to reflect the Grafton, North Dakota, plant's recently changed priority classification. Since the plant became an industrial user of natural gas upon its sale by Borden, Inc., to ALCO, Inc., it can no longer be listed as a Priority 2(a), *i.e.*, essential agricultural user. Thus, ALCO, Inc.'s requirements should appear under the Priority 2(b) and Priority 4 classifications.

The changes in requirements for essential agricultural use are based on affidavits furnished by each agricultural user. Copies of the affidavits are attached to the original of this filing, but not to any of the other filing or service copies.

Any person desiring to be heard or to make any protest with reference to said substitute tariff filing 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). 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.

[FR Doc. 80-18259 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[1] The filing is said to be made pursuant to the Commission's Order Approving Settlement issued November 30, 1979 in Docket No. RP76-91.

[Docket No. ER80-441]

Montaup Electric Co.; Filing of Transmission Service Agreement

June 9, 1980.

The filing Company submits the following:

Take notice that Montaup Electric Company ("Montaup") on June 3, 1980 tendered for filing a transmission service agreement between Montaup and the Massachusetts Town of Middleton Municipal Electric Department ("Middleton") under which Montaup transmits for Middleton 1,000 kW of power from Montaup's Somerset Unit No. 6. Middleton purchases power from Montaup's Somerset Unit No. 6 under the New England Power Pool Capability and Energy Contract Form NX-7 dated April 29, 1980. Exhibit A to the transmission service agreement states that the period of service is from May 1, 1980 through October 31, 1980. Montaup estimates that its revenues from transmission of that power will total $2,712 for the twelve month period beginning May 1, 1980.

Montaup requests waiver of the Commission's sixty (60) day notice requirement in order to allow an effective date of May 1, 1980.

Copies of this filing have been served on Middleton and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 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 30, 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. 80-18304 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-439]

Montaup Electric Co.; Proposed Tariff Change

June 9, 1980.

The filing company submits the following:

Take notice that Montaup Electric Company ("Montaup") on June 3, 1980 tendered for filing an Exhibit A (Series No. II, Mansfield No. 2) under FERC Electric Tariff Original Volume No. II. Montaup states that Exhibit A, which supersedes the Exhibit A presently on file, provides for transmission of 2,000 kW of electric power by Montaup for the Town of Mansfield Electric Department from Montaup's Somerset Unit No. 6 for an additional period from May 1, 1980 through October 31, 1980. Montaup estimates that its revenues from that transmission service will total $5,418.

Montaup requests waiver of the Commission's sixty (60) day notice requirement in order to allow an effective date of May 1, 1980.

Copies of this filing have been served on Mansfield and the Massachusetts Department of Public Utilities.

Any person wishing 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 30, 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. 80-18305 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-445]

Montaup Electric Co., Tariff Change

June 12, 1980.

The filing company submits the following:

Take notice that Montaup Electric Company ("Montaup") on June 4, 1980, tendered for filing two exhibits, Exhibit A—Taunton No. 3 and Exhibit A—Taunton No. 4 to supplement the transmission service agreement with Taunton Municipal Lighting Plant ("Taunton") under the September 14, 1978 FERC Electric Tariff Original Volume No. II. The exhibits supersede Exhibit A—Taunton No. 2 which expired on November 30, 1979. Montaup estimates its revenues under the filed exhibits to total $23,729. Montaup requests waiver of the Commission's notice requirements to allow effective dates of March 1, 1980, April 1, 1980 and May 1, 1981.

Copies of the filing have been served on Taunton and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 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 July 7, 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. 80-18270 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-107

Natural Gas Pipeline Co. of America; Proposed Changes in FERC Gas Tariff

June 6, 1980.

Take notice that on May 30, 1980, Natural Gas Pipeline Company of America (Natural) tendered for filing proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1 and Second Revised Volume No. 2 to become effective July 1, 1980. (Waiver was requested to make certain tariff sheets effective January 1, 1981.)

The proposed rates would produce increased jurisdictional revenues of approximately $88.8 million compared to the revenues collected under rates presently in effect at Docket No. RP78-78. The rates used in the calculation of the indicated revenue increase are approved interim settlement rates effective March 1, 1980 which are subject to revision for certain reserved issues pending Commission decision.

Natural states that the principal reasons for the proposed rate changes are: (1) a proposed increase in overall rate of return to 11.99% which would permit a rate of return on common equity of 14.75% (2) substantial investments in facilities, and (3) increased operation and maintenance expenses, including increased costs incurred for transmission and compression of gas by others from offshore and onshore purchase locations. Natual has also included tariff revisions necessary to incorporate a Net Transportation Cost Adjustment, a Payments for Undelivered Gas Cost Adjustment, and revised its existing Purchased Gas Cost Adjustment provision to reflect changes due to fuel, gas lost and unaccounted for and exchange gas.

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 the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests must be filed on or before June 25, 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. 80-18306 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA 80-1-26 (PGA 80-2, IPR 80-2, AP 80-1, GRI 80-2, LFUT 80-1, TT 80-1, and PGA 80-2a)]

Natural Gas Pipeline Co. of America; Filing of Report of Refund

June 12, 1980.

Take notice that Natural Gas Pipeline Company of America (Natural), on June 4, 1980, submitted for filing its Report of Distribution of Refunds occasioned by the Commission's Order of April 18, 1980.

A copy of this filing has been mailed to Natural's jurisdictional customers and to interested state regulatory agencies.

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, 1.10). All such petitions or protests should be filed on or before June 25, 1980. Protests will be considered by the Commission in determining the appropiate 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 petiton to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-18271 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3119]

North Carolina Electric Membership Corp.; Application for Preliminary Permit

June 9, 1980.

Take notice that North Carolina Electric Membership Corporation (Applicant) filed on March 31, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)—825(r)] for proposed Project No. 3119 to be known as the Dallas Lake Dam Water Power Project located at the existing Dallas Lake Dam on the South Fork Catawba River in Gaston County, North Carolina. Correspondence with the Applicant should be directed to: Mr. J. W. Stephenson, Project Manager, c/o North Carolina Electric Membership Corporation, Post Office Box 2730, Raleigh, North Carolina 27611.

Project Description—Applicant plans to rehabilitate the existing non-operating hydroelectric generating facilities at the Dallas Lake Dam owned by Harding Manufacturing Company of Gastonia, North Carolina. The project would consist of a dam of rockfill and concrete construction, 20 feet high and 235 feet long, impounding a reservoir with a surface area of approximately 62 acres. An existing powerhouse structure is located adjacent to the left dam abutment. Preliminary estimates indicate that one unit of 1,000 kW capacity could be installed in the existing powerhouse with an annual

generation of apaproximately 6,000,000 kWh.

Purpose of Project—Applicant would use project energy to supply its base energy requirements and for distribution to the system of the Rutherford Electric Membership Corporation (a member of the Applicant's Corporation).

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years. During that time it would determine the economic feasibility of the project, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. The estimated cost of the studies under the permit is approximately $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 11, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 10, 1980. A notice of intent must conform with the requirements of 18 C.F.R. 4.33(b) and (c), (as amended, 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33(a) and (d), (as amended, 44 FR 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before August 11, 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. 80-18307 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 3066 and 3137]

North Carolina Electric Membership Corp. and City of Fayetteville Public Works Commission; Applications for Preliminary Permit

June 10, 1980.

Take notice that North Carolina Electric Membership Corporation (NCEMC) and the City of Fayetteville Public Works Commission (Applicants) filed on March 5, 1980, and April 15, 1980, applications for preliminary permits [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Projects Nos. 3066 and 3137, respectively, to be known as the W. Kerr Scott Water Power Project located at the U.S. Corps of Engineers' W. Kerr Scott Dam on the Yadkin River in Wilkes County, North Carolina.

Correspondence with the North Carolina Electric Membership Corporation should be directed to: Mr. J. W. Stephenson, Project Manager, c/o North Carolina Electric Membership Corporation, Post Office Box 2730 Raleigh, North Carolina 27611. Correspondence with the City of Fayetteville Public Works Commission should be directed to: Mr. R. A. Muench, Jr., General Manager, 508 Person Street, Fayetteville, North Carolina 28302.

Project Description—NCEMC's proposed project would consist of a powerhouse, step-up substation and a 115-kV transmission line of up to seven miles in length, depending on the point of interconnection chosen. Preliminary estimates indicate that the powerhouse have an installed capacity of 2,000 kW, with an average annual generation of approximately 10,500,000 kWh.

Fayetteville's proposed project is not specifically described, however, the hydroelectric generating facility would be based on an estimated hydropower potential of 4.14 MW. The facilities would be connected with the Duke Power Company system at a point within the Town of Wilkesboro, about 2 miles from the project site.

Purpose of Project—NCEMC would use project energy to supply its base energy requirements, and for distribution to the system of the Blue Ridge Electric Membership Corporation (a member of the Applicant's Corporation).

Fayetteville would use project power within its own system.

Proposed Scope and Cost of Studies under Permit—Each applicant seeks issuance of a preliminary permit for a period of three years. During that time it would determine the economic feasibility of the project, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Each applicant estimates the cost of studies under the permit would be approximately $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be

made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 11, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 10, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (as amended 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33(a) and (d), (as amended, 44 FR 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about these applications should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in Section 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before August 11, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The applications are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-18308 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 3060, 3086 and 3121]

North Carolina Electric Membership Corp., City of Fayetteville Public Works Commission, Sellers Manufacturing Co.; Applications for Preliminary Permits

June 9, 1980.

Take notice that North Carolina Electric Membership Corporation (NCEMC), the City of Fayetteville Public Works Commission (Fayetteville), and Sellers Manufacturing Company (Sellers), (Applicants) filed on February 29, 1980, March 17, 1980, and March 26, 1980, respectively, competing applications for preliminary permits pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r) for proposed Projects Nos. 3060, 3086 and 3121, respectively, to be known as the B. Everett Jordan Water Power Project located at the U.S. Corps of Engineers' B. Everett Jordan Dam on the Haw River in Chatham County, North Carolina.

Correspondence with North Carolina Electric Membership Corporation should be directed to: Mr. J. W. Stephenson, Project Manager, c/o North Carolina Electric Membership Corporation, P.O. Box 2730, Raleigh, North Carolina 27611. Correspondence with the City of Fayetteville Public Works Commission should be directed to: Mr. R. A. Muench, Jr., General Manager, 508 Person Street, Fayetteville, North Carolina, 28302. Correspondence with Sellers Manufacturing Company should be directed to: Mr. John M. Jordan, Vice President, Sellers Manufacturing Company, P.O. Box 128, Saxapahaw, North Carolina 27340.

Project Description—NCEMC's proposed project would consist of a powerhouse, step-up substation and a 2.5-mile long 115-kV transmission line to connect with the Central Electric Membership Corporation (a member of the Applicant's Corporation) system. Present estimates indicate the installation of a single 3,500 kW generating unit with an average annual generation of approximately 20,000,000 kWh.

Fayetteville's proposed project is not specifically described other than the hydroelectric generating facility would have an estimated installed capacity of 6,463 kW and an annual generation of 29,170,000 kWh. The facilities would be connected with the Carolina Power and Light Company system at a point about 2 miles from the project site.

Sellers' proposed project would consist of hydroelectric generating facilities with an estimated installed capacity of up to 15,000 kW with an average annual energy production of approximately 36,000,000 kWh. Applicant states that the project is located in the Carolina Power and Light (CP&L) franchise area and that CP&L is one likely customer for the energy generated.

Purpose of Project—NCEMC would use project energy to supply its base energy requirements, and for distribution to the system of the Central Electric Membership Corporation.

Fayetteville would use project power within its own system to decrease the purchases of power from Carolina Power and Light Company.

Sellers states that potential customers for the energy generated include the Town of Moncure and the Carolina Power and Light Company.

Proposed Scope and Cost of Studies under Permit—Each applicant seeks issuance of a preliminary permit for a period of three years. During that time they would determine the economic feasibility of the project, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project and prepare an application for FERC license, including an environmental report. Each applicant estimates the cost of studies under the permit would be approximately $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 11, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 10, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (as amended 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33(a) and (d), (as amended, 44 FR 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene: Anyone desiring to be heard

or to make any protests about these applications should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in Section 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before August 11, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The applications are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-18309 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA80-121]

Phillips Petroleum Co.; Application for Adjustment

June 10, 1980.

On May 6, 1980, Phillips Petroleum Company filed with the Federal Energy Regulatory Commission an application for an adjustment under Section 154.94(h)(2)(iii) of the Commission's Regulations under the NGPA wherein Phillips seeks to waive the filing of a rate change within the thirty days after a well category determination becomes final. Northwest Pipeline Corporation purchases the gas produced from the Mobil Oil Corporation operated Trojan 51X-5G well located in Lincoln County, Wyoming. Mobil filed for and received an affirmative determination on said well from the USGS. The FERC noticed receipt of the determination as of July 5, 1979, and allowed the forty-five day review period to elapse, thereby permitting the determination to become final on August 19, 1979, at FERC Control No. JD 79-11783. Phillips states that it monitors in excess of 8000 individual well filings and inadvertently overlooked the notice of receipt of the jurisdictional agency determination on the Trojan 51X-5G well. Phillips seeks the waiver of the filing requirements of Section 154.94(h)(iii) as promulgated by Order No. 25 in order to collect the NGPA Section 108 maximum lawful price from and after September 19, 1979, in Phillips FERC Gas Rate Schedule No. 279.

The procedures applicable to the conduct of this adjustment proceeding are found in Section 1.41 of the Commission's Rules of Practice and Procedure, Order No. 24 issued March 22, 1979.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of Section 1.41. All petitions to intervene must be filed on or before July 3, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-18278 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA80-122]

Phillips Petroleum Co.; Application for Adjustment

June 10, 1980.

On May 6, 1980, Phillips Petroleum Company filed with the Federal Energy Regulatory Commission an application for an adjustment under § 154.94(h)(2)(iii) of the Commission's Regulations under the NGPA wherein Phillips seeks to waive the filing of a rate change within the thirty days after a well category determination becomes final. Northwest Pipeline Corporation operates and purchases the gas produced from the San Juan 32-7 Unit No. 43 well. Northwest filed for and received an affirmative determination on said well from the jurisdictional agency of the State of New Mexico. The FERC noticed receipt of the Determination as of April 20, 1979, and allowed the forty-five day review period to elapse, thereby permitting the determination to become final on June 4, 1979 at FERC Control No. JD79-4141. Phillips states that it did not receive notice that a well determination had been filed until April 2, 1980, when the purchaser notified Phillips of monies due pursuant to a determination. Phillips seeks the waiver of the filing requirements of § 154.94(h)(2)(iii) as promulgated by Order No. 25 in order to collect the NGPA Section 108 maximum lawful price from and after July 4, 1979 in Phillips' FERC Gas Rate Schedule No. 604.

The procedures applicable to the conduct of this adjustment proceeding are found in Section 1.41 of the Commission's Rules of Practice and Procedure, Order No. 24 issued March 22, 1979.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed by July 3, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-18279 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-447]

Public Service Co. of Colorado; Tariff Change

June 11, 1980.

The filing Company submits the following:

Take notice that Public Service Company of Colorado (PSCo) on June 5, 1980, tendered for filing proposed changes in its FERC Electric Rate Schedule Nos. 3, 6, 9, 11, 12, 13, 15, 17, 20 and 21. The changes include increased rates for wholesale electric service reflecting a general rate increase. The increased rate will increase revenues from jurisdictional sales and service by $16,884,000 or 53.66 percent based on the twelve month period ended December 31, 1980.

PSCo states that the general rate increase is necessary because of the effect on its operations of escalating prices and inadequate rate of return on its investment. The proposed revised rate schedules reflect the inclusion of Construction Work in Progress (CWIP) on pollution control facilities. In addition, PSCo states that because it is experiencing severe financial difficulties which cannot be otherwise alleviated without materially increasing the cost of electricity to consumers, CWIP on the Pawnee Electric Generating Station has been included in rate base. In accordance with Section 2.16(b) of the Commission's Regulations, PSCo states that it has made appropriate adjustments in this filing and will continue to make appropriate adjustments in future filings to insure that its jurisdictional customers will not be charged for any Allowance for Funds Used During Construction capitalized as a result of different accounting and ratemaking treatment accorded CWIP by its state commission.

PSCo included in this filing *alternate* proposed revised rate schedules. Said *alternate* proposed revised rate schedules do *not* reflect the inclusion of CWIP for its Pawnee Electric Generating Station. The effect of the *alternate* proposed rate schedules would be to increase PSCo's jurisdictional revenues $10,721,000 or 34.07 percent.

PSCo proposes an effective date of August 4, 1980, and states that copies of the filing have been mailed to each of its wholesale electric service customers and The Public Utilities Commission of the State of Colorado. If the effectiveness of the proposed rate schedules is suspended, PSCo proposes that the *alternate* proposed revised rate schedules be permitted to become effective, subject to refund, at the conclusion of the suspension period and pending the conclusion of the proceedings.

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 protests or petitions should be filed on or before July 3, 1978. 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 proceedings. 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 insepction.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-18260 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 1893]

Public Service Co. of New Hampshire; Application for Amendment of License

June 10, 1980.

Take notice that the Public Service Company of New Hampshire (Applicant) filed on April 8, 1980, an application for amendment of its license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for the Merrimack River Project No. 1893 located on the Merrimack River in Hillsborough and Merrimack Counties, New Hampshire. Correspondence with the Applicant should be directed to: Mr. Henry J. Ellis, Vice President, Public Service Company of New Hampshire, 1000 Elm Street, P.O. Box 330, Manchester, New Hampshire 03105.

The Garvins Falls Development, one of three developments comprising the Merrimack River Project, presently consists of: (a) a dam in two sections, one 475 feet long and 18 feet high; the other, 75 feet long and 11 feet high; (b) a headgate house; (c) a canal 500 feet long; (d) a powerhouse containing; (e) two operating turbine/generator units with a rated capacity of 5.6 MW and two inoperable units; (f) a pool covering 250 acres at 219.85 feet m.s.l. with no usable storage.

The Public Service Company of New Hamsphire (PSC) proposes to increase the capacity of the project by replacing the two inoperable generating units. Additions would include: (a) a new powerhouse 75 by 45 feet; (b) new trashracks and stop log gates; (c) two horizontal tube-type turbines with a design head of 30 feet and (d) two generators, each rated at 2,950 kW at the design head.

The output of the new powerplant would be fed into PSC's electric system.

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 15, 1980. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-18280 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-432]

Public Service Co. of New Mexico; Filing

June 9, 1980.

The filing company submits the following:

Take notice that, Public Service Company of New Mexico (PNM) on June 2, 1980 tendered for filing an Amendment No. 3 to an Agreement between PNM and Plains Electric Generation and Transmission Cooperative, Inc. (Plains) (designated Rate Schedule FERC No. 36).

PNM states that the purpose for this Amendment No. 3 is to provide electric facilities and service to Plains in connection with Plains' activities near Deming, New Mexico.

PNM states further that this Amendment No. 3 has been agreed to by the parties and that copies of the filing have been mailed to Plains and the New Mexico Public Service Commission.

PNM requests an effective date of March 1, 1980, and therefore requests waiver of the Commission's notice requirements.

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 Capital 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 30, 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 proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this appliation are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-18281 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-431]

Public Service Co. of New Mexico; Filing

June 9, 1980.

The filing Company submits the following:

Take notice that on June 2, 1980, Public Service Company of New Mexico (PNM) tendered for filing a supplement to an Interconnection Agreement (designated PNM Rate Schedule FPC No. 31) with Plains Electric Generation and Transmission Cooperative, Inc. (Plains). The supplement is in the form of a Service Schedule C providing for wheeling service for delivery of each other's power and energy.

PNM states that the proposed Service Schedule has been agreed upon by the parties and that copies of the filing have been mailed to Plains and the New Mexico Public Service Commission.

PNM requests an effective date of March 1, 1980, and therefore requests waiver of the Commission's notice requirements.

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 or 1.10). All such petitions or protests should be filed on or before June 30, 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. 80-18282 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST80-214]

Rael Gas Co.; Application for Approval of Rates

June 12, 1980

Take notice that on May 22, 1980, Rael Gas Company (Applicant), 950 One Energy Square, 4925 Greenville Avenue, Dallas, Texas 75206, filed in Docket No. ST80-214 an application pursuant to § 284.123(b)(2) of the Commission's Regulations for approval of rates charged for transporting natural gas for Michigan Wisconsin Pipe Line Company (Mich Wis) all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it and Mich Wis have entered into an agreement dated March 31, 1980, whereby Applicant is to provide transportation service to Mich Wis for a two-year term, subject to possible renewal for an additional two years, at a rate of 24.9 cents per Mcf. Applicant further states that on the basis of the estimated cost of service, the transportation charges of 24.9 cents per Mcf is fair and equitable pursuant to Section 284.123(d) of the Commission's Regulations.

Applicant states that it has agreed to gather gas attributable to the working interest of Mich Wis in wells located in Commanche County, Kansas, until such time as Mich Wis constructs its own gathering facilities. Applicant anticipates that approximately 1,254 million Btu's per day would be transported on behalf of Mich Wis.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 3, 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. 80-18272 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3071]

Rapidan Redevelopment Ltd.; Application for Preliminary Permit

June 6, 1980

Take notice that Rapidan Redevelopment Ltd. filed on March 5, 1980, an application [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for a preliminary permit for a proposed hydroelectric power project to be known as the Rapidan Dam Project (FERC Project No. 3071), located on the Blue Earth River in Blue Earth County, Minnesota. Correspondence with the Applicant on this matter should be addressed to: Rapidan Redevelopment Ltd., 4644 IDS Center, Minneapolis, Minnesota 55402.

Purpose of Project—Rapidan Redevelopment Ltd. proposes to redevelop the hydroelectric potential at the site of Blue Earth County's existing dam on the Blue Earth River twelve miles upstream of Mankato, Minnesota. The power generated would be sold to the Blue Earth Nicollet County Power Cooperative and Northern States Power Company for distribution to their customers.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time the Applicant proposes to conduct economic and environmental studies, prepare applications for the necessary State and Federal permits, develop preliminary and final designs of the project and prepare and application for FERC license. The Applicant estimates the cost of the above will not exceed $100,000.

Project Description—The Applicant's proposed project would consist of: (1) the existing 414-foot long and 82.5-foot high dam; (2) the existing reservoir with a storage capacity of 8,580 acre-feet at maximum pool evaluation 873.0 msl; (3) the existing powerhouse will contain two or three units each with a possible capacity of from 2,500 to 3,500 kW, and a maximum estimated (preliminary) installed capacity of 7,500 kW to 10,500 kW; and (4) appurtenant facilities. The annual generation is estimated to be 9,000,000 kWh.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other necessary information for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 11, 1980 either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 10, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (*as amended* 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33 (a) and (d), (*as amended,* 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or §1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in §1.10 for protests. In determining the appropriate action to take, the Commission will

consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be filed on or before *August 11, 1980.* The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-18283 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3034]

Riceland Electric Cooperative Inc., C & L Electric Cooperative Inc.; Application for Preliminary Permit

June 11, 1980.

Take notice that an application was filed jointly on February 1, 1980, under the Federal Power Act, 16 U.S.C. § 791(a)–825(r), by the Riceland Electric Cooperative, Inc. and the C & L Electric Cooperative, Inc. (Applicants) for a preliminary permit. The project, to be known as the No. 3 Power Project, would be located at the constructed Corps of Engineers' Lock and Dam No. 3 on the Arkansas River, in Lincoln County, near Pine Bluff, Arkansas. Correspondence with the Applicants on this matter should be addressed to: Mr. Joe R. Moody, Benham-Holway Power Group, Suite 1150, #1 Union Plaza, Little Rock, Arkansas 72201, and Mr. Jim Bennett, Project Manager, c/o Riceland Electric Cooperative, Inc., P.O. Box 906, Stuttgart, Arkansas 72160.

Purpose of Project—Project energy would be wheeled through the Arkansas Electric Cooperative Corporation's transmission system to the Applicants' substations for distribution to Applicants' members.

Proposed Scope and Cost of Studies under Permit—Applicants seek issuance of a preliminary permit for a period of three years, during which time they would perform surveys and geological investigations, negotiate with the U.S. Army Corps of Engineers for water rights at the project, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicants estimate the cost of studies under the permit would be approximately $40,000.

Project Description—The project would utilize Lock and Dam No. 3 under the jurisdiction of the Corps of Engineers and would consist of: 1) four turbine/generators rates at 6.0 MW each, operating under a head of 18 feet and using the flow which now passes through the dam's eighteen tainter gates; 2) a new powerhouse 160 feet long and 75 feet wide located on the western bank of the river; 3) a new 9.5-mile-long 115-kV transmission line; and 4) a new step-up substation and an existing substation. The Applicants estimate that annual generation would average 130,000,000 kWh.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for a preliminary permit. (A copy of the application may be obtained directly from the Applicants). Comments should be confined to substantive issues relevant to the issuance of a permit as described in this notice. No other formal request for comments will be made. If any agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 25, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 27, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (*as amended*, 44 *FR* 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d), (*as amended*, 44 *FR* 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 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 comment, protest, or petition to intervene must be filed on or before August 25, 1980. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-18261 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3053]

San Juan Suburban Water District; Application for Preliminary Permit

June 10, 1980.

Take notice that San Juan Suburban Water District (Applicant) filed on February 22, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3053 to be known as Folsom Dam Power Plant Project to be located at an existing outlet conduit of Folsom Dam, an Army Corps of Engineers' (Corps) dam, on the American River in Sacramento and Placer Counties, California. Correspondence with the Applicant should be directed to: Mr. Jack B. Hansen, Manager, San Juan Suburban Water District, P.O. Box 85, Orangevale, California 95662, and Dr. Frank B. Clendenen, President, Clendenen and Associates-Consultants, Inc., 12405 Locksley Lane, Auburn, California 95603.

Project Description—The Applicant has proposed to study two alternative developments. Proposed "Alternate A" would consist of installing a generating plant containing a 500-kW turbine-generator unit that utilizes an existing 84-inch Water and Power Resources Service's (WPRS) steel water pipeline which delivers Folsom Dam Water to the Applicant's district and to the city of Roseville. Proposed "Alternate B" would consist of installing a generating plant

containing a 280-kW turbine-generating unit that utilizes Applicant's existing 54-inch steel water pipeline which delivers water to the Applicant's water treatment plant. Approximately 3 miles of 12-kV transmission line would transmit power from either alternative to the Applicant's pumping and water treatment plants.

Purpose of Project—Applicant proposes to use the project power at its pumping plants and water treatment facility.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of three years, during which it would carry out detailed feasibility investigations, including preliminary designs and cost estimates, soils and other foundation tests, review of operating schedules of Folsom Dam, and comparative studies of cost and energy output of the proposed alternative sites. The cost of the above activities, including the preparation of an environmental report, negotiating with various Federal, State, and local agencies, and preparing a FERC license application, are estimated by the Applicant to be about $30,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 6, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 6, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (*as amended* 44 *Fed. Reg.* 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33 (a) and (d), (*as amended*, 44 *Fed. Reg.* 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules or Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in Section 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before August 6, 1980. The Commission's address is: 825 North Capitol Street NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-18284 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-2-6]

Sea Robin Pipeline Co.; Filing of Revised Tariff Sheets

June 6, 1980.

Take notice that on May 30, 1980, Sea Robin Pipeline Company (Sea Robin) tendered for filing Twenty-Fourth Revised Sheet No. 4 to its FERC Gas Tariff, Original Volume No. 1. This tariff sheet and supporting information is being filed 30 days prior to the proposed effective date of July 1, 1980, pursuant to the Purchased Gas Cost Adjustment provisions set out in Sections 1 and 3 of Sea Robin's tariff. In addition, Sea Robin submits Fifth Revised Sheet No. 4-A to become effective July 1, 1980, in compliance with Federal Energy Regulatory Commission (Commission) orders issued May 11, 1978, and July 12, 1978, at Docket No. RP77-6.

Sea Robin states that these revised tariff sheets and supporting data are being mailed to Sea Robin's jurisdictional customers and interested State commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street 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 20, 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. 80-18225 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP77-302]

Sea Robin Pipeline Co.; Filing of Revised Tariff Sheets

June 6, 1980.

Take notice that on May 30, 1980, Sea Robin Pipeline Company (Sea Robin) tendered for filing as a part of its FERC Gas Tariff, Original Volume No. 2, Eighth Revised Sheet Nos. 127-D and 135-C to become effective on July 1, 1980. These revised tariff sheets reflect Sea Robin's cost of gas delivered at Pecan Island, Louisiana, for the six (6) month period beginning July 1, 1980, and are being filed 30 days prior to the effective date pursuant to Section 4 of Sea Robin's Tariff.

Copies of the revised tariff sheets and supporting data are being mailed to Sea Robin's jurisdictional customers and interested state commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 or 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 20, 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. 80-18286 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-2-8]

South Georgia Natural Gas Co.; Revision to Tariff

June 6, 1980

Take notice that on May 30, 1980, South Georgia Natural Gas Company (South Georgia) tendered for filing Eleventh Revised Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1. This tariff sheet and supporting information is being filed 30 days before the effective date of July 1, 1980, pursuant to the Purchased Gas Adjustment Provisions set out in Section 14 of South Georgia's Tariff.

South Georgia states that its Eleventh Revised Sheet No. 4 reflects decreases in the rates of its pipeline supplier, Southern Natural Gas Company as filed to be effective July 1, 1980. This rate change will decrease the cost of purchased gas to South Georgia's jurisdictional customers $6,241,608. Also reflected in Eleventh Revised Sheet No. 4 is a Surcharge Adjustment as provided for by Section 14.3 of the General Terms and Conditions of South Georgia's FPC Gas Tariff. The debit balance in the Unrecovered Purchased Gas Cost Account of $1,074,418 will be recouped over the estimated sales for the six-month period commencing July 1, 1980 by a surcharge adjustment rate of 11.18¢ per MMBtu.

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 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 20, 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. 80-18288 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. QF80-7]

South San Joaquin Irrigation District; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

June 11, 1980.

On June 1, 1980, the South San Joaquin Irrigation District (District) filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The proposed small hydroelectric facility is located at Woodward Dam on District's Main Canal in North-Central California, approximately 40 kilometers southeast of Stockton, California. The project will consist of a hydroelectric power plant of a approximately 2,300 kilowatt capacity constructed at the existing outlet transition of the existing lowhead hydraulic fill Woodward Dam. The project will generate hydroelectric power by utilizing water which is released for irrigation purposes by the District. The power potential of the new facility is estimated at 2.3 megawatts, with estimated energy generation at approximately 6.7 kilowatthours. District stated that the facility will not be owned by a person primarily engaged in the generation or sale of electric power; the facility will be owned by District. District further states that they do not own any other small power production facility located within one mile of the facility which uses the same energy source. District does not plan to use any natural gas, oil, or coal.

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, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed and must be served on or before July 18, 1980 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. 80-18262 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER76-205]

Southern California Edison Co.; Filing

June 9, 1980

The filing Company submits the following:

Take notice that on May 30, 1980, Southern California Edison Company (Edison) submitted for filing revised cost of service data in accordance with the Commission's determinations in Opinion No. 62-A.

Edison also submitted for filing certain working papers which were omitted from its compliance filing pursuant to Opinion No. 62.

A copy of this filing has been mailed to the Public Utilities Commission of California and to the Arizona Corporation Commission.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before June 30, 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. 80-18287 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-2-7]

Southern Natural Gas Co.; Proposed Changes in FERC Gas Tariff

June 6, 1980

Take notice that Southern Natural Gas Company (Southern), on May 30, 1980, tendered for filing proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 1, to become effective July 1, 1980. Such filing is pursuant to Section 17 (Purchased Gas Adjustment) of the General Terms and Conditions of Southern's FERC Gas Tariff, Sixth Revised Volume No. 1. The proposed changes would reduce Southern's rates as a result of the following items.

(1) A downward Current Adjustment, factored over all resale volumes, pursuant to Section 17.3 of the General Terms and Conditions of Southern's FPC Gas Tariff, reflecting an annual decrease in cost of purchased gas to jurisdictional customers of $76,006,882, or approximately 14.534¢ per Mcf.

(2) A downward Surcharge Adjustment, pursuant to Section 17.4 of the General Terms and Conditions of Southern's FPC Gas Tariff, for Unrecovered Purchased Gas Costs of (17.184¢) per Mcf which is a decrease of 16.594¢ below the present Surcharge Adjustment. This downward Surcharge Adjustment will amortize the ($42,896,210) balance in the Deferred Account over the estimated sales for the six-month period commencing July 1, 1980.

A Surcharge Adjustment for estimated Demand Charge Credits pursuant to Section 9.6(3) of the General Terms and Conditions of Southern's FPC Gas Tariff of (.398¢) per Mcf which is a reduction of .836¢ below the present Surcharge Adjustment.

(4) A Use Tax Adjustment Rate for the recovery of Louisiana First Use Tax pursuant to Section 21 of the General Terms and Conditions of Southern's FPC Gas Tariff of 2.199¢ per Mcf which is an increase of .371¢ above the present Use Tax Adjustment Rate.

Copies of the filing are being served upon the company's jurisdictional customers 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 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 25, 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. 80-18289 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EF80-4031]

Southwestern Power Administration; Filing

June 12, 1980.

The filing party submits the following:

Take notice that on June 9, 1980, the Assistant Secretary for Resource Applications of the Department of Energy did confirm and approve, on an interim basis Rate Order No. SWPA-5.

Rate Order SWPA-5 extends the term of the rate for power marketed from the isolated Narrows Dam to Tex-La Electric Cooperative, Inc., under Contract No. 14-02-0001-921. The current rate, which has been in effect since August 3, 1976, would have expired on June 30, 1980, but for the extension. Rate Order SWPA-5 was confirmed and approved, on an interim basis, through August 2, 1981.

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 July 7, 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. 80-18273 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. TA80-2-9 (PGA80-2) (IPR80-2) (DCA80-2) (R&D80-2) (LFUT80-2)

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Proposed Rate Change Under Tariff Rate Adjustment Provisions

June 6, 1980.

Take notice that on May 30, 1980, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) tendered for filing Substitute Twenty-Ninth Revised Sheets Nos. 12A and 12B and First Revised Sheets Nos. 12C through 12J to Ninth Revised Volume No. 1 of its FERC Gas Tariff to be effective on July 1, 1980.

Tennessee states that the purposes of the revised tariff sheets is to adjust Tennessee's rates pursuant to Articles XXIII, XXIV, XXV, XXVIII and XXIX of the General Terms and Conditions of its FERC Gas Tariff, consisting of a PGA rate adjustment, a rate adjustment to reflect curtailment credits, an R&D adjustment, a First Use Tax Rate Adjustment, and Estimated Incremental Pricing Surcharges.

Tennessee states that copies of the filing have been mailed to all of its customers and affected state regulatory 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 Sections 1.8 or 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 20, 1980. Protests will be considered by the Commission in determining 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. 80-18290 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-388]

Tennessee Gas Pipeline Company, a Division of Tenneco Inc.; Application

June 11, 1980.

Take notice that on June 2, 1980, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP80-388 an application pursuant to Section 7(c) of the Natural Gas Act and Section 284.200 of the Commission's Regulations for a certificate of public convenience and necessity authorizing the transportation of natural gas for Orange and Rockland Utilities, Inc. (Orange and Rockland), for a period ending August 31, 1980, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposed to transport up to 50,000 Mcf of natural gas per day to Orange and Rockland, to enable it to supplant the use of imported fuel oil in the generation of electric energy at its existing stations.

Applicant states that the gas to be transported would be purchased by Orange and Rockland from East Tennessee Natural Gas Company (East Tennessee) and made available to Applicant at Applicant's existing Greenbrier delivery point in Robertson County, Tennessee, to East Tennessee.

Applicant states that it would receive the gas at that point and deliver equivalent quantities, less fuel and use volumes, to Orange and Rockland at Applicant's existing Pearl River delivery points to Orange and Rockland located in Rockland County, New York. The gas would be transported only to the extent

Applicant's operating conditions and available capacity permit, it is stated.

Applicant proposes to charge Orange and Rockland 30.48 cents per Mcf for gas delivered to Orange and Rockland at Pearl River. Applicant further proposes to retain 5.26 percent of the transportation volume for fuel and use requirements.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 3, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the 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 or 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. 80-18263 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-2-10 (PGA80-2)]

Tennessee Natural Gas Lines, Inc.; PGA Tariff Filing

June 6, 1980

Take notice that, on May 30, 1980, Tennessee Natural Gas Lines, Inc. ("TNGL") tendered for filing a rate change, pursuant to the purchased gas cost adjustment ("PGA") provisions of its F.E.R.C. Gas Tariff, First Revised Volume No. 1, and pursuant to Section 282.602(a)(ii) of the Federal Energy Regulatory Commission's ("Commission") regulations under the Natural Gas Policy Act of 1978 ("NGPA"), consisting of the following tariff sheets:

Thirty-Fourth Revised Sheet No. PGA-1; and First Revised Sheet No. PGA 1-A

TNGL states that the purposes of its filing are: to reflect in its rates the changed rates of its sole supplier, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. ("TGP"), which will become effective on July 1, 1980; and, to comply with Section 282.602(a)(ii) of the Commission's Regulations under the NGPA.

TNGL requests an effective date of July 1, 1980.

TNGL states that copies of the filing were served upon its jurisdictional customer, the interested state regulatory commission, and its non-jurisdictional customer estimated to be billed for NGPA incremental pricing surcharges.

Any person desiring to be heard or to protest said filing should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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 or 1.10). All such petitions or protests should be filed on or before June 20, 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. 80-18291 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-305]

Texas Eastern Transmission Corp.; Amendment To Application

June 9, 1980.

Take notice that on May 29, 1980, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP80-305 pursuant to Section 7 (c) of the Natural Gas Act an amendment to its application pending in the instant docket so as to extend the duration of the gas transportation service presently provided by Applicant for Long Island Lighting Company (Long Island), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

By this amendment, Applicant requests authorization to extend the transportation service provided to Long Island of natural gas for the purpose of electric generation from May 31, 1980, to August 31, 1980, pursuant to a letter agreement dated May 28, 1980, executed in accordance with the Commission's Order 30-B issued on May 15, 1980, in Docket No. RM79-34, it is said. Applicant further requests that the Commission extend authorization for the transportation service for an additional term to expire on December 31, 1980, or the termination date of the Fuel Storage Emergency Period, whichever first occurs.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before July 1, 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. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-18292 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP79-278]

Texas Eastern Transmission Corp.; Petition To Amend

June 9, 1980.

Take notice that on May 29, 1980, Texas Eastern Transmission Corporation (Petitioner), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP79-278 a petition to amend the order issued in the instant docket on August 13, 1979, pursuant to Section 7(c) of the Natural Gas Act so as to extend the duration of the gas transportation service presently provided by Petitioner for Consolidated Edison Company of New York, Inc. (Consolidated), all as more fully set forth in the petition to

amend which is on file with the Commission and open to public inspection.

Petitioner proposes herein to extend the transportation of natural gas for electric generation for Consolidated from May 31, 1980, to August 31, 1980, in accordance with the Commission's Order 30–B issued on May 15, 1980, in Docket No. RM79–34, it is said. Applicant further requests that the Commission extend authorization for the transportation service for an additional term to expire on March 16, 1981, or the termination date of the Fuel Storage Emergency Period, whichever first occurs.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 1, 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. 80–18293 Filed 6–17–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. RP80–106]

Trunkline Gas Co.; Proposed Changes

June 6, 1980.

Take notice that Trunkline Gas Company (Trunkline) on May 30, 1980, tendered for filing proposed changes in the revised tariff sheets as listed on the attached Appendix A.

These revised tariff sheets implement a general rate increase to Trunkline's jurisdictional sales of $33 million annually based on a test year ending February 29, 1980, adjusted for changes known and measurable to November 30, 1980.

Trunkline states that the increased rates are necessitated by increased costs at all levels including operating costs, increased capital costs, and increased costs associated with new facilities. The proposed effective date of the tendered sheets is July 1, 1980.

Copies of this filing were served on Trunkline's jurisdictional customers 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, 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 20, 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. 80–18274 Filed 6–17–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP80–379]

Trunkline Gas Co.; Application

June 11, 1980.

Take notice that on May 23, 1980, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP80–379 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 facilities required to establish a new delivery point to an existing resale customer, Louisianas Gas Service Company (Louisiana Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to establish a new delivery point to Louisiana Gas which in turn would provide service to Glennon and Odell Prine, right-of-way grantors. It is estimated by Applicant that the average volumes of natural gas associated with this new delivery point would be approximately 150 Mcf per year, an amount which Applicant states would be provided by Louisiana Gas from existing supplies.

Applicant does not propose to increase its currently authorized level of sales to Louisiana Gas. Applicant estimates the total cost of its proposed facilities to be $600, and states that this cost would be financed from cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 2, 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. 80–18264 Filed 6–17–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. EL 80–27]

Tufflite Plastics Inc.; Declaration of Intention To Redevelop Water Powered Facilities

June 6, 1980.

Take notice that on April 4, 1980, Tufflite Plastics Inc. (Declarant) filed, pursuant to the Federal Power Act [16 U.S.C. §§ 791(a)–825(r)], a declaration of its intention to redevelop an existing hydro power site. The intended redevelopment would occur at a dam site known as the George West Paper Mill, which was formerly the Bischoff Chocolate Factory located on Kayaderosseras Creek in the Village of

Ballston Spa, Saratoga County, New York. Correspondence with the Declarant should be sent to: Mr. Robert W. Shock, Tufflite Plastics Inc., 19 Low Street, Ballston Spa, New York 12020.

Declarant intends to reconstruct a dam and turn hydro power directly into heat for the building and/or manufacturing. The project would utilize existing water rights and would be operated as run-of-the-river. The project would utilize a renewable resource that would save the equivalent of approximately 42,835 gallons of #6 fuel oil annually.

As described in the Declaration of Intention, the project would consist of: (1) a reconstructed dam which would develop a total head of approximately 22 feet; (2) a water twister which would turn hydro power directly into heat through mechanical means and; (3) appurtenant facilities.

The Declaration of Intention was filed in accordance with section 23(b) of the Federal Power Act (Act), 16 U.S.C. § 817(b). As required by the Act, the Commission will commence an investigation to determine if an FERC license will be required for the proposed project.

Anyone desiring to be heard or to make any protest about this Declaration should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be filed on or before July 18, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-18275 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-2-11]

United Gas Pipe Line Co.; Filing of Revised Tariff Sheets

June 6, 1980

Take Notice that on May 30, 1980, United Gas Pipe Line Company (United) tendered for filing Fifty-First Revised Sheet No. 4 and First Revised Sheet Nos. 4-A and 4-B, to its FERC Gas Tariff, First Revised Volume No. 1. These tariff sheets and supporting information are being filed pursuant to the Purchased Gas Adjustment Provisions set out in Sections 19, 22 and 23 of United's tariff.

United states that the current adjustment reflects rates payable to United's suppliers for the six (6) months commencing July 1, 1980.

First Revised Sheet Nos. 4-A and 4-B are being filed to reflect the estimated incremental pricing surcharges as required by Commission Order No. 49, issued September 28, 1979.

Copies of the proposed tariff sheets will be mailed to United's customers 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, 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 25, 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. 80-18276 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-389]

Western Gas Interstate Co., Notice of Application

June 11, 1980.

Take notice that on June 2, 1980, Western Gas Interstate Company (Applicant), 1800 First International Building, Dallas, Texas 75270, filed in Docket No. CP80-389 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 transport natural gas for other interstate pipeline companies, 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. It 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 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.

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. 80-18265 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-433]

Wisconsin Public Service Corp.; Filing

June 9, 1980.

The filing Company submits the following:

Take notice that Wisconsin Public Service Corporation on June 2, 1980 tendered for filing a letter agreement to the "Partial Requirements Service Agreement" with Consolidated Water Power Company. This agreement will revise the contract demand quantities for peak load, intermediate load, and base load in accordance with Exhibit 1 of the agreement, Paragraph 6, *Requirements.*

Copies of this filing were served upon Consolidated Water Power Company.

The agreement is to be effective June 1, 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, 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 30, 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. 80-18277 Filed 6-17-80; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1517-6]

National Primary and Secondary Ambient Air Quality Standards for Lead; Petition for Reconsideration or Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Denial of Petition for Reconsideration or Revision of the Lead Ambient Air Quality Standards.

SUMMARY: On May 7, 1980 the Lead Industries Association ("LIA") petitioned the U.S. Environmental Protection Agency ("EPA" or "the Agency") for reconsideration of the lead ambient air quality standard. The lead standard was promulgated by EPA pursuant to Section 109 of the Clean Air Act ("the Act") on October 5, 1978. The basis for this petition is an affidavit of Anthony J. Yankel, one of three authors of a study entitled "The Silver Valley Lead Study—The Relationship Between Childhood Lead Levels and Environmental Exposure," J.A. Air Pollution Control Association 27: 763–767, 1977, ("the Silver Valley study"). The Silver Valley study was one of several studies which, along with other scientific evidence, led EPA to conclude that for purposes of determining a safe ambient air lead level a ratio of one microgram of lead per cubic meter of air lead exposure ("ug Pb/m^3") results in an increase of two micrograms of lead per deciliter of blood ("ug Pb/dl"). 43 FR 46246, 46254 (October 5, 1978). This ratio is commonly referred to as the "air lead/blood lead ratio" and is numerically expressed as "1:2".

Mr. Yankel, in his affidavit, claims he has discovered an error of 25 percent or more in a model used to predict air lead levels in the Silver Valley study. He asserts that if what he believes to be the correct values are used the study will support an air lead/blood lead ratio of 1:0.8. Affidavit of Anthony J. Yankel, P.E. ("Yankel Aff.") at 2. Mr. Yankel also takes issue with the methodology used by EPA to analyze the data contained in the study. Yankel Aff. at 3.

EPA has examined LIA's petition and its supporting evidence and finds that: 1) the petition is untimely under Section 307(d)(7)(B) of the Act; 2) the petition fails to present sufficient factual evidence for EPA to conclude that an error actually occurred in the Silver Valley study; and most importantly 3) the petition does not raise objections centrally relevant to the outcome of the standard, i.e., assuming an error does exist, the Silver Valley study was cumulative evidence supporting EPA's selection of a 1:2 air lead/blood lead ratio, and this ratio is adequately supported by the existing administrative record for the lead standard, Docket OAQPS–77–1, without the Silver Valley study. Finally, if LIA's petition is treated as one for revision EPA believes that the objections raised in LIA's petition still do not warrant a supplemental proceeding on the lead standard at this time and that granting such a request would be inconsistent with the Clean Air Act's scheme for promulgation and revision of ambient standards. For these reasons, EPA denies LIA's petition.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Padgett, Director, Strategies and Air Standards Division, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone 919/541–5204 (FTS 629–5204).

DATES: Effective June 18, 1980.

AVAILABILITY OF RELATED INFORMATION: A docket (No. OAQPS–77–1) containing the information used by EPA in reaching this decision is available for public inspection and copying between 8:00 a.m. and 4:30 p.m., Monday through Friday, at EPA's Central Docket Room 2902, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460.

SUPPLEMENTAL INFORMATION:

Background

After nearly three years of rulemaking EPA promulgated the ambient air quality standard for lead. 43 FR 46246 (October 5, 1978). The standard was based on the Administrator's judgment that 1.5 ug Pb/m^3 was the maximum amibient air lead level allowable to protect the public health with an adequate margin of safety. *id.* This decision was based on the Air Quality Criteria Document for Lead ("Criteria Document" or "CD"), which described and assessed the latest scientific information on the health effects of lead exposure. In setting the lead standard EPA used a six-step process, each of which entailed making scientific and policy judgments.[1] 43 FR 46252 to 46254. One of these steps was the selection of an air lead/blood lead ratio for children. *Id.* at 46254.

The selection of an air lead/blood lead ratio for children was a difficult task. There was limited information available of varying quality concerning the relationship between air lead and blood lead levels and that information pointed to a range of ratios as opposed to any single ratio. A single ratio, however, was needed to determine a nationwide standard. After analyzing the studies discussed in the Criteria Document, including but not limited to the Silver Valley study, EPA concluded that a reasonable air lead/blood lead ratio for children was one ug Pb/m^3 (air) to two ug Pb/dl (blood). 43 FR 46254.

The lead standard was promulgated on October 5, 1978. 43 FR 46246. On December 12, 1978, LIA petitioned EPA for reconsideration of the standard, which was denied on February 2, 1979.

[1] The basic steps in determining the lead standard were as follows:

1. Sensitive population: Children, ages 1–5.
2. Health basis: Maximum safe blood lead level for individual children is 30 ug Pb/dl, based on concern for impaired heme synthesis above 30 ug Pb/dl, anemia above 40 ug Pb/dl, and nervous system deficits above 50 ug Pb/dl.
3. Maximum safe geometric mean blood lead level for children based on placing 99.5 percent of the sensitive population below the 30 ug Pb/dl level of concern: 15 ug Pb/dl.
4. Estimate of blood lead level attributed to non-air sources: 12 ug Pb/dl.
5. Allowable contribution to blood lead from air sources after achieving the standard: 15 ug Pb/dl—12 ug Pb/dl=3 ug Pb/dl.
6. Air lead/blood lead ratio for children: 1:2
7. Maximum allowable air lead concentration: 1.5 ug Pb/m^3.

In the interim on November 21, 1978, LIA filed a petition for review of the lead standard with the U.S. Court of Appeals for the District of Columbia Circuit. *Lead Industries Association, Inc., et al.* v. *EPA*, Nos. 78–2201 and 78–2220. Briefing took place during 1979 and on November 11, 1979, the case was argued and take under advisement by the Court.

On May 7, 1980, just over a year and eight months after the standard was promulgated, LIA filed this, its second petition for reconsideration with EPA. The petition is based solely on the affidavit of Mr. Anthony Yankel, one of three authors of the Silver Valley study, one of several studies considered by EPA, along with other scientific evidence, in selecting an air lead/blood lead ratio of 1:2. Mr. Yankel claims to have discovered an error in the model the study used to predict air lead levels, which he asserts under-predicted air lead levels by 25 percent or more. Yankel Aff. at 2. Mr. Yankel asserts that if what he believes to be the correct air lead values are used, the study supports an air lead/blood lead ratio of 1:0.8, which he states results in an ambient air lead level of 3.75 μg Pb/m^3. *Id.* Furthermore Mr. Yankel claims that the methodology employed by EPA in analyzing the study's data, which was to average the air lead/blood lead ratios over the entire range of data in the study, was inappropriate. Yankel Aff. at 3.

In connection with LIA's petition for reconsideration EPA has received several written comments. Mr. Ian H. von Lindern, a co-author of the Silver Valley study, commented that on April 28, 1980 Mr. Yankel came to see him and stated that he was now working for the Bunker Hill Company (a lead/zinc smelting firm that is a member of LIA and an intervenor in the legal challenge to the lead standard). According to Mr. von Lindern, Mr. Yankel made some vague and non-specific statement that he no longer agreed with the results of the Silver Valley study but did not elaborate. Mr. von Lindern commented that the assertions made in Mr. Yankel's affidavit came as a complete surprise to him and that after reviewing the data and calculations Mr. Yankel refers to he found no justification for such claims and no reason for EPA to reconsider the lead standard.

EPA also received a written comment from the Natural Resources Defense Council, Inc., ("NRDC"), the organization that originally sued EPA to promulgate a lead standard and an active participant in both the rulemaking and subsequent litigation over the lead standard. NRDC opposes LIA's petition on the grounds that it is not timely, does not present evidence centrally relevant to the outcome of the rule, and would cause unnecessary delay in the protection of public health through the lead standard.

Attached to NRDC's comments is a letter from Dr. Stephen D. Walter, Ph.D., the third co-author of the Silver Valley study. In this letter Dr. Walter stated that he has no reason to believe there was any systematic underestimation of air lead exposure. Dr. Walter also stated that assuming the 25% error does exist, a recalculation of the air lead/blood lead ratios in the Silver Valley study, using the same methodology employed in the original study, shows that the ratios are still close to those found in the original study. (Assuming a 25% error Dr. Walter calculated a 1:1.0 air lead/blood lead ratio for children with low blood lead levels and about a 1:1.8 air lead/blood lead ratio for children with high blood lead levels. According to Dr. Walter the original study showed ratios of 1:1.1 for low blood lead levels and 1:2.1 for high blood lead levels.) In conclusion Dr. Walter commented that even if Mr. Yankel's new position could be substantiated his conclusions would not provide a basis for altering the lead standard.[2]

Finally, EPA also received comments from Senators Eagleton, and Danforth and Representatives Burlison and Ichord, all from the State of Missouri. The essence of each of these comments was that they believed LIA's petition had merit and warranted proceedings to reconsider the lead standard.

Criteria for Review of LIA's Petition

LIA has petitioned EPA for reconsideration of the lead standard pursuant to Section 307(d)(7)(B) of the Act. 42 U.S.C. 7607(D)(7)(B). This section is narrow both in time and scope. It provides that any new material must first be submitted to the Agency to determine whether further proceedings are warranted before any judicial review is available.

Specifically, Section 307(d)(7)(B) provides that the Administrator shall convene a proceeding to reconsider the rule in question if a person raising an objection can demonstrate that 1) it was impractical to raise such objection during the comment period or that the grounds for such objection arose after the comment period *but* within the time specified for judicial review (which EPA concludes means within the 60-day time period provided for judicial review under Section 307(b)(1), 42 U.S.C. 7607(b)(1)),[3] and 2) such objection is of central relevance to the outcome of the rule. If the Administrator refuses to initiate such a proceeding the moving party may seek judicial review of that decision under Section 307(b) of the Act, 42 U.S.C. 7607(b).

Discussion

I. LIA's Petition for Reconsideration of the Lead Standard Pursuant to Section 307(d)(7)(B)

A. A Section 307(d)(7)(B) Petition Must Raise Objections That Arose After The Close Of The Comment Period But Within The Time Specified For Judicial Review.

LIA does not assert that it was impractical to raise its objections during the comment period to the lead standard but rather seeks reconsideration based on "new information," i.e., the information presented in the Yankel affidavit. LIA states that it becomes aware of this information in late April, 1980. Petition of Lead Industries Association, Inc., For Reconsideration of Lead Standard ("LIA Pet.") at 4. The Yankel affidavit is dated April 29, 1980 and simply states that the claimed error was "previously undetected." Yankel Aff. at 2. Therefore it appears that LIA's petition is based on information that arose well after the time period specified for judicial review (the lead standard was promulgated on October 5, 1980, and the 60-day period specified for filing petitions for review ended on December 4, 1978) and therefore does

[2] As described above EPA has received comments from Mr. Yankel's co-authors disputing several of the assertions contained in Mr. Yankel's affidavit. Such comments raise questions about the credibility of Mr. Yankel's statements and, EPA believes, would be legitimate factors to consider in deciding whether LIA's petition has presented information that warrants a proceeding to reconsider the standard. In the present case, however, EPA did not find it necessary to judge the significance of this material because even assuming Mr. Yankel's assertions are true they do not constitute an objection that is centrally relevant to the outcome of the rule and LIA's petition, on its face, fails to present sufficient information to warrant a proceeding to reconsider.

[3] EPA bases this conclusion on the statutory language of Section 307 itself. Section 307(d)(7)(B) states that a petition for reconsideration must be based on an objection that arose after the close of comment period "but within the time specified for judicial review." 42 U.S.C. 7607(d)(7)(B). The only time period for judicial review specified in the Clean Air Act is contained in Section 307(b)(1). Section 307(b)(1) specifies that the time period for filing a petition for review of a national ambient standard is "within sixty days" from the date notice of the rulemaking appears in the Federal Register. 42 U.S.C. 7607(b)(1). This interpretation of Section 307(d)(7)(B) is consistent with the overall goal of Section 307(d) to establish firm deadlines and procedures for when and how evidence can be made part of the judicial record, H.R. Rep. No. 95–294, 95th Cong., 1st Sess., at 318–325 (1977), and the statute's overall scheme for promulgation, reconsideration, and revision of ambient standards. See the discussion in Section II of this notice.

not meet the first criterion specified in Section 307(d)(7)(B).

B. A Section 307(d)(7)(B) Petition Must Raise Objections That Are Centrally Relevant To The Outcome Of The Rulemaking.

1. The Petition Must Demonstrate That the Objection is Centrally Relevant to the Outcome of the Rule.

Section 307(d)(7)(B) requires that a petition for reconsideration raise objections that are of "central relevance to the outcome of the rule." 42 U.S.C. 7607(d)(7)(B). EPA interprets this to mean that the petitioner must demonstrate that its objection, if assumed to be true, would cause EPA to seriously consider changing the rule previously promulgated. This is clear from the statutory language itself that speaks specifically of objections centrally relevant to the "outcome" of the rule. Section 307(d)(7)(B). This is stricter than Section 307(d)(4)(B) which speaks of documents of "central relevance to the rulemaking," for purposes of including documents in the administrative record. It is more akin, in both wording and purpose, to Section 307(d)(8), which provides that a judicial remand on procedural grounds should be based only on an error so serious and related to matters of such "central relevance to the rule that there is a substantial likelihood that the rule would have been significantly changed" if such an error had been made. 42 U.S.C. 7607(d)(8).

Assuming there is merit to LIA's objections and the Silver Valley study does show a ratio of 1:0.8 and considering this assumed fact, the weight of evidence in the administrative record for the ambient air standard as a whole still indicates that the appropriate air lead-blood lead ratio for setting the lead standard is 1:2. Thus LIA's objection is not centrally relevant to the outcome of the rule and reconsideration is not warranted. LIA's assertions that the Silver Valley study is a "key study" upon which EPA based its air lead/blood lead ratio, that is the only study dealing with children, and that it is at the very "cornerstone" of the standard, are incorrect.

The air lead/blood lead ratio is one of six judgments made by EPA in setting the lead standard. The Silver Valley study was just one or more than 15 studies examined by EPA in the process of selecting an air lead/blood lead ratio, some of which reported air lead/blood lead levels well over 1:2. (CD at 12–25, Table 12–28). Further, the Silver Valley study was not the only study dealing exclusively with children. For example, studies done by Goldsmith show that at 3.5 ug Pb/m^3 male children had an air lead/blood lead ratio of 1:2.3. *Id.*

The Silver Valley study was specifically discussed, along with two other studies, in the preamble to the final lead standard because EPA believed then, and believes now, that it was an especially well controlled study and supported EPA's choice of a 1:2 air lead/blood lead ratio. 43 FR 46254. The preambles accompanying both the proposed and final standards made clear, however, that the overall choice of an air lead/blood lead ratio was based on a number of different factors. First, the range of air lead/blood lead ratios for children reported in the Criteria Document was 1:1.2 to 1:2.3. 42 FR 63079; 43 FR 46254. Second, the Criteria Document concluded that the overall range of air lead/blood lead ratios for the population as a whole, as reported in that document, was 1:1 to 1:2, with children at the high end of this range or even slightly above. 43 FR 46254.

Third, three especially well controlled and relevant studies in the Criteria Document, the Silver Valley study and those of Azar, et al., and Griffen, et al., all indicated ratios near 1:2. 43 FR 46250, 46254. Even if the Silver Valley study now shows a ratio of 1:0.8 the remaining two studies still show ratios near 1:2. The Azar study shows a range of ratios for adults from 1:0.66 at 5 ug Pb/m^3 air lead exposure to 1:2.57 at 1 ug Pb/m^3. CD at 12–25 (Table 12–28). The Griffen study reported a ration of 1:1.7 for a range of .15 ug Pb/m^3 to 3.2 ug Pb/m^3 of air lead exposures. CD at 12–22, 25 (Table 12–28). Fourth, the Criteria Document and other sources in the record indicated that children may be more sensitive to air lead exposure and that their air lead/blood lead ratios may be higher than adults. 43 FR 46250. Finally, evidence indicated that the air lead/blood lead relationship is not linear, but that as air lead levels decrease the rate at which air lead is absorbed into the blood actually increases. 43 FR 46250. Based on all of these reasons it is the judgment of EPA that even if LIA's objections are valid and the Silver Valley Study does indicate a ratio of 1:0.8 the selection of a 1:2 air lead/blood lead level for purposes of setting an ambient lead standard is still appropriate and reasonable.

In summary, the Silver Valley study is not a critical or essential element of either EPA's choice of an air lead/blood lead ratio or the standard as a whole. Rather it constituted cumulative information. Even assuming that the Yankel affidavit does provide a substantial basis for concluding that the Silver Valley study now shows an air lead/blood lead ratio lower than before, the overwhelming weight of the evidence in the administrative record indicates that 1:2 is still the appropriate ratio for setting an ambient lead standard. Thus LIA's objections are not centrally relevant to the outcome of the rule and do not warrant instituting a proceeding to revise the lead standard.

2. The Petition must contain the Factual Basis For Its Objections.

In promulgating an ambient standard the burden is upon the Agency to support the rule that it is establishing. To insure that the Agency meets this burden the Clean Air Act sets out an elaborate and rigorous procedure for producing that standard, starting with the development of the scientific basis (the criteria document) and culminating, after proposal and comment, with final promulgation of the standard accompanied by a description of the Agency's rationale. Sections 108, 109 and 307(d). Once a standard is promulgated and an individual seeks reconsideration (or revision), however, the burden shifts.

In a petition for reconsideration the petitioning party is advocating a certain course of action and as such has an obligation to prevent the Agency with creditable new information that is sufficient to warrant initiation of proceedings to reconsider the existing standard. This is underscored by Section 307(d)(7)(B)'s requirement that a petitioner must show that the new information (or information impractical to raise earlier) is centrally relevant to the outcome of the rule. 42 U.S.C. 7607(d)(7)(B). Moreover, a mere assertion that such new information exists is inadequate. As the party with the best access to and knowledge about this new information the petitioner must come forward with its facts, data, and analysis and demonstrate to the Agency that such new information does exist and is creditable. This does not mean that the petitioner must necessarily prove in its petition alone that the standard should be changed. Rather, it means that the petitioner has a burden to come forward with sufficient evidence to show a substantial likelihood that the existing standard is inadequate and to warrant the Agency's reexamining it. LIA's petition and supporting affidavit fail to meet this minimum burden.

In its petition LIA asserts that one of the authors of one of the studies considered by EPA in selecting an air lead/blood lead ratio claims to have discovered an error in that study and that this same author now objects to the manner in which EPA used the data in

the first place. LIA Pet. at 2–3. The sole basis for these assertions is the Yankel affidavit. While Mr. Yankel asserts that he has discovered an error in the predictive model used in the study neither he nor LIA has provided EPA with any data or analysis to support the claim of error itself or its asserted magnitude. Given this lack of information there is no basis on which EPA can reasonably conclude that an error does exist that would warrant initiating a proceeding to revise the standard.

LIA's second claim, that EPA has misused the data contained in the Silver Valley study, is not a new claim at all, but one which LIA has already presented to the U.S. Court of Appeals for the District of Columbia Circuit as part of its legal challenge to the lead standard. *Lead Industries Association, et al.* v. *EPA*, Nos. 78–2201 and 78–2220, Brief for Petitioner LIA at 37. That one of the authors of this study now joins LIA in making this objection does not make it new information. More important, however, EPA has already considered the objections Mr. Yankel now raises and decided that under the circumstance, its methodology was sound.[4] Neither LIA nor Mr. Yankel has not presented any new evidence to justify EPA's altering this conclusion.

Thus, on its face, LIA's petition has not presented EPA with sufficient new evidence or information to warrant instituting proceedings to revise the standard.

II. LIA's Petition Viewed as a Petition for Revision

Even though LIA's petition has not met the requirements for initiating a proceeding for reconsideration under Section 307(d)(7)(B), LIA, as any other interested person or party, always has the right to petition the Administrator to conduct a rulemaking to revise an existing standard based on new information. In its decision in *Oljato Chapter of the Navajo Tribe* v. *Train*, 515 F.2d 654 (D.C. Cir. 1975), the U.S. Court of Appeals for the District of Columbia Circuit described the procedures to be used by EPA and the courts in reviewing such petitions. Those procedures, which were the basis for Section 307(d)(7)(B), are essentially that: 1) the petition, along with any supporting material, should first be submitted to the Agency; 2) the Agency should respond to the petition and if it denies the petition, set forth its reasons; and 3) if the petition is denied, the petitioner may seek judicial review pursuant to Section 307(b). *Oljato Chapter of the Navajo Tribe* v. *Train, supra*, 515 F.2d at 666. Treated as a petition for revision LIA's petition is still inadequate to warrant supplemental rulemaking proceedings.

Factually, as discussed above, LIA's petition is deficient in several respects. Whether the criterion is that a petitioner's objection must be centrally relevant to the outcome of the rule or some lesser standard, LIA's petition does not warrant a supplemental rulemaking to consider its objections. Again, the primary reason for this is that even if LIA's objections are assumed to be true, they would not change the conclusion that the appropriate air lead/blood lead ration for purposes of setting the lead standard is 1:2. In addition to these factual reasons there are strong policy reasons for not initiating a proceeding to revise the lead standard at this time.

In the Clean Air Act Congress struck a balance between insuring that a standard is based on the latest scientific information and the need to promulgate a standard quickly and with some element of finality. Sections 108 and 109 dictate a rigorous procedure for promulgating a standard, including the development of a criteria document and extensive public participation. These same sections however have firm deadlines that require EPA to make decisions on the best available evidence even if this evidence is to some degree incomplete or inconclusive. Sections 108 and 109. 42 U.S.C. 7408 and 7409.

After the standard is promulgated the statute provides that a proceeding for reconsideration shall be held if a petitioner can demonstrate that a new objection or piece of information has arisen that is centrally relevant to the outcome of the rulemaking. Section 307(d)(7)(B). This same section requires, however, that this new information arise *within* the time period specified for judicial review, which EPA interprets to be 60 days from the date of promulgation. *Id.* After the 60-day period new information may only be raised in a petition to revise the standard. Congress, however, anticipating that scientific exploration is a continuous process, has already required that the criteria documents and standards be reviewed at least every five years and revisions made to such standards if needed. Section 109(d)(1).[5] Under EPA's current schedule, the Agency will begin reviewing criteria documents and ambient standards for lead sometime in the summer of 1981.

LIA's petition was filed in May of 1980, and is based on claims stated to arise well after the 60-day period provided for in Section 307(d)(7)(B). Given the insubstantial nature of LIA's claims, Congressional desire for ambient air standards to have a strong degree of finality once promulgated, and the nearness of EPA's own review of the lead standard (in which LIA will be free to present its objections to EPA reliance upon the Silver Valley study or any other objections based on new evidence), EPA concludes that it would be inconsistent with the overall structure and intent of the Act to initiate a proceeding to revise the lead standard at this time.

Conclusion

For the reasons stated above LIA's petition is denied.

This is a final agency action dealing with a national ambient standard and jurisdiction to review this action lies exclusively in the U.S. Court of Appeals for the District of Columbia Circuit. Section 307(d)(1), 42 U.S.C. 7607(b)(1). Under Section 307(b)(1) judicial review of this action is available *only* by the filing of a petition for review in the U.S. Court of Appeals for the appropriate District of Columbia Circuit by August 18, 1980. Under Section 307(b)(2) today's action may *not* be challenged later in a separate civil or criminal proceeding.

Dated: June 11, 1980.

Douglas M. Costle,

Administrator.

[FR Doc. 80–18369 Filed 6–17–80; 8:45 am]

BILLING CODE 6560–01–M

[4] As explained in the preamble to the lead standard:

The authors of the study, Yankel and von Lindern, chose a log-linear model which provided a good fit to the data and gave an estimated slope of about 1.2 at an air lead of 1.5. However, EPA sees a problem with a log-linear model in that it forces a lower slope at low air lead values and a higher slope at higher lead value. This is in direct contradiction to the Azar and the Griffin studies, both of which indicate higher slopes at lower air lead values.

Because of the uncertainties in the low air lead values in the Idaho study EPA felt that the calculation of an average slope or ratio over the entire range of data would be a moderate compromise. The calculation of an average slope gives a value of 1.95. [43 FR 46254.]

[5] Section 109(d)(1) provides: Not later than December 31, 1980, and at five-year intervals thereafter, the Administrator shall complete a thorough review of the criteria published under section 108 and the national ambient air quality standards promulgated under this section and shall make such revisions in such criteria and standards and promulgate such new standards as may be appropriate in accordance with section 108 and subsection (b) of this section. The Administrator may review and revise criteria or promulgate new standards earlier or more frequently than required under this paragraph.

[FRL 1517-7]

Science Advisory Board, Task Group on Marine Ecosystem Monitoring; Open Meeting

Under Pub. L. 92-463, notice is hereby given that a meeting of the Task Group on Marine Ecosystem Monitoring of the Ecology Committee, Science Advisory Board, will be held on July 8 and 9, 1980, beginning at 9:00 a.m. Shenandoah Conference Room B, Westpark Hotel (formerly Ramada Inn Rosslyn), 1900 North Fort Myer Drive Arlington, Virginia.

This is the first meeting of the Task Group on Marine Ecosystem Monitoring. The Task Group was established to examine marine ecosystem monitoring and the utility of data gathered to the mandates of the Environmental Protection Agency (EPA). The Agenda includes such issues as regulatory aspects of ocean monitoring in EPA, the scope of the Office of Research and Development's involvment with marine monitoring activities, parameters and factors that should be monitored, procedures for acomplishing the task, Task Group organizational matters, and planning for future meetings.

The meeting is open to the public. Because of limited seating capacity of the meeting room, all members of the public must preregister no later than July 2, 1980, and receive a confirmed reservation from Dr. J Frances Allen, Staff Officer, Science Advisory Board, or Ms. Anita Najera, 202-472-9444.

Richard M. Dowd,

Staff Director, Science Advisory Board.

June 11, 1980.

[FR Doc. 80-18341 Filed 6-17-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

FM and TV Translator Applications Ready and Available for Processing

Adopted: June 6, 1980.

Released: June 11, 1980.

By the Chief, Broadcast Facilities Division: Notice is hereby given pursuant to Section 73.3572(c) and 73.3573(d) of the Commission's Rules, that on July 22, 1980, the TV and FM translator applications listed in the attached Appendix will be considered ready and available for processing. Pursuant to Sections 1.227(b)(1) and 73.3591(b) of the Rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on July 14, 1980, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on July 21, 1980.

Any party in interest desiring to file pleadings concerning any pending TV or FM translator application, pursuant to Section 309(d)(1) of the Communications Act of 1934, as amended, is directed to Section 73.3584(a) of the Rules, which specifies the time for filing and other requirements relating to such pleadings.

UHF TV Translator Applications

BPTT-790827IH (new), Sebring, Florida, Hubbard Broadcasting, Inc., Req: Channel 27, 548-554 MHz, 1000 watts, Primary: WTOG-TV, St Petersburg, Florida.

BPTT-791029ID (new), Providence, Rhode Island, WTEV-TV, Inc., Req: Channel 48, 674-670 MHz, 1000 watts, Primary: WTEV-TV, New Bedford, Massachusetts.

BPTT-791105ID (new), Arvin & Lamont, California, International Panorama TV, Inc., Req: Channel 65, 776-782 MHz, 100 watts, Primary: KTBN-TV, Fontana, California.

BPTT-791113IH (new), Hinkley & Pine City, Minnesota & Grantsburg, Wisconsin, Channel 10, Inc., Req: Channel 69, 800-806 MHz, 100 watts, Primary: WDIO-TV, Duluth, Minnesota.

BPTT-791205ID (new), Brevard, Cedar Mt. & Sherwook Forest, North Carolina, University of North Carolina, Req: Channel 59, 740-746 MHz, 100 watts, Primary: WUNF-TV, Asheville, North Carolina.

BPTT-791205IE (new), Hayesville, Brasstown & Shotting Creek, North Carolina, University of North Carolina, Req: Channel 62, 758-764 MHz, 100 watts, Primary: WUNE-TV, Linville, North Carolina.

BPTT-791205IF (new), Highlands, North Carolina, University of North Carolina, Req: Channel 62, 758-764 MHz, 100 watts, Primary: WUNE-TV, Linville, North Carolina.

BPTT-791205IG (new), Bryson City, Ela, Lauada, Alarka, Almond & Stecoah, North Carolina, University of North Carolina, Req: Channel 67, 788-794 MHz, 100 watts, Primary: WUNE-TV, Linville, North Carolina.

BPTT-791211IG (new), Four Buttes & Rural Area South, Montana, Klear VU Television District, Req: Channel 60, 746-752 MHz, 100 watts, Primary: KXMD-TV, Williston, North Dakota.

BPTT-791212IC (new), Ocala, Florida, Channel 9 of Orlando, Req: Channel 63, 764-770 MHz, 100 watts, Primary: WFTV-TV, Orlando, Florida.

BPTT-791231IF (new), Brian Head, Utah, Brian Head Town, Req: Channel 32, 578-584 MHz, 20 watts, Primary: KUED-TV, Salt Lake, Utah.

BPTT-791231IG (new), Brian Head, Utah, Brian Head Town, Req: Channel 34, 590-596 MHz, 20 watts, Primary: KSL-TV, Salt Lake, Utah.

BPTT-791231IH (new), Brian Head, Utah, Brian Head Town, Req: Channel 36, 602-608 MHz, 20 watts, Primary: KTVX-TV, Salt Lake, Utah.

BPTT-791231II (new), Brian Head, Utah, Brian Head Town, Req: Channel 38, 614-620 MHz, 20 watts, Primary: KUTV-TV, Salt Lake, Utah.

BPTT-791231IJ (new), Riverside & Vicinity, Washington, Television Reception District #1 of Okanogan County, Washington, Req: Channel 57, 728-734 MHz, 100 watts, Primary: KSPS-TV, Spokane, Washington.

BPTT-800115IA (W54AB), Poughkeepsie, New York, Dutchess Community College, Req: Change frequency to Channel 42, 638-644, MHz, decrease output power to 100 watts.

BPTT-800418ID (new), Lake Charles, Iowa & W. Lake Sulphur & Moss Bluff, Louisiana, Full Gospel Fellowship International Lake Charles, Req: Channel 63, 764-770 MHz, 100 watts, Primary: WJAN-TV, Canton, Ohio.

BPTT-800428IM (new), Victoria, Texas, Donald L. Syefert & Inelda J. Strahan d/b/as, Req: Channel 55, 716-722 MHz, 100 watts, Primary: KWEX-TV, San Antonio, Texas.

BMPTT-800-221IC (W35AB), Philadelphia, Pennsylvania, Spanish International Communications Corporation, Req: Increase output power to 1000 watts.

VHF TV Translator Applications

BPTTV-791025ID (K13LO), Yreka, California, Sacramento Valley Television, Inc., Req: To add Montague, California to present principal community.

BPTTV-791113IK (K13BA), Clearmont & Clearcreek Area, Wyoming, Clearcreek TV Booster Association, Req: Change frequency to Channel 8, 180-186 MHz.

BPTTV-791106IH (new), Trinity Center, California, North Lake Translator Group, Req: Channel 2, 54-60 MHz, 5 watts, Primary: KTVL-TV, Medford, Oregon.

BPTTV-791121IA (K09KJ), Tierra Amarilla, Hubbard Broadcasting, Inc., Req: Channel Add Brazos and Chama's Park View, New Mexico to present principal community.

BPTTV-791128IL (K04HJ), Independence Valley, Nevada, Tuscarora Television Association, Req: Change principal community to Tuscarora, Nevada, increase output power to 10 watts.

BPTTV-791128IM (new), Laketown, Utah & Garden City, Paris & Montpelier, Idaho, Bear lake Valley TV Association, Req: Channel 8, 180-186 MHz, 10 watts, Primary: KUTV-TV, Salt Lake City, Utah.

BPTTV-791128IN (New), Dingle & Rural Bear Lake County, Idaho, Bear Lake Valley TV Association, Req: Channel 9, 186-192 MHz, 1 watt, Primary: KUTV-TV, Salt Lake City, Utah.

BPTTV-791128IO (New), Laketown, Utah & Garden City Paris & Montpelier, Idaho, Bear Lake Valley TV Association, Req: Channel 10, 192-198 MHz, 10 watts, Primary: KTVX-TV, Salt Lake City, Utah.

BPTTV-791128IP (New), Dingle & Rural Bear Lake County, Idaho, Bear Lake Valley TV Association, Req: Channel 11, 198-204 MHz, 1 watt, KTVX-TV, Salt Lake City, Utah.

BPTTV-791128IQ (New), Laketown, Utah & Garden City, Paris & Montpelier, Idaho, Bear Lake Valley TV Association, Req: Channel 12, 204-210 MHz, 10 watts, Primary: KSL-TV, Salt Lake City, Utah.

BPTTV–791128IR (New), Dingle & Rural Bear Lake County, Idaho, Bear Lake Valley TV Association, Req: Channel 13, 210–216 MHz, 1 watt, Primary: KSL–TV, Salt Lake City, Utah.

BPTTV–791129IF (K02JE), McGrath, Alaska, Iditarod Area School District, Req: Add KUAC–TV, Channel 9, Fairbanks, KYUK–TV, Channel 4, Bethel, KTOO–TV, Channel 3, Juneau, Alaska to present primary stations.

BPTTV–791205IC (New), Bat Cave, Gerton, Chimney Rock & Lake Lure, North Carolina, University of North Carolina, Req: Channel 5, 76–82 MHz, 1 watt, Primary: WUNF–TV, Asheville, North Carolina.

BPTTV–791231IE (New), Ruby, Alaska, City of Ruby, Req: Channel 9, 186–192 MHz, 10 watts, Primary: KUAC–TV, Fairbanks, KYUK–TV, Bethel, KTOO–TV, Juneau, KAKM–TV, KIMO–TV, KTVA–TV, KENI–TV, Anchorage, Alaska.

FM Translator Applications

BPFT–791130IE (New), Medford, Eagle Point & Gold Hill, California, Western Translators, Inc., Req: Channel 296, 107.1 MHz, 10 watts, Primary: KEAR–FM, San Francisco, California.

BPFT–791211IF (New), Glasgow, Montana, KVCK, Inc., Req: Channel 296, 107.1 MHz, 10 watts, Primary: KYZZ–FM, Wolf Point, Montana.

BPFT–791113IG (K224AA), Laramie, Wyoming, Laramie Plains Antenna TV Association, Inc., Req: Change frequency to Channel 296, 107.1 MHz.

BPFT–791215IA (New), Kennewick, Pasco & Richland, Washington & Hermiston, Umatilla & Echo, Oregon, Tri-City Christian Translator Association, Req: Channel 252, 98.3 MHz, 10 watts, Primary: KMBI–FM, Spokane, Washington.

BPFT–791226IC (New), China Lake, Ridgecrest & Inyokern, California, Indian Wells Valley TV Booster, Inc., Req: Channel 201, 88.1 MHz, 1 watt, Primary: KUSC–FM, Los Angeles, California.

BPFT–791226ID (New), China Lake, Ridgecrest & Inyokern, California, Indian Wells Valley TV Booster, Inc., Req: Channel 232, 94.3 MHz, 1 watt, Primary: KNX–FM, Los Angeles, California.

BMPFT–791214IF (W228AB, Hanover, Pennsylvania, Calvary Bible Church of Hanover, Req: Change frequency to Channel 296, 107.1 MHz.

BPFTB–791205IB (New), Pleasanton, California, Metromedia, Inc., Req: Channel 235, 94.9 MHz, 10 watts, Primary: KSAN–FM, San Francisco, California.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80–18227 Filed 6–17–80; 8:45 am]

BILLING CODE 6712–01–M

Availability of Network Inquiry Special Staff Preliminary Reports

AGENCY: Federal Communications Commission.

ACTION: Notice of availability of network inquiry special staff preliminary reports.

SUMMARY: preliminary reports of the network inquiry special staff, conducting the inquiry into Commercial Television Network Practices have been released. The reports cover the following topics: television program production, acquisition and distribution (with a separate volume of appendices); the market for television advertising; and the determinants of television station profitability. (Docket 21049).

DATES: Comments in response to the reports must be filed by September 16, 1980. Reply comments must be filed by October 1, 1980.

ADDRESS: Reports are available from: Federal Communications Commission, Office of Public Affairs, Room 202, 1919 M Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Teri Freundlich, Network Inquiry Special Staff, (202) 254–7030.

Federal Communications Commission,

William J. Tricarico,

Secretary.

[FR Doc. 80–18228 Filed 6–17–80; 8:45 am]

BILLING CODE 6712–01–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 July 8, 1980, in which this notice appears. 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.: 9522–44.

Filing Party: Jeffrey F. Lawrence, Esquire, Billig, Sher & Jones, P.C., 2033 K Street, NW., Suite 300, Washington, D.C. 20006.

Summary: Agreement No. 9522–44, among the member lines of the Med-Gulf Conference, amends the basic agreement to authorize minibridge movements to U.S. Gulf coast ports or areas proximate to such ports, as well as to U.S. inland points where the cargo moves from loading to discharge ports covered by the Agreement.

Agreement No. 9804–1.

Filing Party: James W. Dewett, Esquire, Kirlin, Campbell & Keating, The Connecticut Building, 1150 Connecticut Avenue, NW., Suite 800, Washington, D.C. 20036.

Summary: Agreement No. 9804–1 amends the basic agreement, a cooperative working arrangement in the westbound trade from Europe to U.S. South Atlantic and Gulf ports, to provide the current corporate names of the members. Specifically, references to *Mammoth Bulk Carriers, Ltd.* and *Central Gulf* are to be deleted and replaced by the new name, *LASH Carriers, Inc.*

Agreement No. 10379–1.

Filing Party: Neal M. Mayer, Esquire, Coles & Goertner, 1000 Connecticut Avenue, NW., Washington, D.C. 20036.

Summary: Agreement No. 10379–1 amends the basic agreement, an equipment interchange and lease agreement in the U.S./Brazilian trade, to more clearly reflect the jurisdictional interests of both the U.S. and Brazilian Governments.

In addition, the proposed amendment adds additional language reflecting the application of Brazilian statutes to the use of non-Brazilian cargo containers in the Brazilian domestic trade.

By Order of the Federal Maritime Commission.

Dated: June 12, 1980.

Francis C. Hurney,

Secretary.

[FR Doc. 80–18210 Filed 6–17–80; 8:45 am]

BILLING CODE 6730–01–M

GENERAL SERVICES ADMINISTRATION

[F–80–8]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the consumer interests of the executive agencies of the Federal

Government in proceedings before the New Hampshire Public Utilities Commission involving intrastate telecommunications service rates.

2. *Effective date.* This delegation is effective June 5, 1980.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the New Hampshire Public Utilities Commission involving the application of the New England Telephone and Telegraph Company for increases in rates for intrastate telecommunication services. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: June 5, 1980.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 80-18356 Filed 6-17-80; 8:45 am]

BILLING CODE 6820-25-M

[E-80-12]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the consumer interests of the executive agencies of the Federal Government in proceedings before the Florida Public Service Commission involving electric utility rates.

2. *Effective date.* This delegation is effective June 6, 1980.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Florida Public Service Commission involving the application of the Gulf Power Company for an increase in its electric rates. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: June 6, 1980.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 80-18357 Filed 6-17-80; 8:45 am]

BILLING CODE 6820-AM-M

[E-80-14]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Kentucky Energy Regulatory Commission involving electric and gas utility rates.

2. *Effective date.* This delegation is effective June 9, 1980.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Kentucky Energy Regulatory Commission involving the application of the Louisville Gas and Electric Company for gas and electric rate increases. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: June 9, 1980.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 80-18353 Filed 6-17-80; 8:45 am]

BILLING CODE 6820-AM-M

[E-80-13]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent, the consumer interests of the executive agencies of the Federal Government in proceedings before the New York Public Service Commission involving electric utility rates.

2. *Effective date.* This delegation is effective June 5, 1980.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the New York Public Service Commission involving the application of the Niagara Mohawk Power Corporation for an increase in its electric rates.

b. The Secretary of Defense may redelegate this authority to any officer, offical, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: June 6, 1980.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 80-18358 Filed 6-17-80; 8:45 am]

BILLING CODE 6820-AM-M

[Intervention Notice 124; Case No. 7435]

Public Service Commission of Maryland, the Chesapeake and Potomac Telephone Co.; Proposed Intervention in Telephone Rate Increase Proceeding

The General Services Administration seeks to intervene in a proceeding before the Maryland Public Service Commission concerning the application of the Chesapeake and Potomac Telephone Company for an increase in its telephone rates. GSA represents the interest of the executive agencies of the U.S. Government as users of telecommunications services.

Persons desiring to make inquiries to GSA concerning this case should submit them in writing to Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services administration, 18th and F Streets, N.W., Washington, DC (mailing address: General Services Administration (LT), Washington, DC 20405), telephone 202-566-0750, by July 18, 1980, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

[Section 201(a)(4), Federal Property and Administrative Services Act, 40 U.S.C. 481(a)(4)].

Dated: June 5, 1980.

R. G. Freeman III,

Adminstrator of General Services.

[FR Doc. 80-18354 Filed 6-17-80; 8:45 am]

BILLING CODE 6820-25-M

[F-80-9]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Kentucky Utility Regulatory Commission involving intrastate telecommunications service rates.

2. *Effective date.* This delegation is effective June 5, 1980.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Kentucky Utility Regulatory Commission involving the application of the South Central Bell Telephone Company for increases in rates for intrastate telecommunication services.

b. The Secretary of Defense may redelegate this authority to any officer, offical, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: June 5, 1980.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 80-18355 Filed 6-17-80; 8:45 am]

BILLING CODE 6820-25-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Medicare Program; Clarification of Urban Location Classification in New England

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice.

SUMMARY: In the final notices published June 1, 1979, establishing limits on hospital inpatient general routine operating costs (44 FR 31806) and home health agency per visit costs (44 FR 31814) and the final notice published August 31, 1979, establishing limits on skilled nursing facility inpatient routine service costs (44 FR 51542) under the Medicare program, HCFA adopted the New England County Metropolitan Area definition of urban location classification in New England. Using this definition, four counties, previously classified as urban locations, were classified as non-urban in the notices. This notice is intended to correct the classification of these four counties to urban areas for purposes of application of cost limits to all types of providers of services.

EFFECTIVE DATE: July 1, 1979.

FOR FURTHER INFORMATION CONTACT: Carl Slutter (301) 594-9344.

SUPPLEMENTARY INFORMATION: On June 1, 1979, HCFA issued notices establishing limits on the costs of services furnished in hospitals and by home health agencies and on August 31, 1979, we issued a notice establishing limits on the costs of services furnished in skilled nursing facilities under the Medicare program. Because costs vary significantly between urban and rural areas, these costs limits are applied in a manner that differentiates between providers located in urban areas and those located in rural area. As a result the limits are higher for urban areas.

In these notices, we adopted the New England County Metropolitan Area (NECMA) definition of urban/non-urban locations. NECMA is a special system for grouping New England localities for a variety of statistical purposes.

This was the first time we had used the NECMA definition. The first time we set limits on hospital costs (June 6, 1974, 39 FR 20168), we used a system based on whether or not a hospital was located within the boundaries of a Standard Metropolitan Statistical Area (SMSA). In all areas of the country, except New England, SMSAs are defined on the basis of county lines. In New England, the definition is based upon town boundaries. However, the economic data used to calculated cost limits are collected on a county basis, even in New England. Therefore, we believed that it was inappropriate for some hospitals in a county to be classified as urban and others as non-urban. Consequently, in setting subsequent cost limits, we decided to classify New England hospitals as urban or rural, based on county lines rather than SMSA boundaries. (See the notice published September 26, 1978, 43 FR 43558.) Under this method, an entire county was deemed to be urban if any part of the county was located in an SMSA.

This year, we changed once again, to the use of the NECMA system of classifying, because of previous comments received from the Massachusetts Hospital Association and others. However, this change to the NECMA definition had the unintended effect of classifying four counties in New England, previously considered urban, as non-urban. They became non-urban because the NECMA definition, for purposes of classifying hospitals in New England as urban or non-urban, adopted the SMSA definition.

We believe it necessary now to reclassify those counties to urban so as to not to make an abrupt change in the way providers located there are affected by the cost limits. To accomplish this, we will treat those counties as part of the NECMA to which they are most closely related economically and politically, as shown below.

Providers located in these counties will have the urban cost limit applied and will utilize the applicable NECMA wage index:

Connecticut

Litchfield County—Hartford, New Britain, Bristol NECMA wage index—1.0293896

Maine

York County—Portland NECMA wage index—.8732662

New Hampshire

Merrimack County—Manchester—Nashua NECMA wage index—.7704519

Rhode Island

Newport County—Providence, Warwick, Pawtucket NECMA wage index—.9101288

(Secs. 1102, 1814(b), 1861(v)(1), 1866(a), and 1871 of the Social Security Act; (42 U.S.C. 1302, 1395f(b), 1395x(V)(1), 1395cc(a) and 1395hh))

(Catalog of Federal Domestic Assistance Program No. 13.773; Medicare—Hospital Insurance)

Dated: April 25, 1980.

Leonard D. Schaeffer,

Administrator, Health Care Financing Administration.

Approved: June 12, 1980.

Patricia Roberts Harris,

Secretary.

[FR Doc. 80-18390 Filed 6-17-80; 8:45 am]

BILLING CODE 4110-35-M

National Institute for Occupational Safety and Health

Testing and Certification Program; Public Meeting

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Center for Disease Control, PHS, HHS.

ACTION: Notice of public meeting.

SUMMARY: The National Institute for Occupational Safety and Health (NIOSH) announces a public meeting to discuss the NIOSH role in testing and certifying personal protective equipment and hazard measuring instruments. This meeting is being held as a follow-up to an evaluation of the NIOSH testing and certification program conducted at NIOSH's request by several consultants. The report of the consultants' evaluation was made available to the public through notice in the **Federal Register** on February 15, 1980 (45 FR 10459).

Issues and topics to be discussed at the meeting are provided in the *Supplementary Information* section of this notice. These issues and topics are intended to provide the necessary focus for restructuring the NIOSH testing and certification program for occupational respiratory protective devices (presently conducted jointly with the Mine Safety and Health Administration (MSHA) under 30 CFR Part 11) to provide a higher level of user confidence in approved or certified equipment.

DATES: The meeting will be held July 28–30, 1980. The meeting will begin at 9:00 a.m. on the 28th and extend through normal business hours each day to no later than 5:00 p.m. on July 30.

Requests to participate in the meeting must be received in writing by 5:00 p.m. on July 14, 1980.

ADDRESSES: The meeting will be held in the Green Auditorium of the National Bureau of Standards, Gaithersburg, Maryland. The Green Auditorium is located on the first floor of the Administration Building (Building 101).

Those persons wishing to present statements at the meeting should submit their requests in writing to Dr. Jon R. May, NIOSH, Room 8A–54, 5600 Fishers Lane, Rockville, Maryland 20857. Requests should include the name, address, and telephone number of the participant and approximate time needed for the presentation. For those persons who cannot participate at the meeting, written comments may be submitted to Dr. May.

FOR FURTHER INFORMATION CONTACT: Jon R. May, Ph.D., Special Assistant to the Director, NIOSH for Testing and Certification, NIOSH, Room 8A–54, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone: (301) 443–3680 or FTS 443–3680.

SUPPLEMENTARY INFORMATION: The National Institute for Occupational Safety and Health and the Mine Safety and Health Administration conduct a joint testing and certification program for occupational respiratory protective devices under the provisions of 30 CFR Part 11. In 1979, because of the controversy generated by respiratory equipment failures, NIOSH requested several consultants from various disciplines to provide an independent, external evaluation of the Institute's role in the testing and certification program and to recommend alternative courses of action that the agency might adopt in order to more effectively test and certify respiratory protective devices.

A list of the consultants and their major conclusions and recommendations are contained in a report entitled "Evaluation of the NIOSH Certification Program, Division of Safety Research, Testing and Certification Branch" (DHEW (NIOSH) Publication No. 80–113). The public availability of the consultants' report was announced on Friday, February 15, 1980. Several thousand copies of the report were distributed throughout the United States in response to the announcement. In the report, the consultants raised 18 questions they felt to be of vital importance to NIOSH's role in testing and certifying personal protective equipment and hazard monitoring instruments (Appendix B of the consultants' report). The Institute shares the consultants' belief that the answers to these questions are of paramount importance to the future direction of the NIOSH testing and certification program and invites the public to comment on these questions at a public meeting to be held on July 28–30, 1980.

Based on the consultants' report, as well as the opinions of NIOSH personnel familiar with all aspects of the testing and certification program, the Institute is faced with four viable alternatives for the existing respirator testing and certification program:

1. Revise the existing program in both the administrative and test criteria areas and continue, along with MSHA, to jointly test and certify respirators under 30 CFR Part 11.

2. Develop a new testing and certification program under Department of Health and Human Services (HHS) regulations where NIOSH alone would test and certify respirators. As in the case of Alternative 1, major revisions to the existing program would be necessary.

3. Implement a program whereby NIOSH would certify, alone or jointly, private laboratories for the actual testing and certification of respirators using performance standards specified by NIOSH.

4. Implement a self-certification program whereby industry would test and certify respirators based on performance standards specified by NIOSH.

After careful evaluation and reflection on the consultants' findings as well as its own experience in testing and certifying respiratory protective equipment, particularly during the past year and a half, NIOSH believes at this early stage in its review that Alternative 2 may provide more effective control of the respirator approval program and result in a more efficient testing and approval system. NIOSH and MSHA are interested in the public response to these alternatives and NIOSH solicits discussion of the alternatives at the public meeting.

To facilitate discussion of the above alternatives and to focus on the necessary elements of a restructured testing and certification program, the following problem areas, along with possible solutions, are presented as topics for discussion at the meeting:

Performance Specifications—The present Subparts H through N of 30 CFR Part 11, which specify the tests to be performed in the certification process for respiratory protective equipment, need to be replaced with performance specifications that are realistic and as technologically advanced as the state of the art will permit. In addition, performance requirements must not be static but, rather, reflect current states of knowledge. Compared to the other elements of the program, however, this is a longer range problem requiring, in many cases, further research. NIOSH could conduct the necessary research and also use research of confirmed quality conducted by others for upgrading and developing new respirator approval criteria. These performance criteria could then be

established by NIOSH through the rulemaking process of the Administrative Procedures Act.

Quality Control—The detailed, in-depth review and approval of applicants' quality control plans as presently specified in 30 CFR Part 11 needs to be eliminated. Experience indicates that the present system does not work satisfactorily. Adequate quality control is the applicant's responsibility. A solution would be to require the applicant to certify that an effective quality control plan is in place and that it is adequate to ensure that the percent defective approved product will not exceed limits set by NIOSH. This could be supplemented with a continuing field audit program whereby respiratory protective devices would be secured from both the market place and workplace and tested against the existing performance criteria. Unused approved respirators would be purchased anonymously while used approved respirators would be obtained from the field (e.g., the fire service, miners). The results of such market surveys would be published by NIOSH in order to inform users of the equipment of its status. In the case of used equipment, NIOSH would look for flaws and defects resulting from use and for indications that the equipment was unfit for further use. Successful completion of field audits would be a condition of continued approval. Stop-sale, recall, or approval revocation would be required for respirators found to be not conforming to the requirements of the existing regulations.

Engineering Drawings with Dimensional Tolerances—The present program requires submission of detailed drawings containing dimensional tolerances. There is an inherent implication that NIOSH personnel thoroughly review and approve all submitted tolerances, which is not the case. Toleranced drawings are referred to only rarely, when the need for design problem analysis arises. A possible solution would be to require detailed toleranced drawings only when approval or field audit examinations and tests reveal design problems that require analysis for approval decisions. Requirements for respirator design based on sound engineering and scientific principles, construction of suitable materials, and evidence of good workmanship would be retained. In addition, the applicant could be required to prepare a detailed engineering design (i.e., failure mode) analysis for each respirator submitted for approval. Such analysis would not have to be submitted with the application, but would be required if testing during the approval process or during field audit revealed design problems requiring further analysis before issuance of approval or other NIOSH action.

Changes to Approved Devices—The present program requires that any and all changes made to an approved respiratory protective device must be submitted to and approved by NIOSH prior to being incorporated. Under this requirement even insignificant changes having no effect whatsoever on form, fit, or function are included. Such an indiscriminate system places a meaningless burden on the testing and certification program and the applicant with no positive impact on the user of the equipment. The Testing and Certification program estimates that approximately 25 percent of testing and approval time is devoted to modifications of certificates of approval. In place of the present requirement, NIOSH could stipulate that all nonsignificant changes in approved respiratory protective devices need not be submitted for approval. In this context, significant would be defined as any change that may place the performance level of a respirator outside allowable NIOSH limits or that may change the engineering analysis resulting in immediate hazard to the user. The applicant would be required to submit significantly revised or redesigned respirators for NIOSH testing as new approvals. This system would eliminate the current practice of allowing modifications of certificates of approval.

Witnessing of Approval Tests—Witnessing of approval tests by the applicant or other persons requested by the applicant is permitted under the current program. Past experience has shown that test witnesses occasionally interfere with the conduct of the tests and try to influence their outcome. In addition, test personnel feel "pressured" by the presence of witnesses even if no comments are made during the actual testing. Instead of witnessing the actual tests, applicants could be invited to observe test procedures and equipment in operation, at a time convenient to NIOSH, when approval testing is not being conducted.

Duration of Approval—Under the present program there is no limit to the period of time for which respirators are approved. This has resulted in a situation where, in many cases, there are respirators on the market with different components, and thus different appearances, but all bearing the same MSHA/NIOSH approval number. In many cases it is almost impossible for the user to determine which of two identically labeled, but different looking, devices represents the latest version of the approved device. This "continuous" approval creates a confusing and potentially dangerous situation. The solution would be to limit the duration of approval to 5 years. Approval would in essence be a license to use the approval label and sell the respirator and components (as part of the respirator) as approved for 5 years. After 5 years, the complete respirator and functional replacement parts (e.g., facepiece, filter, cartridge, canister, cylinder, regulator) could not be sold as approved or as part of an approved respirator until, and unless, reapproval were satisfactorily accomplished.

Product Quality Requirements—Product quality levels are presently expressed as Acceptable Quality Levels (AQLs). AQLs are really guidelines for establishing the allowable percent of defective product, which is the final judgment criteria of product quality. The Institute believes that product quality requirements should be specified as allowable percent defective. The allowable percent defective values specified would be based on sound safety and engineering principles and would replace existing AQLs.

Unpublished Test Requirements—The present program permits the use of special, unpublished test requirements, without public comment, in order to accommodate new respirator types submitted for approval but not covered by existing approval requirements. This has been done when NIOSH believed that prompt approval of the new device would be beneficial to employees who wear respirators. The Institute now believes that only test requirements that have been tested and proven and subjected to public scrutiny should be used. Thus, the use of unpublished test requirements should not be provided for in a revised testing and certification program.

Testing of Prototype Respirators—In the past, the testing of prototype respirators has sometimes resulted in NIOSH serving as a research and development facility for applicants. The ultimate benefit to users, by ensuring the availability of more and varied respirator designs, is important and indicates the appropriateness of testing prototypes. However, as a solution, prototype testing should only be conducted when personnel and equipment are available and when such testing would not interfere unduly with regular approval and field audit testing. The results of prototype respirator testing would be given to, but not

discussed with, the applicant. In addition, the applicant would not be given assistance in correcting deficiencies indicated by failure during testing. Applicants would not be permitted to use NIOSH prototype test data as their preapproval submission test data.

Approval Tests—To more effectively control the quality of approved respirators entering the marketplace, NIOSH believes that approval testing should be conducted only on production samples of respirators (i.e., those made by regular production personnel on regular production equipment with regular production molds and identical in every way to those to be sold by the applicant, except for lack of approval markings).

NIOSH also believes that the following elements need to be incorporated into a restructured testing and certification program:

Group Testing of Respirators—The Institute would announce in the **Federal Register** that applications for testing a specific type of production or prototype respirator will be received during a designated acceptance period. At the close of the acceptance period all submitted respirators and all field audit samples of that type of respirator on hand would be tested together. Except for prototype respirators, test data would be published. The Institute believes that such a procedure would (1) allow the testing and certification program to be more responsive to both users' and applicants' needs for more prompt approval testing, (3) accelerate the issuance of new and reapprovals, and (3) enable the Institute to operate a field audit program.

User and Maintenance Manuals—Applicants should be required to submit user and maintenance manuals as a part of the original submission for approval testing. These manuals should describe the construction and operation of the respirator and provide detailed instructions for: Replacement of parts; repair; general cleaning, disinfection, and maintenance procedures; and provision of respirable air or oxygen. These manuals would be reviewed by NIOSH for conformance to accepted respirator program components and procedures. All manual revisions and updates would be submitted to NIOSH.

NIOSH Systems Manual—NIOSH should develop a systems manual that would define the internal operating procedures of the testing and certification program, including: Approval authority; approval requirements in effect; process for handling applications; processing of approvals; issuing of approvals; denying of approvals; field audit procedures; causes for stop-sale, recall, and approval revocation actions. The manual would be kept up-to-date and made available to interested parties upon request. The development and maintenance of a systems manual is essential for the efficient operation of a respirator testing and certification program. The program must operate on clearly established and well-defined written procedures that are consistently applied. Applicants, as well as users of respiratory protective devices, have a right to know the details of the testing and certification program.

Publication of Test Data—NIOSH should publish test data (both passing and failing) from approval tests of production respirators and field audit tests of both used and unused respirators. The Institute believes that publication of failure test data obtained from approval tests will encourage applicants to be more careful in preparing respirators for test and in performing their own pre-approval submission tests, which would be required. In the case of field audits, the test criteria would be identical to those against which the devices were originally tested.

The public is invited to address all of the issues identified in this announcement, as well as those identified in the consultants' report. None of the possible solutions presented here should be considered as a final decision by NIOSH. All elements of the testing and certification program are open to discussion and subject to change based on data presented.

Comments and information obtained at the public meeting will be used by NIOSH to determine the direction in which to proceed in altering the present respirator approval program so that users of approved respirators can rely on the approval label.

The public meeting will be conducted in an informal manner under the chairmanship of Dr. Jon May. The meeting will first be limited to presentation of prepared statements by interested persons. A complete agenda will be made available to all attendees on the days of the meeting. It would be helpful if 10 copies of the prepared statements could be provided for distribution at the meeting. To accommodate all persons wishing to present statements, the chairman may limit the time allowed for presentation of each statement. Following presentation of the prepared statement, clarifying questions will be permitted. Any time remaining will be available to receive additional comments. A verbatim record of the meeting will be made.

Dated: June 13, 1980.

Fred G. Dense,

Acting Director, National Institute for Occupational Safety and Health.

[FR Doc. 80-18396 Filed 6-17-80; 8:45 am]

BILLING CODE 4110-87-M

Public Health Service

Grants for Comprehensive Health Planning and Public Health Services; Delegation of Authority

Notice is hereby given that on May 27, 1980 the Secretary of Health and Human Service delegated to the Assistant Secretary for Health, with authority to redelegate, all the authority vested in the Secretary under section 314 of the Public Health Service Act (42 U.S.C. 246), as amended, concerning grants for comprehensive health planning and public health services, excluding the authority to promulgate regulations.

Previous delegations to the Assistant Secretary for Health of authorities under section 314 of the Public Health Service Act have been superseded. Provision has been made for previous delegations and redelegations of authority under section 314 of the Public Health Service Act to other officials in the Public Health Service to continue in effect, pending further redelegation.

Dated: June 6, 1980.

Frederick M. Bohen,

Assistant Secretary for Management and Budget.

[FR Doc. 80-18398 Filed 6-17-80; 8:45 am]

BILLING CODE 4110-85-M

Loan Default Prevention and Protection of the Interest of the United States in the Event of Default; Delegation of Authority

Notice is hereby given that effective May 23, 1980, the Secretary of Health and Human Services delegated to the Assistant Secretary of Health, all the authorities, except the authority to prescribe regulations, vested in the Secretary under Section 1602(f) of Title XVI of the Public Health Service Act (42 U.S.C. 300q-2(f)), as amended, concerning loan default prevention and protection of the interest of the United States in the event of default, with respect to loans made under Title VI and Title XVI of the Public Health Service Act, excluding the authority to prescribe regulations.

This authority may be redelegated to the PHS agency head level. It may be redelegated beyond that level after

regulations establishing the terms and conditions for making expenditures under Section 1602(f) are in effect.

Dated: June 6, 1980.

Frederick M. Bohen,

Assistant Secretary for Management and Budget.

[FR Doc. 80-18397 Filed 6-17-80; 8:45 am]

BILLING CODE 4110-83-M

Office of Assistant Secretary for Health

National Center for Health Care Technology; Scientific Evaluation of Medical Technology

The National Center for Health Care Technology (Center) announces that it is beginning a review of several of the procedures included in the most recent Blue Cross and Blue Shield Medical Necessity Project list (January 10, 1980). These are procedures which Blue Cross and Blue Shield will no longer routinely reimburse. This decision is based on the advice of several medical specialty societies. The procedures to be reviewed are:

Mucoprotein, blood (seromucoid)
Bendien's test
Bolen test
Rehfus Test
Prolotherapy
Chelation therapy
Orthomolecular medication and megativitamin therapy for use in relation to learning disabilities, mental illness, hypoglycemia, and other non-casually related types of conditions
Intragastric hypothermia using gastric freezing

Based on review of these procedures, the Center will develop a recommendation to the Health Care Financing Administration about the appropriateness of Medicare reimbursement. Any person or group wishing to provide the Center with information relevant to this evaluation should do so in writing no later than 30 days from the day of this notice. To enable the Center's staff to give appropriate consideration to any literature references or analysis of clinical data, a written summary no longer than 10 pages should be attached to any such submitted material.

Written material should be submitted to: National Center for Health Care Technology, Room 17A-29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

For further information contact: O.B. Towery, M.D., Associate Director for Medical and Scientific Evaluation, National Center for Health Care Technology, Room 17A-29, Parklawn Building, Rockville, Maryland 20857, (301) 443-4990.

Dated: June 10, 1980.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 80-18318 Filed 6-17-80; 8:45 am]

BILLING CODE 4110-85-M

National Center for Health Care Technology; Scientific Evaluation of Medical Technology

The National Center for Health Care Technology (Center) announces that it is beginning a scientific evaluation of the safety and clinical effectiveness of hemodialysis for treatment of schizophrenia. Based on this evaluation, a recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing a Medicare reimbursement policy. Any person or group wishing to provide the Center with information relevant to this evaluation should do so in writing no later than 30 days from the day of this notice. To enable the Center's staff to give appropriate consideration to any literature references or analyses of clinical data, a written summary no longer than 10 pages should be attached to any such material submitted.

Written material should be submitted to: National Center for Health Care Technology, Room 17A-29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

For further information contact: O. B. Towery, M.D., Associate Director for Medical and Scientific Evaluation, National Center for Health Care Technology, Room 17A-29, Parklawn Building, Rockville, Maryland 20857, (301) 443-4990.

Dated: June 10, 1980.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 80-18319 Filed 6-17-80; 8:45 am]

BILLING CODE 4110-85-M

National Center for Health Care Technology; Scientific Evaluation of Medical Technology

The National Center for Health Care Technology (Center) announces that it is beginning a scientific evaluation of the clinical safety and effectiveness of plasmaphoresis for treatment of rheumatoid arthritis. Based on this evaluation, a recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage decisions. Any person or group wishing to provide the Center with information relevant to this evaluation should do so in writing no later than 30 days from the day of this notice. To enable the Center's staff to give appropriate consideration to any literature references or analyses of clinical data, a written summary no longer than 10 pages should be attached to any such material submitted.

Written material should be submitted to: National Center for Health Care Technology, Room 17A-29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

For further information contact: O. B. Towery, M.D., Associate Director for Medical and Scientific Evaluation, National Center for Health Care Technology, Room 17A-29, Parklawn Building, Rockville, Maryland 20857, (301) 443-4990.

Dated: June 10, 1980.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 80-18320 Filed 6-17-80; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

California Desert Conservation Area Advisory Committee; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 and 94-579 that the California Desert Conservation Area Advisory Committee to the Bureau of Land Management, U.S. Department of the Interior, will meet June 27 and 28, 1980, in Riverside, California. The purpose of the meeting is to continue the review of the issues, options, and proposed planning decisions for the California Desert Conservation Area begun at the meeting of June 5-7, 1980; to discuss site-specific items raised by members of the Committee; and to discuss the language, contents, and format of the proposed management plan for the California Desert Conservation Area. Plan elements and components to be discussed include wildlife, grazing, wilderness, mining, cultural resources, vehicular access, Areas of Critical Environmental Concern, and management guidelines.

The meeting will be held in Raincross Square, 3443 Orange Street, Riverside, CA 92501. The meeting will begin at 8:00 a.m., Friday, June 27 and Saturday, June 28. The meeting is open to the public, and interested persons may attend and file statements with the Advisory Committee. This meeting is a

continuation of the meeting of June 5–7, 1980. The short notice of this meeting is due to the tight timeframe resulting from the statutory deadline set by Section 601(d) of the Federal Land Policy and Management Act, Pub. L. 94–579, for completion of the California Desert Plan and the need to receive the Committee's advice on issues to be addressed in the proposed plan.

Further information may be obtained from Mr. Clayton A. Record, Jr., Chairman, California Desert Conservation Area Advisory Committee, c/o Desert Plan Staff, Bureau of Land Management, 3610 Central Avenue, Suite 402, Riverside, CA 92506.

Dated: June 10, 1980.

James B. Ruch,

State Director.

[FR Doc. 80-18363 Filed 6-17-80; 8:45 am]

BILLING CODE 4310-84-M

[UT-910]

Utah; Wilderness Inventory Decision, Instant Study Areas

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice announces that (1) the final wilderness inventory decision on the wilderness characteristics determination of Devils Garden and Link Flats Instant Study Areas (ISAs) is not in effect as published in the May 5, 1980 Federal Register, due to a protest received on that decision and (2) the final decision on the Joshua Tree and Bookcliff ISAs is in effect as published in that same Federal Register. The Federal Register notice as published May 5, 1980 indicated that none of the ISAs listed possessed wilderness characteristics and that they would be recommended to the Secretary of the Interior as non-suitable for wilderness designation.

Until a decision is rendered by the Utah BLM state director on the Devils Garden and Link Flats ISAs protest, the earlier decision will not become effective. When the state director makes a decision on the protest, it will be published in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Kent Biddulph, BLM Utah state office, (801) 524–5326.

Dated: June 9, 1980.

Gary J. Wicks,

State Director.

[FR Doc. 80-18362 Filed 6-17-80; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Texas; Application for Right-of-Way Permit

Notice is hereby given that under Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (37 Stat. 576), that the Natural Gas Pipeline Company of America has applied for a right-of-way permit to construct and operate a 20-inch gas pipeline across lands of the Sea Rim National Wildlife Refuge in Jefferson County, Texas.

The purpose of this notice is to inform the public that the United States Fish and Wildlife Service will be proceeding with consideration of whether this application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so within thirty (30) days be sending their comments with their name and address to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103.

Jack P. Woolstenhulme,

Acting Regional Director, U.S. Fish and Wildlife Service.

[FR Doc. 80-18223 Filed 6-17-80; 8:45 am]

BILLING CODE 4310-55-M

Texas; Application for Right-of-Way Permit

Notice is hereby given that under Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (37 Stat. 576), that the Shell Oil Company has applied for a right-of-way permit to construct and operate a 3-inch gas pipeline across 6 miles of the McFaddin National Wildlife Refuge in Jefferson County, Texas.

The purpose of this notice is to inform the public that the United States Fish and Wildlife Service will be proceeding with consideration of whether this application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so within thirty (30) days be sending their comments with their name and address to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103.

Jack P. Woolstenhulme,

Acting Regional Director, U.S. Fish and Wildlife Service.

June 5, 1980.

[FR Doc. 80-18224 Filed 6-17-80; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

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 Amoco Production Company has submitted a development and production plan describing the activities it proposes to conduct on Lease OCS–G 2007, Block 513, West Cameron 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, Room 147, 3301 North Causeway Blvd., 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 § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: June 6, 1980.

J. Rogers Pearcy,

Acting Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 80-18216 Filed 6-17-80; 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 Development and Production Plan.

SUMMARY: Notice is hereby given that Conoco Inc., has submitted a Development and Production Plan describing the activities it proposes to

conduct on Leases OCS 0163 and OCS 0184, Blocks 71 and 72, East Cameron 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 § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: June 6, 1980.

J. Rogers Pearcy,

Acting Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 80-18217 Filed 6-17-80; 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 Development and Production Plan.

SUMMARY: Notice is hereby given that Cities Service Company, has a submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 4136, Block 526, portion, Matagorda Area, offshore Texas.

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 § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: June 6, 1980.

J. Rogers Pearcy,

Acting Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 80-18218 Filed 6-17-80; 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 Development and Production Plan.

SUMMARY: Notice is hereby given that Diamond Shamrock, has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3977, Block 57, Vermilion 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 § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: June 6, 1980.

J. Roger Pearcy,

Acting Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 80-18219 Filed 6-17-80; 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 Development and Production Plan.

SUMMARY: Notice is hereby given that Diamond Shamrock, has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3774, Block 37, Vermilion 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 § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: June 6, 1980.

J. Roger Pearcy,

Acting Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 80-18220 Filed 6-17-80; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Receipt of Proposed Development and Production Plan

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Exxon Company, U.S.A. has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS-G 1204 and OCS-G 1205, Blocks 72 and 73, South Marsh Island 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 § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: June 10, 1980.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 80-18361 Filed 6-17-80; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Receipt of Proposed Development and Production Plan

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Exxon Company, U.S.A. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 1083, Block 73, 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 § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: June 10, 1980.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 80-18360 Filed 6-17-80; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Receipt of Proposed Development and Production Plan

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Exxon Company, U.S.A. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 2576, Block 372, Vermilion 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 § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: June 10, 1980.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 80-18359 Filed 6-17-80; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

Cuyahoga Valley National Recreation Area, Ohio, Availability of Plans of Operations for Drilling Oil Wells

Pursuant to Title 36, Chapter 1, Part 9, Minerals Management Comprehensive Regulations, notice is hereby given that the National Park Service has received three plans of operation for drilling oil wells at Cuyahoga Valley National Recreation Area from the KST Oil & Gas Company of Akron, Ohio.

Copies of the three plans of operation are available for review and comment at the Headquarters of the Cuyahoga Valley National Recreation Area, 501 West Streetsboro Road, Peninsula, Ohio 44264. Written comments should be mailed to the Superintendent at this address and such comments will be made a part of the official record when received within thirty (30) days of the date of the publication of this notice.

Inquiries should be made to Mr. Rodney D. Royce, Resource Management Specialist, at the above address or at telephone (216) 650–4414.

Dated: June 10, 1980.

Randall R. Pope,

Acting Regional Director, Midwest Region.

[FR Doc. 80-18344 Filed 6-17-80; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Exemption No. 174]

Railroad Car Service Rules

To all railroads: It appearing, That the railroad named herein own numerous plain flat cars under 200,000 pounds capacity; that under present conditions, there are surpluses of these cars on their lines; that return of these cars to the car owners would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain flat cars under 200,000 pounds capacity, described in the Official Railway Equipment Register, ICC-RER No. 6410–B, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "FM," flat cars under 200,000 pounds capacity, and which bear the reporting marks listed below, may be used without regard to the requirements of Car Service Rules 1 and 2.

Southern Railway Company Reporting Marks: SOU-CG-NS-SA-TA&G

Effective June 1, 1980, and continuing in effect until further order of this Commission.

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

Interstate Commerce Commission,

Joel E. Burns,

Agent.

[FR Doc. 80-18335 Filed 6-17-80; 8:45 am]

BILLING CODE 7035-01-M

[Exemption No. 173]

Railroad Car Service Rules

To all railroads: It appearing, That the railroad named herein own numerous plain gondola cars, 61-ft. in length or longer; that under present conditions, there are surpluses of these cars on their lines; that return of these cars to the car owners would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars, 61-ft. in length or longer, described in the Official Railway Equipment Register, ICC–RER No. 6410–B, issued by W. J. Trezise, or successive issues thereof, as having mechancial designation "GB," which are 61-ft. in length or longer, and which bear the reporting marks listed below, may be used without regard to the requirements of Car Service Rules 1 and 2.

Southern Railway Company Reporting Marks: SOU–CG–NS–SA–TA&G

Effective June 1, 1980, and continuing in effect until further order of this Commission.

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

Interstate Commerce Commission,

Joel E. Burns,

Agent.

[FR Doc. 80-18338 Filed 6-17-80; 8:45 am]

BILLING CODE 7035-01-M

[Eighth Revised Exemption No. 141]

Railroad Car Service Rules

To all railroads: It appearing, That the railroads named herein own numerous plain gondola cars less than 61-ft.; that under present conditions, there are surpluses of these cars on their lines; that return of these cars to the car owners would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars, 61-ft. in length, described in the Official Railway Equipment Register, ICC-RER No. 6410–B, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "GB," which are less than 61-ft. in length, and which bear the reporting marks listed below, may be used without regard to the requirements of Car Service Rules 1 and 2.

Aberdeen and Rockfish Railroad Company Reporting Marks: AR

Chicago, West Pullman & Southern Railroad Company Reporting Marks: CWP-CWP&S

East St. Louis Junction Railroad Company Reporting Marks: ESLJ

Louisiana Midland Railway Company Reporting Marks: LOAM

Maryland and Delaware Railroad Company Reporting Marks: MDDE

Octoraro Railway, Inc. Reporting Marks: OCTR

*Southern Railway Company Reporting Marks: SOU

Effective June 1, 1980, and continuing in effect until further order of this Commission.

*Addition.

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

Interstate Commerce Commission,

Joel E. Burns,

Agent.

[FR Doc. 80-18339 Filed 6-17-80; 8:45 am]

BILLING CODE 7035-01-M

Water Carrier Temporary Authority Application

W–1326 (Sub-3–1TA). By decision entered June 4, 1980, the Regional Motor Carrier Board granted Hunter Marine Transport, Inc., Nashville, TN, 180 day temporary authority commencing June 4, 1980, to operate as a water common carrier in the transportation of general commodities, by non-self propelled vessels with the use of separate towing vessels, and general towage by towing vessels between ports and points on the Cumberland, Tennessee, Ohio and Illinois Rivers and the Mississippi River between its confluence with the Illinois River at Grafton, IL and its confluence with the Ohio River at Cairo, IL. Supporting shipper: Atlas Machine and Iron Works, Inc., 7308 Wellington Rd., Gainesville, VA 22065 and Brown-Boveri Corp., 1460 Livingston Ave., North Brunswick, NJ 08902. Peter A. Greene, 900 17th St., N.W., Washington, D.C. 20006. Any interested person may file a petition for reconsideration on or before July 8, 1980. Within 20 days after the filing of such petition with the Commission, any interested person may file and serve a reply thereto.

Respond to: ICC Regional Authority Center, P.O. Box 7520, Atlanta, GA 30357

James H. Bayne,

Acting Secretary.

[FR Doc. 80-18336 Filed 6-17-80; 8:45 am]

BILLING CODE 7035-01-M

[I.C.C. Order No. 69 Under Service Order No. 1344]

Rerouting Traffic; Illinois Terminal Railroad Co.

To: The Illinois Terminal Railroad Company In the opinion of Joel E. Burns, Agent, the Illinois Terminal Railroad Company is unable to transport promptly all traffic offered for movement over its line between Morton and Perio, Illinois, due to a bridge damaged in a washout at MP 406.9.

It is ordered,

(a) *Rerouting traffic.* The Illinois Terminal Railroad Company, being unable to transport promptly all traffic offered for movement over its lines between Morton and Peoria, Illinois, because of a bridge damaged in a washout at MP 406.9, that line is authorized to divert or reroute such

traffic via any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion of rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 4:00 p.m., June 4, 1980.

(g) *Expiration date.* This order shall expire at 11:59 p.m., June 18, 1980, unless otherwise modified, amended or vacated.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 4, 1980.

Interstate Commerce Commission,

Joel E. Burns,

Agent.

[FR Doc. 80-18337 Filed 6-17-80; 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 *within 20 days* from the date of this publication. 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-612-80 (special certificate—Government traffic), filed May 21, 1980.

Applicant: Eziekel Morris, d/b/a Morris Delivery Service, 8042 S. Champlain, Chicago, IL 60619.

Representative: M. Harrison Boyd, Harrison Boyd & Associates, 2550 M St., N.W.—Suite 300, Washington, D.C. 20037.

Government Agency involved: Agencies listed in U.S. Government Manual (1979-80 edition).

GT-613-80 (special certificate—Government traffic), filed May 7, 1980.

Applicant: Four Winds Van Lines, Inc., 7035 Convoy Court, San Diego, CA 92138.

Representative: Robert J. Gallagher, Esq., 1000 Connecticut Ave. N.W.—Suite 1112, Washington, D.C. 20036.

Government Agency involved: Department of Defense.

GT-614-80 (special certificate—Government traffic), filed May 28, 1980.

Applicant: Cango Corporation, Suite 2900, 100 Milam Bldg., Houston, TX 77002.

Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St., N.W., Washington, D.C. 20001.

Government Agency involved: Agencies listed in U.S. Government Manual (1979-80 edition).

GT-615-80 (special certificate—Government traffic), filed May 28, 1980.

Applicant: Keal Driveaway Company, Inc., 852 East 73rd St., Cleveland, OH 44103.

Representative: William P. Sullivan, 1320 Fenwick Lane, Silver Spring, MD 20910.

Government Agency involved: Agencies listed in U.S. Government Manual (1979-80 edition).

GT-616-80 (special certificate—Government traffic), filed May 28, 1980.

Applicant: F. M. S. Transportation, Inc., 2564 Harley Drive, Maryland Heights, MO 63043.

Representative: Laura C. Berry (address same as applicant).

Government Agency involved: Agencies listed in U.S. Government Manual (1979-80 edition).

GT-617-80 (special certificate—Government traffic), filed May 21, 1980.

Applicant: J. T. R. Trucking Co., Inc., 489 Washington St., New York, NY 10013.

Representative: M. Harrison Boyd, Harrison Boyd & Associates, 2550 M St., N.W., Suite 300, Washington, D.C. 20037.

Government Agency involved: Agencies listed in U.S. Government Manual (1979-80 edition).

GT-618-80 (special certificate—Government traffic), filed May 29, 1980.

Applicant: Lisa Motor Lines, Inc., P.O. Box 4550, Fort Worth, TX 76106.

Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103.

Government Agency involved: Departments of Defense, Commerce, Agriculture, Labor, Transportation, Treasury, Health, Education and Welfare, Housing and Urban Development, Interior, and Justice; Veterans' Administration, U.S. Postal Service, Tennessee Valley Authority, National Aeronautics and Space Administration, General Services Administration.

GT-619-80 (special certificate—Government traffic), filed May 28, 1980.

Applicant: Paulk's Moving & Storage Co., Inc., 722 North Kraft Ave., Panama City, Florida 32401.

Representative: Robert J. Gallagher, Esq., 1000 Connecticut Ave. N.W., Suite 1112, Washington, D.C. 20036.

Government Agency involved: Department of Defense, Department of Transportation, and General Services Administration.

GT-620-80 (special certificate—Government traffic), filed May 28, 1980.

Applicant: Trucks, Inc., P.O. Box 79113, Saginaw, TX 76179.

Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103.

Government Agency involved: Departments of Defense, Commerce, Agriculture, Labor, Transportation, Treasury, Health, Education and Welfare, Housing and Urban Development, Interior, and Justice; Veterans' Administration, U.S. Postal Service, Tennessee Valley Authority, National Aeronautics and Space Administration, General Services Administration.

GT-621-80 (special certificate—Government traffic), filed May 28, 1980.

Applicant: William H. Burgener, d/b/a/ Burgener Contract Carriers, Rte 3, Box 485, Merrill, WI 54452.

Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956.

Government Agency involved: Agencies listed in U.S. Government Manual.

GT-622-80 (special certificate—Government traffic), filed May 19, 1980.

Applicant: Universal Transport, Inc., Box 3000, Rapid City, SD 57709.

Representative: Truman A. Stockton, Jr., Attorney, 1650 Grant St. Bldg., Denver, Colorado 80203.

Government Agency involved: Departments of Defense, Agriculture, Internal Revenue Service, and General Services Administration.

GT-623-80 (special certificate—Government traffic), filed May 17, 1980.

Applicant: River Bend Transportation, Inc., P.O. Box 5808, Pearl, MS 39208.

Representative: Morton E. Kiel, Attorney, Suite 1832, Two World Trade Center, New York, NY 10048.

Government Agency involved: Departments of Defense, General Services Administration, U.S. Postal Service.

GT-624-80 (special certificate—Government traffic), filed May 28, 1980.

Applicant: R. E. Garrison Trucking, Inc., P.O. Box 186, Cullman, AL 35055.

Representative: Michael M. Knight (address same as applicant).

Government Agency involved: Agencies listed in U.S. Government Manual (1979-80 edition).

GT-625-80 (special certificate—Government traffic), filed April 28, 1980.

Applicant: Lake State Transport, Inc., P.O. Box 944, St. Cloud, MN 56301.

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-626-80 (special certificate—Government traffic), filed May 28, 1980.

Applicant: Quality Movers, Inc., 2445 West Pike, Houston, PA 15342.

Representative: Herbert Alan Dubin, Esq., Baskin and Sears, 818 Connecticut Ave., N.W., Washington, D.C. 20006.

Government Agency involved: Department of Defense.

GT-627-80 (special certificate—Government traffic), filed May 28, 1980.

Applicant: Quality Movers North, Inc., P.O. Box 710, Butler, PA 16001.

Representative: Herbert Alan Dubin, Baskin and Sears, 818 Connecticut Ave. N.W., Washington, D.C. 20006.

Government Agency involved: Department of Defense.

GT-628-80 (special certificate—Government traffic), filed May 28, 1980.

Applicant: Quality Movers East, Inc., 601 N. 4th St., Jeannette, PA 15644.

Representative: Herbert Alan Dubin, Baskin and Sears, 818 Connecticut Ave. N.W., Washington, D.C. 20006.

Government Agency involved: Department of Defense.

GT-629-80 (special certificate—Government traffic), filed May 21, 1980.

Applicant: Johnson Transportation Company, 1327 Highway 13 North, Columbia, MS 39249.

Representative: Fred W. Johnson, Jr., P.O. Box 22807, Jackson, MS 39205.

Government Agency involved: Departments of Defense, Interior, Agriculture; General Services Administration, Tennessee Valley Authority, U.S. Corps of Engineers, National Aeronautics and Space Administration.

GT-630-80 (special certificate—Government traffic), filed May 27, 1980.

Applicant: Watkins Motor Lines, Inc., 1144 West Griffin Rd., P.O. Box 1636, Lakeland, FL 33802.

Representative: Benjy W. Fincher (address same as applicant).

Government Agency involved: Departments of Defense, Agriculture, Education, Energy, Treasury, Interior, Housing and Urban Development, Transportation, Labor, and Commerce; Commodities Credit Corporation, General Services Administration, National Aeronautics and Space Administration, Post Office Department, U.S. Coast Guard, U.S. Government Printing Office, Veterans Administration, Internal Revenue Service, Tennessee Valley Authority, American Red Cross, Atomic Energy Commission.

GT-631-80 (special certificate—Government traffic), filed May 27, 1980.

Applicant: Arizona-Pacific Tank Lines, 3980 Quebec Street, P.O. Box 7240, Denver, CO 80207.

Representative: Rick Barker, General Traffic Manager (address same as applicant).

Government Agency involved: Commodity Credit Corporation, Departments of Defense, Energy, Health, Education, and Welfare, and Post Office Department.

GT-632-80 (Special certificate—Government traffic), filed May 27, 1980.

Applicant: Jenkins Truck Line, Inc., A Corporation, P.O. Box 697, Jeffersonville, IN 47130.

Representative: Elisabeth A. DeVine, P.O. Box 737, Moline, IL 61265.

Government Agency involved: Veterans Administration, U.S. Postal Service, General Services Administration, Departments of Health, Education, and Welfare, Housing and Urban Development, Interior, Agriculture, Commerce, Transportation, Defense, Energy, Treasury; U.S. Government Printing Office, Federal Maritime Commission, National Aeronautics and Space Administration, Nuclear Regulatory Commission, American Battle Monuments Commission, Civil Aeronautics Board, Commission of Fine Arts, Environmental Protection Agency, Federal Communications Agency, International Communications Agency, National Science Foundation, National Transportation Safety Board, Tennessee Valley Authority, U.S. Arms Control and Disarmament, U.S. International Trade Commission Agency.

GT-633-80 (Special certificate—Government traffic), filed May 27, 1980.

Applicant: Bacon Motor Express, Inc., P.O. Box 11207, Atlanta, GA 30310.

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-634-80 (Special certificate—Government traffic), filed May 30, 1980.

Applicant: D & B Trucking, Inc., 5315 E. Belmont, Fresno, CA 93727.

Representative: Dale B. Bates, President (address same as applicant).

Government Agency involved: Department of Defense.

GT-635-80 (Special certificate—Government traffic), filed May 30, 1980.

Applicant: Refiners Transport & Terminal Corporation, 445 Earlwood Ave., Oregon, OH 43616.

Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114.

Government Agency involved: Department of Defense.

GT-636-80 (Special certificate—Government traffic), filed June 2, 1980.

Applicant: Rogers Motor Lines, Inc., R.D. #2—Box 388-D2, Hackettstown, NJ 07840.

Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048.

Govenment Agency involved: U.S. Postal Service, Departments of Agriculture, Defense, and Health and Human Services; General Services Administration, U.S. Government Printing Office, Commodity Credit Corporation.

GT-637-80 (Special certificate—Government traffic), filed May 30, 1980.

Applicant: Jones Motor Co., Inc., Bridge St. and Schuylkill Rd., Spring City, PA 19475.

Representative: William H. Peiffer (address same as applicant).

Government Agency involved: Agencies listed in U.S. Government Manual (1979-80 edition).

GT-638-80 (Special certificate—Government traffic), filed June 2, 1980.

Applicant: Eastside Enterprises, Inc., 1440 South A Street, Springfield, Oregon 97477.

Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, OR 97210.

Government Agency involved: U.S. Forest Service, Bureau of Land Management, and Bureau of Indian Affairs.

GT-639-80 (Special certificate—Government traffic), filed June 2, 1980.

Applicant: North & South Lines, Inc., R.D. #2, P.O. Box 380, Chambersburg, PA 17201.

Representative: Jere E. Perry, Vice President (address same as applicant).

Government Agency involved: Departments of Agriculture, Defense, and Transportation.

GT-640-80 (special certificate—Government traffic), filed May 24, 1980.

Applicant: Tillamook Carrier's Inc., 11600 S. Paramount Blvd.—Office C, Downey, CA 90241.

Representative: Glenn R. Knox (address same as applicant).

Government Agency involved: Department of Defense, Government Supply Administration, U.S. Government Printing Office.

GT-641-80 (special certificate—Government traffic), filed May 6, 1980.

Applicant: Horn's Motor Express, Inc., P.O. Box 310, Chambersburg, PA 17201.

Representative: Edgar N. Jacobs, Vice President (address same as applicant).

Government Agency involved: Department of Defense.

GT-642-80 (special certificate—Government traffic), filed June 2, 1980.

Applicant: Jerry N. Barner & Sons, 1211 Spruce St., Roselle, NJ 07203.

Representative: Robert B. Pepper, Forrest Park Bldg., 168 Woodbridge Ave., Highland Park, NJ 08904.

Government Agency involved: Agencies listed in U. S. Government Manual (1979-80 edition).

GT-643-80 (special certificate—Government traffic), filed June 2, 1980.

Applicant: Rose-Way, Inc., P.O. Box 4644, Des Moines, IA 50306.

Representative: James M. Hodge, Grefe & Sidney, 1980 Financial Center, Des Moines, IA 50309.

Government Agency involved: Agencies listed in U. S. Government Manual (1979-80 edition).

GT-644-80 (special certificate—Government traffic), filed June 2, 1980.

Applicant: South Eastern Xpress, Inc., P.O. Box 6459, Fort Worth, TX 76115.

Representative: Billy R. Reid, 1721 Carl St., Fort Worth TX 76103.

Government Agency involved: Departments of Defense, Commerce, Agriculture, Labor, Transportation, Treasury, Health, Education, and Welfare, Housing and Urban Development, Interior, and Justice; Veterans Administration, U. S. Postal Service, Tennessee Valley Authority, National Aeronautics and Space Administration, and General Services Administration.

GT-645-80 (special certificate—Government traffic), filed June 2, 1980.

Applicant: Erieview Cartage, Inc., 100 Erieview Plaza, Cleveland, OH 44114.

Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001.

Government Agency involved: General Services Administration, Departments of Defense, Agriculture, and Transportation, Energy, and Interior; National Railroad Passenger Service Corporation, Tennessee Valley Authority, National Aeronautics and Space Administration, U.S. Postal Service, and U.S. Government Printing Office.

GT-646-80 (Special certificate—Government traffic), filed June 2, 1980.

Applicant: F. J. Boutell Driveaway Co., Inc., P.O. Box 308, Flint, MI 48501.

Representatiye: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666—11th St., NW., Washington, D.C. 20001.

Government Agency involved: General Services Administration, Department of Defense, Agriculture, Transportation, Energy, and Interior; National Railroad Passenger Service Corporation, Tennessee Valley Authority, National Aeronautics and Space Administration, U.S. Postal Service, and U.S. Government Printing Office.

GT-647-80 (Special certificate—Government traffic), filed April 25, 1980.

Applicant: R. L. Jeffries Trucking Co., Inc., P.O. Box 3277, 1020 Pennsylvania St., Evansville, IN 47731.

Representative: Richard C. Mc Ginnis, 711 Washington Bldg., Washington, D.C. 20005.

Government Agency involved: General Services Administration, Departments of Defense, Energy, Agriculture, Transportation and Commerce; National Aeronautics and Space Administration.

GT-648-80 (Special certificate—Government traffic), filed June 2, 1980.

Applicant: Collins Moving Systems, Inc., 904 W. Morgan St., Kokomo, IN 46901.

Representative: Robert J. Gallagher, Esq., 1000 Connecticut Ave. NW.—Suite 1112, Washington, D.C. 20036.

Government Agency involved: Departments of Defense, Transportation, and General Services Administration.

GT-649-80 (Special certificate—Government traffic), filed May 27, 1980.

Applicant: Dealers Transit, Inc., 4221 S. 68th East Ave., P.O. Box 236, Tulsa, OK 74101.

Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126.

Government Agency involved: Departments of Agriculture, Commerce, Defense, Energy, Interior, Transportation, American Battle Monuments Commission, Civil Aeronautics Board, Environmental Protection Agency, Commission of Fine Arts, Federal Communications Commission, Federal Energy Management Agency, General Services Administration, International Communication Agency, National Aeronautics & Space Administration, National Science Foundation, National Transportation Safety Board, Nuclear Regulatory Commission, Tennessee Valley Authority, U.S. Arms Control and Disarmament, U.S. International Trade Commission Agency, U.S. Postal Service.

GT-650-80 (Special certificate—Government traffic), filed May 19, 1980.

Applicant: Hornoi Transport, Inc., P.O. Box 934, Miles City, MT 59301.

Representative: Alan Foss, 502 First National Bank Bldg., Fargo, ND 58126.

Government Agency involved: Agencies listed in U.S. Government Manual (1979–80 edition).

GT–651–80 (Special certificate—Government traffic), filed May 21, 1980.

Applicant: Northern Tank Line, P.O. Box 970, Miles City, MT 59301.

Represenative: Alan Foss, 502 First National Bank Bldg., Fargo, ND 58126.

Government Agency involved: Agencies listed in U.S. Government Manual (1979–80 edition).

GT–652–80 (Special certificate—Government traffic), filed May 21, 1980.

Applicant: Columbia Navigation Co., P.O. Box A, Kettle Falls, WA 99141.

Representative: M. Harrison Boyd, Harrison Boyd & Associates, 2550 M St., NW., Suite 300, Washington, D.C. 20037.

Government Agency involved: Agencies listed in U.S. Government Manual (1979–80 edition).

By the Commission.

James H. Bayne,

Acting Secretary.

[FR Doc. 80–18346 Filed 6–17–80; 8:45 am]

BILLING CODE 7035–01–M

Republication

MC 144142 (republication), filed December 12, 1977, published in the **Federal Register** issue of February 9, 1978 and republished this issue. Applicant: EBONY MESSENGER SERVICE, INC., 31 A Newark Way, Maplewood, NJ 07040. Representative: Thomas F.X. Foley, Colonial First National Bank Bldg., State Highway 34 and Artisan Way, Colts Neck, NJ 07722. A decision of the Commission, decided December 21, 1979 and served January 15, 1980, finds that the present and future public convenience and necessity require operations by applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities*, limited to shipments weighing not more than 2,000 pounds, from one consignor to one consignee at one location, at any one time, with a maximum gross weight of the aggregate of all shipments in any one vehicle of 7,500 pounds between points in Essex, Hudson, Middlesex, Morris, Somerset, and Union Counties, New Jersey, on the one hand, and, on the other, points in Connecticut; New Castle County, Delaware; Baltimore, Maryland; Springfield, and Worcester, Massachusetts; Broome, Nassau, New York, Queens, Suffolk, Westchester, Dutchess, and Orange Counties, New York; Bucks Chester, Cumberland, Montgomery, Montour, Philadelphia, and Lebanon Counties, Pennsylvania; Alexandria and Richmond, Virginia; and the District of Columbia; restricted against service to or from Old Saybrook, Connecticut, and transportation of shipments having a prior or subsequent movement by air; subject to the condition that this authority is limited to a period expiring three years from the date of issuance of the certificate and further that this authority shall expire at the end of the three years unless prior to the expiration date applicant files a petition for extension of its certificate and demonstrates that it has been in full compliance with the Interstate Commerce Act and the Commission's rules and regulations.

Note.—An operating certificate encompassing the above described authority was issued to Ebony Messenger Service, Inc. on March 24, 1980.

The purpose of this notice is to inform interested persons of a mistake in the original **Federal Register** notice of the application for this authority, 44 F.R. 5626 (February 9, 1978). The destination point of Baltimore, Maryland was mistakenly published as Baltimore, Delaware. However, the certificate issued to applicant authorizes operation to Baltimore, Maryland.

Any interested person not already a party to this proceeding may file a petition seeking leave to intervene. Any such petition must be filed within 30 days of the date of this **Federal Register** notice and must demonstrate in specific detail the manner in which the petitioner has been materially adversely affected by publication of the incorrect destination point.

James H. Bayne,

Acting Secretary.

[FR Doc. 80–18317 Filed 6–17–80; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. 38

MC 42487 (Sub-963TA), filed December 5, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. *Common carrier;* regular routes; General commodities, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the facilities of Fieldcrest Mills and Karastan, Division of Fieldcrest Mills, at or near Eden, NC, as an off-route point in connection with carrier's presently authorized regular route operations. Applicant proposes to interline traffic with its present connecting carriers at authorized interline points throughout the United States as provided in tariffs on file with the Interstate Commerce Commission. Supporting shipper(s): Fieldcrest Mills, Inc., Stadium Drive, Eden, N.C. 27288. Send protests to: D/S N. C. Foster, 211 Main, Suite 500, San Francisco, CA 94105.

MC 45656 (Sub-24TA), filed December 11, 1980. Applicant: ANDERSON TRUCK LINE, INC., P.O. Box 1196, Hwy 321 S., Lenoir, NC 28645. Representative: Dan E. Anderson (same as applicant). New furniture, furniture parts and materials used in the manufacture of furniture (except commodities in bulk), over irregular routes (1) from points in MD, VA, and DC to points in NC, SC,

GA, AL and TN, and (2) from points in AL, GA, SC, and TN to points in NC, MD, VA, and DC, for 180 days, an underlying ETA seeks 90 days authority. Supporting shipper: There are approximately 25 statements of support for this application. Send protests to: Sheila B. Reece, ICC, Rm. CC–516, 800 Briar Creek Rd., Charlotte, NC 28205.

MC 128607 (Sub-12TA), filed October 23, 1979. Applicant: BOYD TRUCKING CO., P.O. Drawer "T", Cottonwood, CA 96022. Representative: Marvin Handler, Handler, Baker, Greene & Taylor, PC, 100 Pine Street, Suite 2550, San Francisco, CA 94111. *Wood residuals in bulk*, from facilities of Weyerhaeuser Company, Klamath Falls, OR to points in Siskiyou County, CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Weyerhaeuser Company, Tacoma, WA 98477. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 148856 (Sub-1TA), filed January 17, 1980. Applicant: MACGILLIVRAY TRANSPORT SYSTEMS LTD., 355 Monteray Ave., North Vancouver, B.C., V7N 3E7. Representative: Robert C. Kelly, 202 Business Centre Building, 777 106th Ave. NE., Bellevue, WA 98004. *Contract carrier;* irregular routes; *Cookies and candies and the raw material used in making of same*, from Ports of Entry on the International Boundary line between the U.S. and Canada located in WA to Everett, Seattle, Bellevue, Kent, Tacoma, Olympia, Aberdeen and Spokane, WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dare Foods Limited, 12091 88th Avenue, Surrey, B.C. V3W 3J5 Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 142113 (Sub-3TA), filed October 31, 1979, published in the **Federal Register** January 21, 1980 and republished this issue. Applicant: CHESTER A. RICHMOND, SR., d.b.a., RICHMOND CARTAGE, P.O. Box 377, Craigsville, WV 26205. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those which because of size or weight require the use of special equipment*, over regular routes, between Sutton, WV and Marietta, OH, serving the intermediate point Parkersburg, WV, from Sutton over Interstate Highway 79 to junction U.S. Highway 50, thence over U.S. Highway 50 to junction U.S Highway 21, thence over U.S. Highway 21 to Marietta, and return over the same route, between Lewisburg, WV and Roanoke, VA, from Lewisburg over Interstate Highway 64 to junction U.S. Highway 220, thence over U.S. Highway 220 to Roanoke, and return over the same route. Supporting shipper(s): There are 8 supporting shippers. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7 St., Philadelphia, PA 19106. The purpose of this republication is to reflect the correct territorial scope.

Notice No. F–34

The following applications were filed in Region 2. Send protests to: ICC, Federal Reserve Bank Bldg., 101 N. 7th St. Room 620, Philadelphia, PA 19106.

MC 138000 (Sub-II—13TA), filed May 30, 1980. Applicant: ARTHUR H. FULTON, INC., P.O. Box 86 Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417 Hagerstown, MD 21740. (1) *Printed Matter*, between Harrisonburg, VA, including its commercial zone, on the one hand, and on the other, points in the United States in and east of WI, IL, KY, TN and MS. (2) *Materials and Supplies*, used in the manufacture or distribution of printed matter (exccept commodities in bulk), between Harrisonburg, VA, including its commercial zone, on the one hand, and on the other, points in the United States in and east of WI, IL, KY, TN and MS. Restricted to shipments originating or terminating at the facilities of R.R. Donnelley & Sons, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): R. R. Donnelley & Sons Company, 1400 Kratzer Road, Harrisonburg, VA 22801.

MC 138000 (Sub-II–12TA), filed May 30, 1980. Applicant: ARTHUR H. FULTON, INC., P.O. Box 86 Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417 Hagerstown, MD 21740. (1) *Malt Beverages and Related Advertising Materials*, from Eden, NC, including its commercial zone, to points in OH, MI, IN, IL and KY. (2) *Materials, Supplies and Equipment* used in the manufacture of malt beverages from all points in OH, MI, IN, IL, and KY to Eden, NC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Miller Brewing Co., 3939 W. Highland Blvd., Milwaukee, WI 53208.

MC 127579 (Sub-II–7TA), filed May 29, 1980. Applicant: HAULMARK TRANSFER, INC., 1100 North Macon Street, Baltimore, MD 21205. Representative: Glenn M. Heagerty (same as applicant). *Foodstuffs and Pet Foods* from the facilities of Ralston Purina Company at or near Dunkirk, NY to points in MA, CT, RI, VT, NH, and ME. (An underlying ETA seeks 90 days authority). Supporting shipper: Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188.

MC 150958 (Sub-II–1TA), filed May 29, 1980. Applicant: GRANNY'S EXPRESS, INC., 2101 Ross Ave., Cincinnati, OH 45212. Representative: E. H. van Deusen, P.O. Box 97, Dublin, OH 43017. *Contract:* Irregular: *General Commodities* (with the usual exceptions), between points in IL, IN, KY, MI, OH, PA, and TN. Restricted to traffic originating at or destined to facilities owned or utilized by Service Merchandise Company. An underlying ETA seeks 90 days authority. Supporting shipper(s): Service Merchandise Co., Inc., P.O. Box 40787, Nashville, TN. 37204.

MC 108589 (Sub-II–8TA), filed May 30, 1980. Applicant: EAGLE EXPRESS COMPANY, 11425 Williamson Rd., Cincinnati, OH 45241. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215. *Common; Regular; 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 Somerset, KY and London, KY (and its commercial zone) serving no intermediate points and serving E. Bernstadt, KY as an off-route point. From Somerset, KY over KY Route 80 to London, KY and return over the same route for 180 days. An underlying ETA seeks 90 days authority. Applicant seeks to tack with existing authority and interline at Cincinnati, OH, Knoxville and Nashville, TN and Lexington and Louisville, KY. Supporting shipper(s): There are 12 supporting shippers. Their statements may be reviewed at the ICC, Philadelphia, PA.

MC 124821 (Sub-II–11TA), filed May 29, 1980. Applicant: GILCHRIST TRUCKING, INC., 105 N. Keyser Ave., Old Forge, PA 18518. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill PA 17011. *Empty glass bottles*, from the facilities of National Bottle Company at Coventry, Providence and Woonsocket, RI, and Westboro, MA, to points in CT, MD, ME, NH, NJ, NY and PA, for 180 days. Supporting shipper: National Bottle Company, One Bala Cynwyd Plaza, Bala Cynwyd, PA 19004.

MC 124821 (Sub-II–12TA), filed May 30, 1980. Applicant: GILCHRIST TRUCKING, INC., 105 N. Keyser Ave., Old Forge, PA 18518. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Road., Camp Hill, PA 17011. *Household cleaning products (except in bulk)*, (1) From Bristol, PA, to points in

NY, MA, CT, RI, NH, ME and VT; (2) From London, OH, to Bristol, PA; (3) From Brockport, NY, to Bristol, PA; Atlanta, GA; Auburndale, FL; Chicago, IL; Dallas, TX; New Orleans, LA; Roanoke, VA; St. Louis, MO; and Toledo, OH; including points in the Commercial Zones of the above-named cities, for 180 days. Supporting shipper: Purex Corporation, 1414 North Radcliffe Street, Bristol, PA 19007.

MC 113666 (Sub-II–9TA), filed May 29, 1980. Applicant: FREEPORT TRANSPORT, INC., P.O. Drawer A, Freeport, PA 16229. Representative: Daniel R. Smetanick (same address as applicant). *(1) Agricultural, lawn and garden machinery and implements and attachments used in the operation thereof, including, but not limited to plows, brushes, lawn mowers, snowplows, blowers, cutter bars, saw blades, sprayers, cultivators, hitches, couplers, tongues, carts, cabs, sulkies, and tractors, and (2) materials, equipment, parts and supplies used in the manufacture, distribution, installation, repair and use of the commodities named in (1) above,* from Louisville, KY, Clemmons, NC, Columbus, OH, and Winneconne, WI to Freeport, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Freeport Lawn and Garden, 1187 Butler Road, Freeport, PA 16229.

MC 113666 (Sub-2–8TA), filed May 23, 1980. Applicant: FREEPORT TRANSPORT, INC., P.O. Drawer A, Freeport, PA 16229. Representative: R. Scott Mahood (same address as applicant). (a) *iron and steel articles,* from ports of entry on the International Boundary line between the United States and Canada located in MI and NY, on the one hand, and, on the other, points in the United States (except AK and HI); (b) *steel casings and pipe,* from the facilities of Algoma Tube Corporation, at or near Dafter, MI to points in the United States (except AK, HI, and MI); and (c) *materials, equipment, and supplies used in the manufacture of the commodities in (a) above,* from points in the United States (except AK and HI) to ports of entry on the Intrnational Boundary Line between the United States and Canada located in MI and NY. Supporting shipper: Algoma Steel Corporation, Limited, Administration Building, Queen Street, West, Sault Ste. Marie, Ontario P6A 5P2.

MC 3114 (Sub-II–5TA), filed June 6, 1980. Applicant: T. H. COMPTON, INC., R.F.D. #1, Berkeley Springs, WV 25411. Representative: Herbert Alan Dubin, 818 Connecticut Ave., NW., Washington, DC 20006. *Clay, in bags,* from the facilities of Floridin Company, a wholly-owned subsidiary of Pennsylvania Glass Sand, located at or near Havanna and Quincy, FL and Ochlocknee, GA to points in VA, WV, MD, and PA. Supporting shipper: Floridin Company, a Wholly-Owned Subsidiary of Pennsylvania Glass Sand, Berkeley Springs, WV 25411.

MC 128940 (Sub-II–2TA), filed June 5, 1980. Applicant: RICHARD A. CRAWFORD, d.b.a. R. A. CRAWFORD TRUCKING SERVICE, P.O. Box 303, Gambrills, MD 21054. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. Contract; irregular: *General commodities (except household goods as defined by the Commission, commodities in bulk, Classes A & B explosives and commodities requiring special equipment),* between the facilities used by Streamline Shipper Association, Inc., at Baltimore, MD, on the one hand, and on the other, Chicago, IL, points in CA, FL, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Streamline Shippers Assoc., Inc., 2669 Merchant Dr., Baltimore, MD 21230.

MC 119864 (Sub-II–4TA), filed June 5, 1980. Applicant: CRAIG TRANSPORTATION CO., 26699 Eckel Rd., Perrysburg, OH 43551. Representative: Brad A. James (same as applicant). *Such commodities as are dealt in or used by food business houses and wholesale or retail grocers* (except in bulk), between points in IL, IN, IA, KY, MI, MO, OH, and WI. Restricted to shipments moving from, to or between the facilities of Federal Warehouse Co. Supporting shipper: Federal Warehouse Co., 200 National Rd., E. Peoria, IL 61611.

MC 3114 (Sub-II–4TA), filed June 5, 1980. Applicant: T. H. COMPTON, INC., R.F.D. #1, Berkeley Springs, WV 25411. Representative: Herbert Alan Dubin, 818 Connecticut Ave. NW., Washington, DC 20006. *Paper bags and paper rolls* from Hamlet, NC and Spartanburg, SC to Berkeley Springs, WV. Supporting shipper: Pennsylvania Glass Sand Corp., Berkeley Springs, WV 25411.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7520, Atlanta, GA 30357.

MC 121060 (Sub-3–1TA), filed May 27, 1980. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. (1)(a) *Iron and steel articles and pipe* from Bay County, FL to points in the United States (except AK and HI); and (b) *materials, supplies and equipment* used in the manufacture and distribution of commodities named in paragraph (1)(a) above (except commodities in bulk, in tank vehicles), from points in the United States (except AK and HI) to Bay County, FL; and (2) *iron and steel articles and pipe and materials, supplies and equipment* used in the manufacture and distribution of iron and steel articles and pipe (except commodities in bulk, in tank vehicles), between points in the United States (except AK and HI). Restriction: Restricted to traffic originating at or destined to the facilities utilized by the Berg Steel Pipe Corp. (Only applies to Paragraph 2). Berg Steel Pipe Corp., P.O. Box 2029, Panama City, FL 32401.

MC 118831 (Sub-3–2TA), filed May 27, 1980. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 7007, High Point, North Carolina 27264. Representative: Ben H. Keller, III (same address as applicant). *Salt Cake, in bulk, in tank vehicles from Delaware City, DE to points and places in VA, ME, SC, NC, NY, NH, and PA. Supporting shipper: Ashland Chemical Company, P.O. Box 2219, Columbus, OH 43216.*

MC 140389 (Sub-3–7TA), filed May 27, 1980. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 1830, Gadsden, AL 35902. Representative: Clayton R. Byrd, P.O. Box 304, Conley, Ga 30027. *Dehydrated foodstuffs* from Lewisville, ID, and points in its commercial zone to points in CA. Supporting shipper: Idaho Fresh-Pak, Inc., P.O. Box 130, Lewisville, ID 83431.

MC 139958 (Sub-3–4TA), filed May 27, 1980. Applicant: R. T. TRUCK SERVICE, INC., 2334 Millers Lane, Louisville, KY 40216. Representative: Rudy Yessin, 314 Wilkinson Street, Frankfort, KY 40601. *Paint, liquid or paste, in drums, flammable, and materials, supplies and equipment used in the manufacture thereof:* Between Pittsburgh Plate Glass Industry site at or near Delaware, OH and points in KY, GA, IL, TX, OH, IA, LA, MO, TN, FL, PA, MI and VA. Supporting shipper: Pittsburgh Plate Glass Industry, Delaware, OH.

MC 138157 (Sub-3–17TA), filed May 29, 1980. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, Tennessee 37412. Representative: Patrick E. Quinn (same address as applicant). *Floor covering materials* (except in bulk) and *materials, equipment and supplies* used in the manufacture and distribution of floor covering materials, from Whitehall, PA and Vails Gate, NY to Knoxville and Johnson City, TN. Supporting shipper: Bruin Supply, 709 Cooper Street, Knoxville, Tennessee.

MC 31675 (Sub-3–1TA), filed June 2, 1980. Applicant: NORTHERN FREIGHT LINES, INC., P.O. Box 34303, Charlotte, NC 28234. Representative: Garland V. Moore, P.O. Box 34303, Charlotte, NC 28234. *Food grade and industrial chemicals, dyes, and textile chemicals, synthetic plastic resins, chlorinated rubber and chlorinated wax from* Atlas Point, DE, Bayonne and Linden, NJ, and Dighton, MA, to points in AL, GA, IL, IN, NC, SC, and TN. Supporting shipper: ICI Americas Inc., Wilmington, DE 19897.

MC 150428 (Sub-3–7TA), filed June 2, 1980. Applicant: RIVER BEND TRANSPORTATION, INC., P.O. Box 5808, Pearl, MS 39208. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. *Such commodities as are dealt in or used by food business houses, or institutional and restaurant suppliers* (except in bulk), between points in MS and AL, on the one hand, and, on the other, points in the United States (except AK and HI). Supporting shipper: Institutional Food Dist., Inc., Greenway Industrial Park, Pearl, MS 39208.

MC 150235 (Sub-3–3TA), filed June 2, 1980. Applicant: POWELL TRUCKING COMPANY, INC., Route 3, Box 13, Sumrall, MS 39482. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. *Casing, tubing and drill pipe* from Lone Star and Houston, TX to points in AL, FL, LA and MS. Applicant intends to serve points in the commercial zones of Lone Star and Houston, TX. Dual operations may be involved. Supporting shipper: Bell Supply Company of Kilgore, 6901 Corporate Dr., Suite 203, Houston, TX 77036.

MC 138157 (Sub-3–21TA), filed May 22, 1980. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, TN 37412. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, commodities injurious or contaminating to other lading, and frozen foods), from Seattle, WA to points in NV, AZ, and UT. Restriction: Restricted to traffic originating at the facilities of Bostrum-Warren, Inc. Supporting shipper: Bostrum-Warren, Inc., 920 2nd Avenue, Suite 406, Seattle, WA, 98104.

MC 134064 (Sub-3–3TA), filed May 28, 1980. Applicant: INTERSTATE TRANSPORT, INC., 1600 Highway 129 South, Gainesville, GA 30501. Representative: Charles M. Williams, Kimball, Williams & Wolfe, P.C., 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. (1) *Such commodities as are dealt in by retail, discount department, or variety stores, except commodities in bulk, and* (2) *materials, equipment and supplies used in the conduct of businesses named in item (1) above (except commodities in bulk)* from points in AR, MS, LA, VA, IL, MI, OH, IN, KY, PA, NJ, NY, DE, MD, WV, and TX, to the facilities of Richway, A Division of Federated Department Stores, Inc. in GA, NC, and SC. Supporting shipper: Richway, A Division of Federated Department Stores, Inc. 615 Stonehill Drive, S.W., Atlanta, GA 30336.

MC 45736 (Sub-3–2TA), filed May 21, 1980. Applicant: GUIGNARD FREIGHT LINES, INC., P.O. Box 26067, Charlotte, NC 28213. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St., N.W., Washington, D.C. 20004. *Textiles, textile products, equipment, materials and supplies used in the manufacture or distribution of textiles and textile products (except in bulk)* between the facilities of E. I. DuPont DeNemours & Company in AL, GA, NC, SC, KY and VA, for 180 days. Supporting shipper: E. I. DuPont DeNemours & Company, 10th and Market Streets, Wilmington, DE 19898.

MC 146281 (Sub-3–5TA), filed June 4, 1980. Applicant: SILVER FLEET EXPRESS, INC., 4521 Rutledge Pike, P.O. Box 6089, Knoxville, TN 37914. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. *Wines and distilled spirits (except in bulk),* from points in KY to Knoxville, TN. Supporting shipper(s): Triple "C" Distributing Company, 660 Dean Hill Road, Knoxville, TN 37919 and Beverage Control, Inc., 4333 Edington Road, Knoxville, TN 37920.

MC 141852 (Sub-3–1TA), filed May 30, 1980. Applicant: BILLY G. BARNETT & JOE D. BARNETT, d.b.a. BARNETT BROTHERS, 422 Pemberton Drive, Pearl, MS 39208. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. *Contract Carrier,* irregular routes, (1) *Covered copper wire and florescent lamp ballasts* and (2) *materials, equipment and supplies (except in bulk) used in the manufacture of same* between Jackson, MS on the one hand, and, on the other, Mendenhall, Gallman and Vicksburg, MS under a continuing contract or contracts with Universal Manufacturing Corp. of Paterson, NJ restricted to traffic having a prior or subsequent movement by rail. Supporting shipper: Universal Manufacturing Corp., 29–51 East 6th Avenue, Paterson, NJ 07524.

MC 56679 (Sub-3–14TA), filed June 3, 1980. Applicant: BROWN TRANSPORT CORP., 352 University Ave., S.W., Atlanta, GA 30310. Representative: David L. Capps, P.O. Box 6985, Atlanta, GA 30315. *(1) such commodities as are dealt in by wholesale, retail and chain grocery houses, and (2) foodstuffs, materials, equipment and supplies used in the manufacture, distribution and sale of (1) above,* between the facilities of Southern States Distribution, Inc., at or near Memphis, TN on the one, hand, and, on the other, points in AL, AR, GA, LA, FL, TX, NC, SC, VA, WV, KY, MO, KS, OK, IA, NE and MS. Supporting shipper: Southern States Distribution, Inc., 4834 Mendenhall Rd., Memphis, TN 38118.

MC 109638 (Sub-3–1TA), filed May 29, 1980. Applicant: EVERETTE TRUCK LINE, INC., P.O. Box 145, Cherry Rd., Washington, NC 27889. Representative: Cecil W. Bradley, General Manager (same address as applicant). (1) *Waste Newspaper,* cores and other supplies, materials, and equipment, except materials in bulk, used in the manufacture or distribution of newsprint,—From : AL, AR, CT, DE, FL, GA, IL, IN, KY, LA, MD, MS, MO, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, WV and DC, to: Laurens County, GA. (2) *Newsprint*—From: Laurens County, GA to: AL, AR, CT, DE, FL, GA, IL, IN, KY, LA, MD, MS, MO, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, WV, and DC. Supporting shipper: Southeast Paper Manufacturing Company, P.O. Box 1169, Dublin, GA.

MC 136657 (Sub-3–1TA), filed May 30, 1980. Applicant: I. FRED ROGERS TRUCKING COMPANY, INC., 5520 Stoneleigh Drive, Knoxville, TN 37912. Representative: M. C. Ellis, Practitioner, c/o Chattanooga Freight Bureau, Inc., 1001 Market Street, Chattanooga, TN 37402. *Contract carrier:* irregular: *Cement and mortar mixes, in bags* from the facilities of Louisville Cement Company in or near Knoxville, TN to points in GA, KY, NC, SC, and VA. Supporting shipper: Louisville Cement Company, Louisville, KY 40232.

MC 140484 (Sub-3–6TA), filed June 4, 1980. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Ft. Myers, FL 33902. Representative: Frank T. Day (same as applicant). *Boxed meat, requiring mechanical refrigeration,* from the facilities of Standard Meat Company, at or near Ft. Worth, TX, to Bellmawr, NJ, Cleveland, Massillon and

Solon, OH, Jericho, NY, Greensboro, NC, and Jackson, TN. Supporting shipper: Standard Meat Co., 3709 E. First St., Ft. Worth, TX 76111.

MC 7555 (Sub-3–1TA), filed June 4, 1980. Applicant: TEXTILE MOTOR FREIGHT, INC., P.O. Box 70, Ellerbe, NC 28338. Representative: Terrence D. Jones, 2033 K St., N.W., Suite 300, Washington, DC 20006. *Foodstuffs, except in bulk,* from the facilities of Seneca Foods Corp. at or near Marion, Williamson, E. Williamson, Newark, Oaks Corners, Dundee, Sterling, Himrod, and Penn Yan, NY to points in AL, FL, GA, NC, SC, and TN. Supporting shipper: Seneca Foods Corp., 3736 S. Main St., Marion, NY 14505.

MC 135895 (Sub-3–6TA), filed May 27, 1980. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Wynn, Bogen & Mitchell, P.O. Box 1295, Greenville, MS 38701. *Such commodities as are dealt in or used by retail department and variety stores (except commodities in bulk and those requiring special equipment)* between the facilities of Richway Stores in GA, NC and SC, on the one hand, and, on the other, points in AL, AR, IA, KS, LA, MO, MS, ND, OK, TN and TX. Supporting shipper: Richway Stores, a Div. of Federated Department Stores, 45 Broad Street, Atlanta, GA 30302.

MC 128095 (Sub-3–1TA), filed May 28, 1980. Applicant: IBCO TRUCK LINE, INC., P.O. Box 1402, Tupelo, MS 38801. Representative: Fred W. Johnson, Jr., P.O. Box 22807, Jackson, MS 39205. *Plastic articles, expanded and nonexpanded (except in bulk),* 1) from the facilities of Amoco Foam Products Company located at or near Beech Island and Spartanburg, SC; and Augusta, GA to points in AL, AR, LA, MS and TN; 2) from the facilities of Amoco Foam Products Company located at or near Chippewa Falls, WI and Franklin Park, IL to points in AL, AR, GA, IN, KY, LA, MS, MO, NC, OH, SC, TN and VA; and 3) from the facilities of Amoco Foam Products Company located at or near Winchester, VA to points in the States of AL, AR, GA, LA, MS, NC, SC and TN. Supporting shipper: AMOCO Foam Products Company, Suite 200, 2111 Powers Ferry Road, N.W., Atlanta, GA 30309.

MN 116947 (Sub-3–7TA), filed May 21, 1980. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby Street, SW., Atlanta, GA 30310. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. *General commodities (except household goods as defined by the Commission, classes A & B explosives commodities in bulk and those requiring special equipment),* (1) from the facilities utilized by Franklin Chemical Industries, Inc. and subsidiaries at or near Columbus, OH to points in the Continental United States. (2) Commodities in (1) above from points in the United States to the facilities utilized by Franklin Chemical Industries, Inc. and subsidiaries at or near Columbus, OH. Supporting shipper: Franklin Chemical Industries, Inc., 2020 Bruck St., P.O. Box 07802, Columbus, OH 43207.

MC 112617 (Sub-3–8TA), filed June 4, 1980. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, KY 40221. Representative: Larry W. Thompson, (same as applicant). *Chemicals, in bulk, in tank or hopper type vehicles,* (1) between Marshall County, AL, on the one hand, and points in and east of ND, SD, NE, KS, OK, & TX, on the other, (2) between Marshall County, AL and points in CA. Supporting shipper: The Hall Chemical Company, Hwy. 69 E., Arab, AL 35016.

MC 111485 (Sub-3–3TA), filed May 30, 1980. Applicant: PASCHALL TRUCK LINES, INC., Route 4, Murray, KY 42071. Representative: Robert H. Kinker, P.O. Box 464, Frankfort, KY 40602. *General commodities, usual exceptions,* serving Union City, TN, and its commercial zone as off-route points in connection with applicant's existing regular route authority. Supporting shipper: There are sixty statements in support attached to this application which may be examined at the I.C.C. Regional Office in Atlanta, GA.

MC 148016 (Sub-3–1TA), filed May 21, 1980. Applicant: MCWHORTER-GRAY ENTERPRISES, INC., 1010 Highway 15 North, Ripley, MS 38663. Representative: R. L. McWhorter, Jr., (same address as Applicant). *Contract Carrier;* Irregular: *air conditioning equipment, furnaces, component parts,* and *accessories thereof,* from Indianapolis, Indiana, to Memphis, Tennessee. Supporting shipper: Carrier Corporation, P.O. Box 4808, Syracuse, New York, 13221.

MC 140484 (Sub-3–7TA), filed May 27, 1980. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (same as above). *Meats, meat products, meat by-products, and articles distributed by meat packinghouses as described in Sections A, B and C of Appendix I to the report in Descriptions in Motor Carrier Certificate 61 M.C.C. 209 and 766 (except hides and skins and commodities in bulk),* from points in the states of IL, IA, KS, NE and TX to points in Lee County, FL. Supporting shipper: Scott's Wholesale Meats, 2126 Alicia Street, Fort Myers, FL 33901.

MC 115841, (Sub-3–11TA), filed May 27, 1980. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Michelene Good, McBride Lane, P.O. Box 22168, Knoxville, TN 37922. *Non-Frozen Foodstuffs (Except commodities in bulk),* from Shiremanstown, PA to Albuquerque, NM; Phoenix, AZ; and Kansas City, KS/MO for 180 days. Supporting shipper: Durkee Foods, Division of SCM Corp., 1001 8th Avenue, Bethlehem, PA 18018.

MC 146646 (Sub-3–13TA), filed May 27, 1980. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 6355 A, Birmingham, AL 35217. Representative: James W. Segrest (same address as applicant). *Apple juice in bulk, in tank vehicles* from the facilities of Duffy-Mott Company, Inc. at or near Inman, SC to Aspers, PA and Williamson, NY. Supporting shipper: Duffy-Mott Company, Inc., 370 Lexington Ave., New York, NY 10017.

MC 111856 (Sub-3–1TA), filed May 21, 1980. Applicant: CHOCTAW TRANSPORT, INC., 800 Bay Bridge Road, Prichard, Alabama 36610. Representative: George M. Boles, Carlton, Boles, Clark, Stichweh & Caddis, 727 Frank Nelson Building, Birmingham, Alabama 35203. Contract: Irregular: *rum, alcoholic liqueurs, alcoholic wines and tequila,* from Jacksonville, Florida, to Montgomery, Alabama, under a continuing contract or contracts with Bacardi Imports, Inc., and/or the Tax Commission, Alcoholic Beverage Control Division, State of Alabama. Supporting shippers: Bacardi Imports, Inc., 2100 Biscayne Boulevard, Miami, Florida 33137; State of Alabama, Tax Commission, ABC Division, State Administration Building, Room 614 Montgomery, Alabama.

MC 111839 (Sub-3–1TA) filed June 3, 1980. Applicant: BEE LINE EXPRESS, INC., P.O. Box, 388, Albertville, AL 35950. Representative: Donald B. Sweeney, Jr., 603 Frank Nelson Building, Birmingham, AL 35203. *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk) serving the facilities of Benham Corporation and Skyline Corporation at or near Skyline, AL as an off-route point in connection with carrier's otherwise authorized regular route operations. Supporting Shippers: Benham Corporation and Skyline Corporation, P.O. Box 250, Scottsboro, Alabama (35768).

Note.—Applicant intends to tack to its existing authority.

MC 150938 (Sub-3–1TA), filed May 27, 1980. Applicant: NORMAN GRUBB LEASING, INC., 2018 Bethel Drive, High Point, NC 27260. Representative: Michael L. Grubb, (same address as applicant). *New furniture and furniture parts, materials, and supplies used in the manufacture and sale of furniture,* between Randolph, Guilford and Davidson Counties, NC, on the one hand, and, on the other, points in DE, NJ, NY and PA. Supporting shippers: Patrician Furniture Company, P.O. Box 2353, High Point, NC; Images of America, Inc., 829 Blair St., Thomasville, NC 27360; Casard Furniture Mfg. Corp., 1500 Sherman Road, High Point, NC 27261; and Myrtle Desk Company, P.O. Box 2490, High Point, NC 27261.

MC 114604 (Sub-3–6TA), filed June 3, 1980. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, State Farmers Market #33, Forest Park, GA 30050. Representative: Frank D. Hall, Postell & Hall, P.C., Suite 713, 3384 Peachtree Rd., NE, Atlanta, GA 30326. *Malt beverages and related advertising material* (except in bulk), from Perrysburg, OH to the facilities of Thomas Beverage Company in Carroll, Clayton, Cobb, DeKalb, Douglas, Fulton, Haralson and Rockdale Counties, GA. Supporting shipper: Thomas Beverage Company, 2235 DeFoor Hills Rd., NW, Atlanta, GA 30318.

MC 2934 (Sub-3–6TA), filed May 27, 1980. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 North Michigan Road, Carmel, Indiana 46032. Representative: W.G. Lowry, 9998 North Michigan Road, Carmel, Indiana 46032. *Common; irregular:* Such commodilties as are dealt in by retail department stores (except commodities in bulk and commodities which because of their size or weight require the use of specialized equipment.) From: Phoenix City, AL; Monticello, AR; Atlanta, GA; Columbus, GA; Dalton, GA; Oakwood, GA; Baltimore, MD; Boston, MA; Fall River, MA; Wynesboro, MS; Secaucus, NJ; Metuclen, NJ; Clifton, NJ; Bryson City, NJ; Cinnamison, NJ; New York City, NY; Charlotte, NC; Wilmington, NC; Swannanwoa, NC; Tarboro, NC ; Philadelphia, PA; Wilkes-Barre, PA; Elverson, PA; Lancaster, SC; Conway, SC; Lexington, TN; Loretto, TN; Laredo, TX; Richmond, VA; Norfolk, VA; and Fiedale, VA. To: Indianapolis, Indiana. An underlying ETA seeks 90 days authority. Supporting shipper: Ayr-Way Stores, 8250 Zionsville Road, Indianapolis, IN 46268.

MC 142461 (Sub-3–1TA), filed June 3, 1980. Applicant: H & W TRUCKING CO., INC., P.O. Box 1545, Mt. Airy, NC 27030. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, NW, Washington, DC 20005. *Contractor carrier:* Irregular routes: *New furntiure and new furniture parts,* from the facilities of Mount Airy Furntiure Company located at or near Mt. Airy, NC, to points in TX, CA, OR, WA, UT, AZ, NM, NV and ID, (under continuing contract(s) with Mount Airy Furniture Company). Supporting shipper: Mount Airy Furniture Company, P.O. Box 1247, Mt. Airy, NC 27030.

MC 148644 (Sub-3–1TA), filed June 3, 1980. Applicant: GARY W. GLASS, d.b.a. GLASS ENTERPRISES, 3117 Christine, Memphis, TN 38118. Representative: Thomas A. Stroud, Goff, Sims, Cloud, Stroud & Walker, P.O. 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Temporary authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting *non-alcholic cocktail mixes* from Byhalia, MS to points in and east of the states of TX, OK, KS, NB, So.D, and No. D, Supporting shipper: Master of Mixes, Inc., 10975 Grandview Street, Bldg. 27, Suite 120, Overland Park, KS 66210.

MC 138308 (Sub-3–8TA), filed June 3, 1980. Applicant: KLM, INC., P.O. Box 6098, Jackson, MS 39208. Representative: Robert L. McArty, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. (1) *Floor coverings, and (2) materials, equipment and supplies used in the manufacturing, distribution, installation and maintenance of floor coverings* between points in the United States (except AK, AZ, CA, HI, ID, NV, OR, UT and WA) restricted to traffic originating at or destined to the facilities of Armstrong World Industries, Inc., at or near Kankakee, IL. Supporting shipper: Armstrong World Industries, Inc., P.O. Box 3001, Lancaster, PA 17604.

MC 106644 (Sub-3–1TA), filed May 30, 1980. Applicant: SUPERIOR TRUCKING COMPANY, INC., P.O. Box 916, Atlanta, GA 30301. Representative: Louis C. Parker, III (same as applicant). *Iron and steel pipe fittings* from the facilities of Wheeling Machine Products Co., Wheeling, WV to Lone Star, TX. Supporting shipper: Wheeling Machine Products Co., P.O. Box 6463, Wheeling, WV.

MC 144827 (Sub-3–4TA), filed May 30, 1980. Applicant: DELTA MOTOR FREIGHT, INC., P.O. Box 18423, Memphis, TN 38118. Representative: R. Connor Wiggins, Jr., Suite 909, 100 N. Main Bldg., Memphis, TN 38103. *Paints, stains, varnishes, and caulking compounds with related display and advertising materials, and materials, equipment and supplies used in the manufacture of paints, stains, varnishes, and caulking except commodities in bulk* between the facilities of United Coatings, Inc. located at Chicago, IL; Memphis, TN; and Indianapolis, IN, on the one hand, and, on the other, points in the states of CO, NE, ND and SD. Supporting shipper: United Coatings, Inc., 3050 North Rockwell, Chicago, IL 60618.

MC 138157 (Sub-3–20TA), filed May 30, 1980. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, TN 37412. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. *Natural food concentrates, organic cleaners, natural cosmetics, dehydrated foods,* and related *materials, equipment, and supplies sold with the above products,* from Hayward, Sebastopol, and Riverside, CA to Goodlettsville, TN. RESTRICTION: Restricted to traffic originating at or destined to the facilities of Neo-Life Company of America. Supporting shipper: Neo-Life Company of America, 2125 American Avenue, Hayward, CA, 94545.

MC 2934 (Sub-3–5TA), filed May 27, 1980. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 North Michigan Road, Carmel, IN 46032. Representative: James L. Beattey, 300 East Fall Creek Pkwy., Suite 403, Indianapolis, IN 46205. *New furniture, kitchen cabinets and parts thereof,* from Mifflinburg, PA, to points and places in AL, AR, IA, KS, KY, LA, MI, MN, MS, MO, OH, OK, TN, TX and WI. Supporting shipper: Yorktown Kitchens-Division of Wicks Corporation, P.O. Box 231, Red Lion, PA 17356.

MC 115841 (Sub-3–9TA), filed May 29, 1980. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Michelene D. Good, McBride Lane, P.O. Box 22168, Knoxville, TN 37922. *(1) Such merchandise as is dealt in by discount and variety stories (except foodstuffs and commodities in bulk) and (2) Foodstuffs (except in bulk) and furniture in mixed loads with commodities in (1) above,* from Columbus, OH to Dallas, TX; Memphis, TN; Los Angeles, CA; Denver, CO; and Atlanta, GA. Supporting shipper: K-Mart Corporation, 3100 W. Big Beaver, Troy, MI 48084.

MC 135958 (Sub-3–1TA), filed May 30, 1980. Applicant: DON PAYNE TRUCKING CO., INC., 223 Echodale Lane, Knoxville, TN 37920. Representative: M. C. Ellis, Practitioner, care of Chattanooga Freight Bureau, Inc., 1001 Market Street, Chattanooga, TN 37402. *Contract carrier:* irregular: *Cement and mortar mixes, in bags*

between the facilities of Louisville Cement Company in or near Knoxville, TN on the one hand, and on the other hand, points in GA, KY, NC, SC, and VA. Supporting shipper: Louisville Cement Company, Louisville, KY 40232.

MC 150940 (Sub-3–1TA), filed May 30, 1980. Applicant: L & M TRUCKING CO., INC., P.O. Box 8778, Jackson, MS 39204. Representative: Fred W. Johnson, Jr., P.O. Box 22807, Jackson, MS 39205. *Cast buildings, concrete building blocks and precast concrete slabs* from the facilities of Jackson Stone Company at or near Jackson, MS to points in the states of AL, AR, FL, LA, and TN. Supporting shipper: Jackson Stone Company, P.O. Box 5398, Jackson, MS 39216.

MC 121568 (Sub-3–6TA), filed May 23, 1980. Applicant: HUMBOLDT EXPRESS, INC., 345 Hill Avenue, Nashville, TN 37211. Representative: James G. Caldwell (same address as applicant). *Cotton and rayon mop yarn and the materials, supplies and equipment used in the manufacture and distribution of these commodities* between Covington, TN and Humboldt, TN on the one hand and on the other, points in the states of AR, MS, IL, IN, MO, OH, FL, PA, MN, NC, LA, OK, TX, SC, MI, GA, IA, KS, WI, WV, AL and VA. Supporting shipper: Jones Manufacturing Company, Inc., P.O. Box 385, Humboldt, TN 38343. Applicant intends to tack with existing authority and interline at Memphis and Nashville, TN and other authorized points.

MC 150235 (Sub-3–4TA), filed May 27, 1980. Applicant: POWELL TRUCKING COMPANY, INC., Route 3, Box 13, Sumrall, MS 39482. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. *Steel wire strand* from Bedford Heights, OH to points in AL, AR, GA, KY, LA, MS, TN and points in FL on and west of U.S. Hwy 319. Supporting shipper: American Spring Wire Corporation, P.O. Box 46510, Bedford Heights, OH 46510.

Note.—Dual operations may be involved.

MC 107515 (Sub-3–26TA), filed May 23, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Esq., 3390 Peachtree Rd. NE., Atlanta GA 30326. *Plumbing Fixtures and Fittings and Accessory Parts and Supplies* from the facilities of American Standard at (1) Tiffin, OH to points in AR, LA, MN, ND, OK, SD, and TX; and (2) New Orleans, LA to points in AL, AZ, AR, CA, GA, KS, MS, MO, NM and TX. Supporting shipper: American Standard, Inc., P.O. Box 2003, New Brunswick, NJ 08903.

MC 135895 (Sub-3–5TA), filed May 27, 1980. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, Wynn, Bogen & Mitchell, P.O. Box 1295, Greenville, MS 38701. *Iron and steel and iron and steel articles (except commodities in bulk and those requiring special equipment)* between Jackson and Vicksburg, MS. Restricted to the transportation of shipments having a prior or subsequent movement by air, rail, water or motor carrier. Supporting shipper: GTE Products Corp., P.O. Box 2431, Jackson, MS 39205.

MC 138157 (Sub-3–19TA), filed May 28, 1980. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. Southwest Motor Freight, P.O. Box 9596, Chattanooga, TN 37412. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. *Fiberboard,* from the facilities of Plum Creek Industries at or near Great Falls, MT to the facilities of Bostrum-Warren, Inc. at Seattle, WA. Supporting shipper: Bostrum-Warren, Inc., 920 2nd Avenue, Suite 406, Seattle, WA 98104.

MC 138157 (Sub-3–18TA), filed May 28, 1980. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. Southwest Motor Freight, P.O. Box 9596, Chattanooga, TN 37412. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. *Pretzels* from the facilities of California Pretzel Co. at or near Visalia, CA to Chattanooga, TN. Restricted to traffic originating at the facilities of California Pretzel Co. and destined to Chattanooga, TN. Supporting shipper: Standard Brands, Inc., 9 West 57th St., New York, NY 10019.

MC 150701 (Sub-3–1 TA), filed May 30, 1980. Applicant: KEN COMBS, d.b.a. KEN'S TRUCKING, 230 West Fifth Street, Newport, KY 41071. Representative: William P. Whitney, Jr., 708 McClure Building, Frankfort, KY 40601. *Contract carrier:* irregular: *parts used in the assembly and manufacture of heavy duty truck axles, and repair and maintenance parts for machines used in the manufacture of heavy duty truck axles in expedited services* between the facilities of Rockwell International Truck Axle Division at or near Winchester, KY, on the one hand, and, on the other, points in PA, MI, TN, KY, WI, IL, OH, IN, NJ, GA, and NC. Restricted to no more than 7,000 lbs. moving from one consignor to Rockwell International facilities in a single day. Supporting shipper: Rockwell International Truck Axle Division, Rockwell Road, Winchester, KY 40391.

MC 148238 (Sub-3–1 TA), filed May 29, 1980. Applicant: COMMERCIAL BROADLOOMS, INC., 2125 Anderson Rd., P.O. Box 4137, Greenville, SC 29608. Representative: Michael F. Morrone, Keller and Heckman, 1150 17th Street, NW., Suite 1000, Washington, D.C. 20036. *Contract carrier;* irregular routes: *canned or preserved foodstuffs* from the facilities of Heinz USA at or near Pittsburgh, PA, Holland, MI, Fremont and Toledo, OH, and Muscatine and Iowa City, IA to points in GA, NC, SC, and TN, restricted to traffic originating at the named facilities and destined to the named states. Supporting shipper: Heniz USA, Division of H.J. Heinz Co., P.O. Box 57, Pittsburgh, PA 15230.

MC 150942 (Sub-3–1 TA), filed May 28, 1980. Applicant: STAGE COACH LEASING CO., INC., d.b.a. STAGE COACH CHARTERING SERVICES CO., 3536 Windermere Drive, Hephzibah, GA 30815. Representative: Jeffrey Kohlman, Suite 508, 1447 Peachtree Steet NE., Atlanta, GA 30309. *Passengers and their baggage, in charter and special operations,* in round-trip movements beginning and ending at points in Richmond County, GA, and Aiken and Orangeburg Counties, SC, and extending to points in AL, FL, GA, LA, NC, MS, SC, TN, VA and DC. Supporting shippers: There are 20 statements in support attached to this application which may be examined at the I.C.C. office in Atlanta, GA.in Supporting shipper:

MC 138882 (Sub-3–19 TA), filed May 29, 1980. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, Alabama 36081. Representative: John J. Dykema (same address as applicant). *Construction materials (except bulk in tank vehicles.)* Between the facilities of Kemp Furniture Industries, Inc., located at or near Goldsboro, NC on the one hand, and, on the other, Jasper and Salem, IN; Ft. Smith, AR; Watsontown, PA; Memphis and Knoxville, TN; and their commercial zones. Supporting shipper: Kemp Furniture Industries, Inc., 108 W. Cola Drive, Goldsboro, NC.

MC 139294 (Sub-3–2 TA), filed May 27, 1980. Applicant: H.T.L., INC., P.O. Box 122, Fairfield, AL 35064. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. *(1)(a) Iron and steel articles and pipe* from Bay County, FL to points in the United States (except AK and HI); and *(b) Materials, supplies and equipment used in the manufacture and distribution of commodities named in Paragraph (1)(a) above (except commodities in bulk, in tank vehicles),* from points in the United States (except AK and HI) to Bay County, FL; and *(2) Iron and steel articles and pipe and materials, supplies and equipment used in the manufacture and distribution of*

iron and steel articles and pipe (except commodities in bulk, in tank vehicles), between points in the United States (except AK and HI). Restriction: Restricted to traffic originating at or destined to the facilities utilized by the Berg Steel Pipe Corp. (Only applies to Paragraph 2). Supporting shipper: Berg Steel Pipe Corp.; P.O. Box 2029; Panama City, FL 32401.

MC 148360 (Sub-3-3 TA), filed June 4, 1980. Applicant: PDR TRUCKING, INC., 6048 South York Road, Highway 321 South, Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, NW., Washington, DC 20005. *Contract carrier:* Irregular routes: *Department store merchandise* from Charlotte, NC, and points in its commercial zone to Youngstown and West Austintown, OH, and points in their commercial zones (under continuing contract(s) with Strouss Department Store). Supporting shipper: Strouss Department Store, 20 Federal Plaza, West, Youngstown, OH 44503.

MC 124306 (Sub-3-3 TA), filed June 5, 1980. Applicant: KENAN TRANSPORT COMPANY, INC., P.O. Box 2729, Chapel Hill, NC 27514. Representative: W. David Fesperman, P.O. Box 2729, Chapel Hill, NC 27514. *Hydrobromic acid, in bulk, in rubber-lined tank vehicles,* from Elgin, SC to Magnolia, AR. Supporting shipper: Ethyl Corporation, 451 Florida, Baton Rouge, LA 70801.

MC 147886 (Sub-3-4 TA), filed June 4, 1980. Applicant: A M & M, INCORPORATED, P.O. Box 1627, Jackson, TN 38301. Representative: R. Connor Wiggins, Jr., Suite 909, 100 N. Main Bldg., Memphis, TN 38103. *Air conditioning and heating equipment* from the facilities of Heat Controller, Inc., at or near Jackson, Addison and Jonesville, MI, to points in the US (excluding AK and HI). Supporting shipper: Heat Controller, Inc., 1900 Wellford, Jackson, MI 49203.

MC 146293 (Sub-3-19TA), filed June 5, 1980. Applicant: REGAL TRUCKING CO., INC., P.O. Box 829, Lawrenceville, GA 30245. Representative: Richard M. Tettelbaum, Esq., 3390 Peachtree Rd. NE., 5th Floor-Lenox Towers South, Atlanta, GA 30326. *(1) Electronic equipment and appliances, and (2) materials, equipment and supplies used in the manufacture and sale of electronic equipment and appliances (except in bulk)* between facilities of Sharp Manufacturing Company, Memphis, TN, on the one hand, and, on the other, Chicago, IL; Piscataway, NJ; Bryan, OH; Seneca Falls, NY; Watertown, WI; and Atlanta, GA. Supporting shipper: Sharp Manufacturing Company, Sharp Plaza Boulevard, Memphis, TN 38193.

MC 146646 (Sub-3-16TA), filed June 5, 1980. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 6355A, Birmingham, AL 35217. Representative: James W. Segrest (same address as applicant). *Plastic Containers* from Marion, AL; Calera, AL and Columbus MS to the facilities of National Marketing Association located at or near New Orleans, LA. Supporting shipper: National Marketing Association, 1501 S. Louis Ave., New Orleans, LA 70112.

MC 150960 (Sub-3-1TA), filed June 3, 1980. Applicant: DAVE STRICKLER, INC., 97 Anita Place, Mableton, GA 30059. Representative: Virgil H. Smith, Suite 12, 1587 Pheonix Blvd., Atlanta, GA 30349. *Contract carrier;* irregular route; *fused silica slip and grain* (1) from the facilities of Electro Minerals, Inc. located at Lawrenceville, GA to Youngstown, OH, Grand Rapids, MI, Pontiac, MI, Beaver Falls, PA, Hillsboro, TX and (2) from the facilities of M&T Mfg. Co., Inc. located at Grand Rapids, MI to Lawrenceville, GA. Supporting shippers: Electro Minerals, Inc., 277 Industrial Pk. Dr., Lawrenceville, GA 30245 and M&T Mfg. Co., P.O. Box 9099 Grand Rapids, MI 49509.

MC 150961 (Sub-3-1TA), filed April 28, 1980. Applicant: NHT, INC., 820 Live Oak Plantation Rd., Tallahassee, FL 32303. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St. NW., Washington, D.C. 20004. *Contract carrier,* irregular routes, *Bananas, and agricultural commodities otherwise exempt from economic regulation under 49 U.S.C. 10526,* from Mobile, AL, Tampa, FL, and Charleston, SC, to Abingdon, VA, and Bluefield, Charleston, Parkersburg, and Huntington, WV. Supporting shipper: Surface Banana Co., Route 5, Box 280, Bluefield, WV 24701.

MC 136122 (Sub-3-2 TA), filed June 2, 1980. Applicant: FILM DELIVERY SERVICE, INC., 216 North Ave., Albertville Shopping Center, Albertville, AL 35950. Representative: Ronald L. Stichweh, 727 Frank Nelson Bldg., Birmingham, AL 35203. *Contract carrier;* irregular routes; *motion picture films and prints, and advertising and promotional materials incidental thereto* between Albertville, Decatur, Fort Payne, Huntsville, Rainsville, and Scottsboro, AL, on the one hand, and, on the other, Atlanta, GA. Restricted to a transportation service to be performed under a continuing contract, or contracts, with the following shippers: United Amusement Co., Inc., Damar, Inc., Word Theatres, Inc., and Lyric Amusement Co., Inc. Supporting Shippers: Lyric Amusement Co., Inc., P.O. Box P, Huntsville, AL 35804; Word Theatres, Inc., P.O. Box 827, Scottsboro, AL 35768; Damar, Inc., P.O. Box 117, Fort Payne, AL 35967; United Amusement Co., Inc., 216 North Ave., Albertville Shopping Center, Albertville, AL 35950.

MC 138635 (Sub-3-3 TA), filed June 6, 1980. Applicant: CAROLINA WESTERN EXPRESS, INC., P.O. Box 3995, Gastonia, NC 28052. Representative: W. C. Sutton, P.O. Box 3995, Gastonia, NC 28052. *(1) Plastic Articles and (2) supplies, materials and equipment used in the manufacture, sale and distribution of the commodities in (1) above (except in bulk)* Between Monroe, GA, on the one hand, and, on the other, points in NC and SC. Supporting Shipper: Amoco Continer Co., 211 Powers Ferry Rd., N.W., Suite 300, Atlanta, GA 33039.

MC 148423 (Sub-3-2 TA), filed May 28, 1980. Applicant: AVANT TRUCKING CO., INC., P.O. Box 216, Gray, GA 31032. Representative: R. Napier Murphy, 700 Home Federal Building, Macon, GA 31201. *Fertilizer and fertilizer materials,* from the facilities of the Brunswick Port Authority at or near Brunswick, GA and from the plant site of Estech General Chemicals Corporation at or near Albany, GA, to points in AL; and from the plant site of Estech General Chemicals Corporation at or near Dothan, AL to points in GA. Supporting shipper: Estech General Chemicals Corporation, 340 Interstate North Parkway, Suite 150, Atlanta, GA 30339.

MC 145072 (Sub-3-5 TA), filed June 4, 1980. Applicant: M. S. CARRIERS, INC., 1792 Florida Street, Memphis, TN 38109. Representative: Michael S. Starnes (same address as applicant). *Plastic articles (except in bulk), and materials, equipment and supplies used in the manufacture of the above-named items,* between Bryan, OH and Kenton, TN, on the one hand, and, on the other, points in AR, GA, IA, IL, IN, MI, MO, NJ, NY, OH, PA, TN, TX, LA and WV. Supporting shipper: Bryan Custom Plastics, 918 S. Union Street, Bryan, OH 43506.

MC 145072 (Sub-3-6TA), filed June 4, 1980. Applicant: M. S. CARRIERS, INC., 1797 Florida Street, Memphis, TN 38109. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. *Tires, tubes and wheels and materials, equipment, and supplies used in the manufacture of the above named commodities,* between Warren, OH, on the one hand, and, on the other, points in FL, GA, KY, LA, MD, NC, SC, NJ, PA, NY, OK, TX, VA, WV, IL, MI, MN, WI, IN. Supporting Shipper:

Denman Rubber Manufacturing Company, P. O. Box 951, Warren, OH 44482.

MC 110012 (Sub-3–1TA), filed June 5, 1980. Applicant: ROY WIDENER MOTOR LINES, INC., 707 North Liberty Hill Road, Morristown, TN 37814. Representative: John R. Sims, Jr. or Robert B. Walker, 915 Pennsylvania Bldg., 425 13th Street N.W., Washington, DC 20004. *Air conditioners, compressors, humidifying and heating equipment, materials, equipment and supplies used in the manufacture thereof* (except commodities in bulk and those requiring special equipment) between Edison, NJ, on the one hand, and, on the other, points in VA, NC, SC, TN, AL, and GA. Supporting Shipper(s): Feeders Corporation, Woodridge Avenue, Edison, NJ 08817.

MC 135895 (Sub-3–7TA), filed June 3, 1980. Applicant: B & R DRAYAGE, INC., P. O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Harold H. Mitchell, Jr., Wynn, Bogen & Mitchell, P. O. Box 1295, Greenville, MS 38701. (1) *Paper and paper articles (except commodities in bulk),* (2) *bagging,* (3) *bale ties,* and (4) *materials, equipment and supplies used in the manufacture, distribution and sale of commodities in (1), (2) and (3) above (except commodities in bulk),* between the facilities of Mente Bag Co., Inc., at or near Crowley and New Orleans, LA and Memphis, TN, on the one hand, and, on the other, points in AL, AR, GA, LA, MS, and TN. Supporting Shipper(s): Mente Bag Company, P. O. Box 8171, New Orleans, LA 70182.

MC 149498 (Sub-3–8TA), filed June 5, 1980. RIVER BEND TRANSPORTATION, INC., P. O. Box 5808, Pearl, MS 39208. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. *Lighting fixtures and related equipment, and materials, supplies, and equipment used in the manufacture, distribution, and installation (except in bulk),* between Tupelo, MS, on the one hand, and, on the other, points in the United States (except AK and HI). Supporting Shipper: DayBrite Ltg, Div. of Emerson Elec., P. O. Box Drawer 1687, Tupelo, MS 38801.

MC 2253 (Sub-3–2TA), filed June 4, 1980. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, P.O. Box 697, Cherryville, NC 28021. Representative: J. S. McCallie (same address as applicant). *Steel sheet, in coils and steel plate* from Charleston, SC to Knoxville and Chattanooga, TN. Supporting shipper: Trans-port International, Inc., P.O. Box 746, Charleston, SC 92402.

MC 11220 (Sub-3–4TA), filed June 6, 1980. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, TN 38101. Representative: James J. Emigh, P.O. Box 59, Memphis, TN 38101. *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* between points in AL, AR, CO, GA, IL, IN, IA, KS, KY, LA, MN, MS, MO, NM, OH, OK, PA, TN, and TX, restricted to the transportation of shipments originating at or destined to the facilities of Morgan Building Corporation. Supporting shipper: Morgan Building Corporation, P.O. Box 222261, Dallas, TX 75222.

MC 85970 (Sub-3–5TA), filed June 4, 1980. Applicant: SARTAIN TRUCK LINE, INC., 1625 Hornbrook Street, Dyersburg, TN 38024. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. *Common carrier,* regular route, *General commodities (except Classes A and B explosives, commodities in bulk, household goods as defined by the Commission and articles requiring special equipment),* from Covington, TN, to Dyersburg, TN, over U.S. Hwy 51, and return over the same route, serving all intermediate points and serving Alamo, TN, as an off-route point. Supporting shippers: There are 13 statements in support attached to the application which may be examined at the I.C.C. Regional Office in Atlanta, GA.

MC 46293 (Sub-3–18TA), filed May 21, 1980. Applicant: REGAL TRUCKING CO., INC., 95 Industrial Park Circle, N.E., Lawrenceville, GA 30245. Representative: Richard M. Tettelbaum, Esq., 3390 Peachtree Road, N.E., 5th Floor—Lenox Towers South, Atlanta, GA 30326. *Used warehouse racks and materials, equipment and supplies used in the installation of warehouse racks* from Welcome, NC to the facilities of E.V.I. Equipment, Inc., East Point GA. Supporting shipper: E.V.I. Equipment, Inc., 1014–A Samples Way, East Point, GA 30314.

MC 2900 (Sub-3–8TA), filed June 5, 1980. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (Same address as applicant). *Common carrier: regular route General Commodities (except those of unusual value, Classes A and B explosives, commodities in bulk, those requiring special equipment and household goods as defined by the Commission)* (1) Between Joliet, IL and the Indiana/Ohio State line over U.S. Hwy 30, (2) Between South Bend, IN and Paoli, IN, from South Bend over U.S. Hwy 31 to Indianapolis then over IN Hwy 37 to Paoli and return over the same route, (3) Between Elkhart, IN and Muncie, IN from Elkhart over IN Hwy 19 to Peru then over IN Hwy 21 to Mier then over IN Hwy 18 to Marion over U.S. Hwy 35 to Muncie and return over the same route, (4) Between Indianapolis and Huntington, IN over IN Hwy 37, (5) Between Elkhart, IN and Ft. Wayne, IN over U.S. Hwy 33, (6) Between Michigan City, IN and Kokomo, IN over U.S. Hwy 35, (7) Between Vincennes, IN and Nashville, TN over U.S. Hwy 41, (8) Between Brazil, IN and Columbus, IN over IN Hwy 46, (9) Between Sullivan, IN and Bloomington, IN from Sullivan over IN Hwy 54 to Jct. IN Hwy 45 then over IN Hwy 45 to Bloomington and return over the same route, (10) Between Prospect, IN and Owensboro, KY (a) from Prospect over IN Hwy 56 to Jct. U.S. Hwy 231 then over U.S. Hwy 231 to Owensboro, (b) from Prospect over IN Hwy 145 to Jct. IN Hwy 62 and over IN Hwy 62 to U.S. Hwy 231 then over U.S. Hwy 231 to Nashville and return over the same routes, (11) Between Crawfordsville, IN and the junction of IN Hwy 47 and U.S. Hwy 41, over IN Hwy 47, (12) Between Warsaw, IN and Logansport, IN over IN Hwy 25, (13) Between Gary, IN and Ligonier, IN over U.S. Hwy 6, (14) Betwen Jasper, IN and Centerville, IN over IN Hwy 162, (15) Between Evansville, IN and Jct. IN Hwy 66 and U.S. Hwy 231 over IN Hwy 66, (16), Between Owensboro,KY and Nashville, TN over U.S. Hwy 431, serving all intermediate points in Indiana and Owensboro, KY and all other points for the purposes of joinder only in routes (1) through (16) above. Supporting shipper(s): There are 15 statements in support attached to this application which may be examined at the ICC Regional Office in Atlanta, GA.

MC 91306 (Sub-3–3TA), filed June 6, 1980. Applicant: JOHNSON BROTHERS TRUCKERS, INC., 1858 9th Avenue, N.E., Hickory, NC 28601. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, N.W., Washington, DC 20005. *Electrical plugs, receptacles, sockets, switches, extension cords and wire, and materials and supplies used in the manufacture thereof,* (1) from Branford, CT and points in its commercial zone to Morganton and West Jefferson, NC and points in their commercial zones; and (2) from Providence, RI; Brooklyn, NY; and West Jefferson and Morganton, NC and points in their commercial zones to Atlanta, Americus and Conyers, GA and points in their commercial zones. Supporting shipper: Leviton

Manufacturing Company, Inc., 5925 Little Neck Parkway, Little Neck, NY 11362.

MC 109026 (Sub-3–3TA), filed June 5, 1980. Applicant: MANNING MOTOR EXPRESS, INC., P.O. Box 685, Glasgow, KY 42141. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. *Wearing apparel and materials, equipment and supplies used in the manufacture, sale and distribution of same*, between the facilities of Oshkosh B'Gosh in KY and TN, on the one hand, and, on the other, points in AL, GA, NC and SC. Supporting shipper(s): Oshkosh B'Gosh, P.O. Box 300, Oshkosh, WI 54901.

MC 128117 (Sub-3–4TA), filed June 6, 1980. Applicant: NORTON–RAMSEY MOTOR LINES, INC., P.O. Box 896, Hickory, NC 28601. Representative: Francis J Ortman, 7101 Wisconsin Ave., Suite 605, Washington, DC 20014. *New furniture and furniture parts* from Toccoa, GA to points in TX, LA, OK, AR, and CO. Supporting shipper: Trogdon Furniture Co., P.O. Box 727, Toccoa, GA 30577.

MC 140010 (Sub-3–2TA), filed June 2, 1980. Applicant: JOSEPH MOVING & STORAGE CO., INC., d.b.a. ST. JOSEPH MOTOR LINES, 573 Dutch Valley Road, N.E., Atlanta, GA 30324. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers S, 3390 Peachtree Road, N.E., Atlanta, GA 30326. *Contract* carrier: irregular route; *Such commodities as are dealt in by chemical and plastics manufacturers (except commodities in bulk)*, between facilities of American Cyanamid Company, DeKalb County, GA, on the one hand, and, on the other, points in AL, AR, FL, LA, MS, NC, SC and TN. Supporting shipper: American Cyanamid Company, Wayne, NJ 07470.

MC 150741 (Sub-3–1TA), filed May 20, 1980. Applicant: HUEY TRANSPORTATION CO., 2802 Lomb Avenue, Birmingham, AL 35208. Representative: Fred Huey, Route 2, Box 207B, Centreville, AL 35042. (1) *Air pollution control systems and materials and supplies used in the manufacture thereof*, between the facilities of Zurn Industries, Inc. and its sub-contractors located in AL, on the one hand, and, on the other, points in the U.S. (except AK and HI); (2) *Water pollution control machinery and wood processing machinery and materials and supplies used in the manufacture of water pollution control machinery and wood processing machinery*, between Passavant Corp. and its sub-contractors at or near Birmingham, AL, and Trussville, AL, on the one hand, and, on the other, points in the U.S. (except AK and HI); (3) *Iron, steel, zinc and aluminum products, and materials, equipment and supplies used in the manufacture thereof*, between the facilities of Alabama Metal Industries Corp. located in AL, SC, OK, and CA, on the one hand, and, on the other, points in the U.S. (except AK and HI); (4) *Iron, steel, zinc and aluminum products and materials, equipment and supplies used in the manufacture thereof*, between the facilities of Bowman Fabricating Corp. in Birmingham, AL, on the other hand, and, on the other, points in the U.S. except AK and HI. Supporting shippers: Zurn Industries, Inc., Air Systems Div., P.O. Box 2206, Birmingham, AL 35201; Passavant Corp., 125 Carson Rd., Birmingham, AL 35201; Alabama Metal Industries Corp., 3245 Fayette Ave., Birmingham, AL 35208; and Bowman Fabricating Corp., #10 South 55th St., Birmingham, AL 35212.

MC 143956 (Sub-3–7TA), filed June 4, 1980. Applicant: GARDNER TRUCKING CO., INC., P.O. Drawer 493, Walterboro, SC 29488. Representative: Steven W. Gardner, Suite 770, Century Center, 1800 Century Boulevard, N.E., Atlanta, GA 30345. *Paper, paper products, plastics, plastic articles, containers, metal ends, machinery parts, warp beams, pulpwood articles, cones, tubes, metal buildings or parts thereof, lumber, forest products, adhesives, coatings, waste paper, pulpboard products, and materials, supplies, and equipment used in the manufacture, sale or distribution of the above commodities (except commodities in bulk in tank vehicles)*, between points in the U.S. (except AK and HI). Restricted to traffic that either originates or is destined to facilities utilized by Sonoco Products Company. Supporting shipper: Sonoco Products Company, North Second Street, Hartsville, SC 29550.

MC 109238 (Sub-3–3TA), filed June 4, 1980. Applicant: DeHART MOTOR LINES, INC., Hwy 64–70 West, Conover, NC 28613. Representative: Joe W. Flowers, P.O. Box 368, Conover, NC 28613. *Decorations or ornaments, Christmas tree or holiday*, from Gastonia, NC, to points in NJ, NY, PA and VA. Supporting shipper: Rauch Industries, P.O. Box 609, Gastonia, NC 28052.

MC 150649 (Sub-3–1TA), filed June 5, 1980. Applicant: SUNSHINE BUS LINES, INC., 4200 Georgia Ave., W. Palm Beach, FL 33405. Representative: Ronald W. Malin, Bankers Trust Bldg., Jamestown, NY 14701. *Passengers and their baggage in the same vehicle as passengers (1) in round-trip charter or special operations and (2) in one-way charter or special operations* (1) beginning and ending in and/or (2) originating at points in the FL Counties of Brevard, Broward, Dade, Indian River, Martin, Monroe, Palm Beach and St. Lucie and extending to points in the US, including AK but excluding HI. Supporting Shipper(s): There are 32 statements of support attached to this application which may be examined at the ICC Regional Office in Atlanta, GA.

MC 150962 (Sub-3–2TA), filed June 6, 1980. Applicant: ALBERT GILMORE, 273 Laurel Dr., Mobile, AL 36617. Representative: J. Michael Newton, Attorney At Law, 2970 Cottage Hill Rd., Suite 148, Mobile, AL 36606. *Passengers*, between points in Mobile County, AL and points in Pascagoula, MS and its commercial zone. Supporting shippers: There are ten supporting shipper statements attached to this application which may be examined at the ICC Regional Office in Atlanta, GA.

MC 107934 (Sub-3–1TA), filed June 5, 1980. Applicant: BYRD MOTOR LINE, INCORPORATED, Hargrave Road, Lexington, NC 27292. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425–13th Street, N.W., Washington, DC 20004. *Quarry (flooring, paving or promenade tile), clay or earthenware, glazed or unglazed tile and items used in the manufacture and installation of same* from (1) Lexington and Mt. Gilead, NC and the plantsites of Mid-State Tile near the above named points to NC, AL, SC, GA, TN, FL, MS, LA, AR and TX, and (4) from the named states to the points of origin listed in item (1). Supporting shipper: Mid-State Tile, P.O. Box 1777, Lexington, NC 27292.

MC 150865 (Sub-3–1TA), filed May 30, 1980. Applicant: ATLANTIC & WESTERN TRANSPORTATION COMPANY, INC., P.O. Box 948, Forest Park, GA 30051. Representative: Robert W. Gerson, 1400 Candler Building, Atlanta, GA 30303. *New furniture*, between the facilities of Fox Manufacturing Company, at or near Rome, GA on the one hand, and points in AR, CA, CO, IL, IN, IA, KS, LA, MI, MN, MO, NE, NM, ND, OH, OK, SD, TX and WI, on the other hand. Supporting shipper: Fox Manufacturing Company, P.O. Drawer A, Rome, GA 30161.

MC 103051 (Sub-3–2TA), filed June 6, 1980. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave. North, P.O. Box 90408, Nashville, TN 37209. Representative: Russell E. Stone (same address as applicant). *Alcohol, in bulk in tank vehicles* from GRETNA, LA to points in AL, GA, MS, NC, SC, and TN. Supporting shipper: Scientific South of Alabama, Inc., 2513 31st Street, S.W., Birmingham, AL 35221.

MC 144827 (Sub-3–5TA), filed June 4, 1980. Applicant: DELTA MOTOR FREIGHT, INC., P.O. Box 18423, Memphis, TN 38118. Representative: R. Connor Wiggins, Jr., Suite 909, 100 N. Main Bldg., Memphis, TN 38103. *Sheet plastic and self-supporting plastic* from the plant site of Impact Extrusions, Inc., Grand Prairie, TX, to Warren, MI; Bennettsville, SC; Knoxville, TN; Oshkosh, NE; Latham, NY; and Winthrop, IA. Restricted to shipments originating at the plant site of Impact Extrusions, Inc., at Grand Prairie, TX. Supporting shipper: Impact Extrusions, 2401 Dillard, Grand Prairie, TX 75051.

MC 143540 (Sub-3–3TA), filed June 4, 1980. Applicant: MARINE TRANSPORT COMPANY, P.O. Box 2142, Wilmington, NC 28402. Representative: Ralph McDonald, Attorney at Law, P.O. Box 2246, Raleigh, NC 27602. *Beer,* from Detroit, MI to Aiken, SC. Supporting shipper: Aiken Produce Company, 1531 Park Avenue, Aiken, SC 29801.

MC 148075 (Sub-3–1TA), filed June 3, 1980. Applicant: CECIL E. KING, JR., d.b.a. CECIL KING TRUCKING, Route 2, Seagrove, NC 27341. Representative: Francis J. Ortman, Esquire, 7101 Wisconsin Avenue, Suite 605, Washington, DC 20014. *Contract* carrier: *irregular route, tread rubber and accessories used in recapping automotive tires* from Asheboro, N.C. to points in TX, CA and CO. Supporting shipper: Harrelson Rubber Company, P.O. Drawer 1167, Asheboro, N.C., 27203.

MC 149498 (Sub-3–9TA), filed June 3, 1980. Applicant: RIVER BEND TRANSPORTATION, INC., P.O. Box 5808, Pearl, MS 39208. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. *Such commodities as are dealt in or used by a distributor or manufacturer of funiture, furniture materials and accessories, plastic articles and carpet underlay (except in bulk),* between Tupelo, MS, on the one hand, and, on the other, points in the US (except AK and HI). Supporting shipper: Olympic Products Company, 1116 South Canal Street, Tupelo, MS 38801.

MC 139958 (Sub-3–5TA), filed June 4, 1980. Applicant: R. T. TRUCK SERVICE, INC., 2334 Millers Lane, Louisville, KY 40216. Representative: Rudy Yessin, 314 Wilkinson Street, Frankfort, KY 40601. *General Commodities (except those of unusual value, Class A & B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment):* Between the plantsite of Hobart Corporation at or near Seymour, IN, and Scottsburg, IN, via U.S. Highway 31; as an extension to applicant's present authority from Scottsburg, IN to Louisville, KY. Supporting shipper: Hobart Corporation, Troy, OH 45374.

MC 146646 (Sub-3–14TA), filed May 28, 1980. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 6355 A, Birmingham, AL 35217. Representative: James W. Segrest (same address as applicant). *(1) Rubber articles, plastic articles, and related articles (2) Materials, equipment, and supplies used in the manufacture and distribution of (1) above (except commodities in bulk tank equipment)* between the facilities of Entek Corporation of America at Irving, TX and points in CA, OR, WA, OK, KS, NC, SC, GA, FL, AL, IN, OH, MI, WI, MN, and NJ. Supporting shipper: Entek Corporation of America, P.O. Box 61048, Dallas, TX 75261.

MC 30446 (Sub-3–TA), filed May 29, 1980. Applicant: BRUCE JOHNSON TRUCKING COMPANY, INC., 3408 N. Graham Street, Charlotte, NC 28225. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue, N.W., Washington, D.C. 20036. *General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment,* serving all intermediate points and the off-route points in NC and SC in connection with the regular routes authorized hereinafter: Between Augusta, GA and Florence, SC, over U.S. Hwy 20 and return over the same route; between Charleston, SC and Greenville, SC, over U.S. Hwy 26 to junction of U.S. Hwy 276, then over U.S., Hwy 276 to Greenville, SC, and return over the same route; between Clinton, SC and Spartanburg, SC, over U.S. Hwy 26 and return over the same route; between Savannah, GA and Florence, SC, over U.S. Hwy 95 and return over the same route; between Florence, SC and Myrtle Beach, SC, over U.S. Hwys 76 and 301, to Marion, SC, then U.S. Hwy 501 to Myrtle Beach, SC, and return over the same route; between the GA–SC state line, over U.S. Hwy 85 to Greenville, SC, and return over the same route; between Spartanburg, SC and Asheville, NC, over U.S. Hwy 26, and return over the same route; between Greenville, SC and U.S. Hwy 26, over U.S. Hwy 25, and return over the same route; between Columbia, SC and Charlotte, NC, over U.S. Hwy 77, and return over the same route; between Columbia, SC and Rock Hill, SC, over U.S. Hwy 21, and return over the same route; between Columbia, SC and Gastonia, NC, over U.S. Hwy 321, and return over the same route; between Greenville, SC and Charlotte, NC, over U.S. Hwy 85, and return over the same route; between Greenville, SC and Spartanburg, SC, over U.S. Hwy 29, and return over the same route; between Charleston, SC and Myrtle Beach, SC, over U.S. Hwy 17, and return over the same route; between Augusta, GA and intersection of U.S. Hwy 95, over U.S. Hwy 78 to Aiken, SC, thence over U.S. Hwy 302 to intersection of U.S. Hwy 4, then over U.S. Hwy 4 to intersection of U.S. Hwy 301, then over U.S. Hwy 301 to intersection of U.S. Hwy 95, and return over the same route; between Augusta, GA and Savannah, GA, over SC Hwy 125 to Allendale, SC, then over U.S. Hwy 278 to intersection of U.S. Hwy 321, then over U.S. Hwy 321 to junction U.S. Hwy 95 and U.S. Hwy 17 to Savannah, GA, and return over the same route; between Charleston, SC and Savannah, GA, over U.S. Hwy 17, and return over the same route; between Charleston, SC and Florence, SC, over U.S. Hwy 52, and return over the Same route; between Charleston, SC and Wilmington, NC, over U.S. Hwy 17 and return over the same route; between Columbia, SC and Conway, SC, over U.S. Hwy 378, and return over the same route; between the GA–SC state line, over SC Hwy 72 to the intersection of U.S. Hwy 26, and return over the same route; between Greenwood, SC and the intersection of U.S. Hwy 85, over U.S. Hwy 178, serving Ware Shoals, SC, as an off-route point, and return over the same route; between Augusta, GA and the junction of U.S. Hwy 26, then over U.S. Hwy 25 to Johnston, SC, then SC Hwy 121 to Saluda, SC, then SC Hwy 39 to Chappells, SC, then SC Hwy 56 to the junction of U.S. Hwy 26, and return over the same route; between the GA–SC state line, and Orangeburg, SC, over U.S. Hwy 301, and return over the same route; between Union, SC and York, SC, over U.S. Hwy 49, and return over the same route; between Saluda, SC and Spartanburg, SC, over SC Hwy 121 to junction of U.S. Hwy 176, and return over the same route; between Savannah, GA and Beaufort, SC, over U.S. Hwy 170, and return over the same route; between GA-SC state line, and Greenville, SC, over U.S. Hwy 123, and return over the same route; between Westminister, SC and Greenville, SC, over U.S. Hwy 183, and return over the same route; between Florence, SC and U.S. Hwy 21, over U.S. Hwy 52 to junction SC Hwy 151, then over SC Hwy 151 to junction of SC Hwy 903, then over SC Hwy 903 to SC Hwy 9, then over SC Hwy 9 to U.S. Hwy 21, and return over the same route; between Lancaster, SC and N. Myrtle, SC, over SC Hwy 9, and return over the same route; between Florence, SC and Roanoke Rapids, NC,

over U.S. Hwy 95, and return over the same route; between Florence, SC and Wadesboro, NC, over U.S. Hwy 52, and return over the same route; between Charlotte, NC and Wilmington, NC, over U.S. Hwy 74, and return over the same route; between Charlotte, NC and Raleigh, NC, over U.S. Hwy 49 to junction of U.S. Hwy 64, then over U.S. Hwy 64, to Raleigh, NC, and return over the same route; between Charlotte, NC and Raleigh, NC, over U.S. Hwy 85 to junction of U.S. Hwy 70, then over U.S. Hwy 70 to Raleigh, NC, and return over the same route; between Wadesboro, NC, and the VA–NC state line, over U.S. Hwy 52, and return over the same route; between Asheville, NC and Greensboro, NC, over U.S. Hwy 40, and return over the same route; between Gastonia, NC and Boone, NC, over U.S. Hwy 321, and return over the same route; between Charlotte, NC and N. Wilkesboro, NC, over U.S. Hwy 16, and return over the same route; between Statesville, NC and Salisbury, NC, over U.S. Hwy 70, and return over the same route; between Greensboro, NC and Boone, NC, over U.S. Hwy 421, and return over the same route; between Greensboro, NC and the NC–VA state line, over U.S. Hwy 29, and return over the same route: between Rockingham, NC and the NC–VA state line, over U.S. Hwy 220, and return over the same route; between Greensboro, NC and Wilmington, NC, over U.S. Hwy 421, and return over the same route; between Sanford, NC and Fayetteville, NC, over U.S. Hwy 87, and return over the same route; between Rockingham, NC and Raleigh, NC, over U.S. Hwy 1, and return over the same route; between Fayetteville, NC and Raleigh, NC, over U.S. Hwy 401, and return over the same route; between Raleigh, NC and Kinston, NC, over U.S. Hwy 70, and return over the same route; between Smithfield, NC and Rocky Mount, NC, over U.S. Hwy 301, and return over the same route; between Wilmington, NC and the junction of U.S. Hwy 301, over U.S. Hwy 117, and return over the same route; between Raleigh, NC and Henderson, NC, over U.S. Hwy 1, and return over the same route; between Durham, NC and Henderson, NC, over U.S. Hwy 85, and return over the same route; between Raleigh, NC and Tarboro, NC, over U.S. Hwy 64, and return over the same route; between Laurinburg, NC and Fayetteville, NC, over U.S. Hwy 401, and return over the same route; between Fayetteville, NC and U.S. Hwy 74, and return over the same route; between Charlotte, NC and Asheville, NC, over U.S. Hwy 74, to Rutherfordton, NC, then NC Hwy 221 to U.S. Hwy 40, then U.S. Hwy 40 to Asheville, NC, and return over the same route; between Charlotte, NC and Elkin, NC, over U.S. Hwy 77, and return over the same route; between Durham, NC and Raleigh, NC, over U.S. Hwy 40, and return over the same route. Service in connection with the above specified routes is authorized to and from all intermediate and all off-route points in North Carolina, South Carolina, and points in Bullock, Burke, Chatham, Columbia, Effingham, Jenkins, Richmond and Screven Counties, GA. Applicant intends to interline at several points in NC, SC and GA. Supporting shippers: There are 40 statements of support of this application which can be examined at the ICC Regional Office. NOTE: Applicant states that it presently serves all points in the involved three-State area under irregular-route authority and that the purposes of the application are: (a) to convert to regular-route authority; and (b) enable operations between included points in those instances where service is now limited.

MC 56679 (Sub-3–15TA), filed June 3, 1980. Applicant: BROWN TRANSPORT CORP., 352 University Ave. SW., Atlanta, GA 30310. Representative: David L. Capps, P.O. Box 6985, Atlanta, GA 30315. *Foodstuffs, warehouse grocery products, household products, and cleaning products* from the facilities of Southern Warehouses at or near Memphis, TN to points in the U.S. in and east of TX, OK, KS, NE, ND and SD. Supporting shipper(s): Southern Warehouses, Inc., 4013 Premier, Memphis, TN 38118.

MC 133917 (Sub-3–3TA), filed June 5, 1980. Applicant: CARTHAGE FREIGHT LINE, INC., P.O. Box 315, Carthage, KY 37030. Representative: Henry E. Seaton, 919 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004. *Common carrier:* regular route; *general commodities (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment)* between Pleasant Shade, TN and Atlanta, GA and points in their respective commercial zones: From Pleasant Shade over TN Hwy 80 to Junction U.S. Hwy 70N, thence over 70N to junction U.S. Hwy 231, thence over U.S. Hwy 231 to junction U.S. Hwy 41, thence over U.S. Hwy 41 to Atlanta and return serving intermediate points along the described portion of TN Hwy 80. Supporting shipper(s): There are approximately 17 supporting shippers.

Note.—Applicant intends to tack with MC–133917 and Subs and interline with other carriers at Atlanta, GA, Louisville, KY, and Nashville, TN.

MC 148157 (Sub-3–3TA), filed June 4, 1980. Applicant: BLAZER EXPRESS, INC., Route 2, Pelham Rd., Greenville, SC 29607. Representative: Clyde W. Carver, Attorney, P.O. Box 720434, Atlanta, GA 30328. *Contract carrier,* irregular routes, *Materials and components used in the manufacture of railroad cars,* from (1) Charleston, SC; Atlanta, GA; Chicago, IL; Ashland City, TN; Renovo, PA; St. Louis, MO; Norfolk, NY; and Youngstown, OH to Greenville and Pickens, SC; and (2) from Greenville and Pickens, SC; to Ashland City, TN and Norfolk, NY; and (3) from Renova, PA and St. Louis, MO to Norfolk, NY. Supporting shipper(s): National Railway Utilization Corp., P.O. Box 216, Pickens, SC 29671.

MC 146293 (Sub-3–17TA), filed May 28, 1980. Applicant: REGAL TRUCKING CO., INC., Post Office Box 829, Lawrenceville, GA 30246. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers S, Atlanta, GA 30326. *Paper and paper products and materials, equipment and supplies used in the manufacture thereof* (except commodities in bulk), from facilities of International Paper Co., at or near Jay, ME, to points in NC, VA, GA and TN. Supporting shipper(s): International Paper Company, 220 E. 42nd St., New York, NY 10017.

MC 140010 (Sub-3–1TA), filed June 5, 1980. Applicant: JOSEPH MOVING & STORAGE CO., INC. d.b.a. ST. JOSEPH MOTOR LINES, 573 Dutch Valley Rd., NE, Atlanta, GA 30324. Representative: Richard M. Tettelbaum, 5th Floor, Lenox Towers S, 3390 Peachtree Rd., NE, Atlanta, GA 30326. *Contract carrier:* irregular: *petroleum products, in containers,* from Girard Point, PA, to points in VA and NC, under continuing contract(s) with Gulf Oil Corp. Supporting shipper: Gulf Oil Corp., P.O. Box 3706, Houston, TX 77001.

MC 31675 (Sub-3–2TA), filed June 3, 1980. Applicant: NORTHERN FREIGHT LINES, INC., P.O. Box 34303, Charlotte, NC 28234. Representative: Garland V. Moore (same as above). *Beer, in cans or glass bottles and materials and supplies used in the distribution thereof,* between Williamsburg, VA and Shelby, NC. Supporting shipper(s): Fox Distributing Co., Inc., 1814 R East Dixon Blvd., Shelby, NC 28510.

The following protests were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 108962 (Sub-5–2TA), filed June 5, 1980. Applicant: MIDWEST SPECIALIZED HAULERS, INC., P.O. Box 753, Dubuque, Iowa 52001.

Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. *Heavy machinery and contractors' machinery, equipment, materials and supplies, and commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling,* from points in WI and MN to points in the United States (except AK, HI, OH, WV, VA, MD, PA, DE, NJ, NY, CT, and DC). Supporting shippers: Giddings and Lewis, 142 Doty Street, Fond Du Lac, Wisconsin; Moorehead Machine, 3477 University Ave., N.E., Minneapolis, Minnesota; F.M.C. Corp., 4800 E. River Road, Minneapolis, Minnesota; Clyde Iron Works, 29th Avenue West and Michigan, Duluth, Minnesota; M.E. Dey and Co., 759 N. Milwaukee Street, Milwaukee, Wisconsin; Feeco International, 3913 Algoma Road, Green Bay, Wisconsin; U.S. Transformer, P.O. Box 206, Jordan, Minnesota; Peterson Builders, 107 E. Walnut Street, Sturgeon Bay, Wisconsin.

MC 123993 (Sub-5–13TA), filed June 6, 1980. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Byron Fogleman, P.O. Box 1504, Crowley, LA 70526. *(1) Bags, bagging, steel cotton bale ties, burlap and twine; (2) materials and supplies used in manufacture, distribution or sale of (1) (except in bulk),* between New Orleans, LA and Fort Worth, TX on the one hand and on the other points in AL and MI. Supporting shipper: The Hardin Bag & Burlap Co., Inc., P.O. Box 50459, New Orleans, LA 70150.

MC 124673 (Sub-5–3TA), filed June 5, 1980. Applicant: FEED TRANSPORTS, INC., P.O. Box 2167, Amarillo, TX 79105. Representative: Gail Johnson (same as above). *Wheat middlings,* from the commercial zones of Denver, CO; Wichita, KS; and Enid, OK to the facilities of Ralston Purina Company at or near Flagstaff, AZ. Supporting shipper: Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188.

MC 129032 (Sub-5–5TA), filed June 6, 1980. Applicant: TOM INMAN TRUCKING, INC., 5656 South 129th East Avenue, Tulsa, Oklahoma 74121. Representative: Mr. John P. Fischer, Silver, Rosen, Fischer & Stecher, 256 Montgomery Street—5th Floor, San Francisco, CA 94104. *Malt Beverages (except in bulk)* between G. Heileman Brewery located at or near Newport, KY to points in OK. Supporting shippers: Sooner Suds, Inc., 7120 East 13th, Tulsa, OK 74112; Coors Service Center Company, 609 West Peak Blvd., Muskogee, OK 74401.

MC 134467 (Sub-5–6TA), filed June 6, 1980. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, AR 72764. Representative: Charles M. Williams, Kimball, Williams & Wolfe, P.C., 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203, (303) 839—5856. (1) *Such commodities as are dealt in by retail, discount, department or variety stores, except commodities in bulk, and* (2) *materials, equipment and supplies used in the conduct of businesses named in item (1) above (except commodities in bulk),* from points in AR, MS, LA, IL, MI, OH, IN, KY, PA, NJ, NY, DE, MD, WV, TX, and VA, to the facilities of Richway, A division of Federated Department Stores, Inc., in GA, NC, and SC. Supporting shipper: Richway, A Division of Federated Department Stores, Inc., 615 Stonehill Drive, S.W., Atlanta, GA 30336.

MC 134467 (Sub-5–7TA), filed June 9, 1980. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, AR 72764. Representative: Charles M. Williams, Kimball, Williams & Wolfe, P.C. 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203, (303) 839–5856. *(1) Such commodities as are dealt in by nursery and horticulture supply stores (except commodities in bulk), and (2) Materials, equipment, and supplies used in the manufacture, sale, and distribution of commodities named in (1) above, (except commodities in bulk),* between the facilities of Stim-U-Plant, Inc. at or near Columbus, OH; Atlanta, GA; Dallas, TX; Victory Gardens, NJ; Lenexa, KS; and Milwaukee, WI, on the one hand, and, on the other, points in the United States, except AK and HI. Supporting shipper: Stim-U-Plant, Inc., 2077 Parkwood Ave., Columbus, OH 43219.

MC 134501 (Sub-5–7TA), filed June 6, 1980. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75061. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. (1) *New furniture,* from the facilities of Leonard Peterson & Co., Inc., at or near Auburn, AL, to points in ME, NH, VT, NY, MA, RI, CT, NJ, PA, DE, MD, DC, VA, WV, NC, SC, GA, FL, MS, LA, TN (except Shelby County), KY, MO, IN, OH, MI, IL, and TX (except points on, north, and west of a line beginning at the TX-AR State Line extending along U.S. Hwy 67 to Dallas, then along Interstate Hwy 35E to Waco, then along U.S. Hwy 81 to junction U.S. Hwy 84, then along U.S. Hwy 84 to junction U.S. Hwy 67, then along U.S. Hwy 67 to junction U.S. Hwy 290, then along U.S. Hwy 290 to junction U.S. Hwy 80, then along U.S. Hwy 80 to junction with the TX-NM State Line); and (2) *fixtures,* from the facilities of Leonard Peterson & Co., Inc., at or near Auburn, AL, to points in the United States (except AK and HI). Supporting shipper: Leonard Peterson & Co., Inc., P.O. Box 2277, Auburn, AL 36830.

MC 135399 (Sub-5–1TA), filed June 6, 1980. Applicant: HASKINS TRUCKING, INC., P.O. Drawer 7729, Longview, TX 75602. Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768. *Water heaters, house heating boilers, glass lined tanks and garbage disposals,* from Kankakee, IL to points in FL. Supporting shipper: A. O. Smith Corporation, Consumer Products Division, P.O. Box 28, Kankakee, IL 60901.

MC 135762 (Sub-5–2TA), filed June 6, 1980. Applicant: JOHN H. NEAL, INC., P.O. Box 3877, 6004 Highway 271 South, Fort Smith, AR 72913. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. *Contract* irregular. *Wire and steel products, and materials, equipment and supplies used in the manufacture and distribution of wire and steel products (except commodities in bulk),* between the facilities of Southern Steel and Wire Company at Fort Smith, AR, on the one hand, and on the other, points in CO, KS, OK, TX, AR, TN, NC, KY, OH, IN, MI, IL, IA, MO, AL, SC, LA, GA, and MS. The service to be performed under a continuing contract with Southern Steel and Wire Company. The supporting shipper is Southern Steel and Wire Company, 3501 South Tulsa, Fort Smith, AR 72901.

MC 136008 (Sub-5–4TA), filed June 6, 1980. Applicant: JOE BROWN COMPANY, INC., 20 Third Street N.E., Ardmore, Oklahoma 73401. Representative: John Tipsword, P.O. Box 6210, Moore, Oklahoma 73153. *Barite, Drilling Mud, and Drilling Mud Additives,* from Clinton, OK, to points in AR, KS, LA, NM, OK, and TX. Supporting shipper: Milchem Incorporated, 3920 Essex, P.O. Box 22111, Houston, TX 77027.

MC 138047 (Sub-5–1TA), filed June 6, 1980. Applicant: HUEMARK, INC., Box 453, Atlantic, IA 50022. Representative: Donald L. Stern, of Stern & Becker, P.C., Suite 610, 7171 Mercy Rd., Omaha, NE 68106. *Contract, Irregular: Prepared animal feed and feed ingredients,* from Atlantic, IA to points in IL, IN, MO, AR, NM, TX, KS, CA, CO, OH, KY, NE, OK, AZ, and UT. Supporting shipper: Walnut Grove Products, Division of W. R. Grace & Co., 2nd & Linn, Atlantic, IA 50022.

MC 140553 (Sub-5–1TA), filed June 6, 1980. Applicant: ROGERS TRUCK LINE, INC., Box 28, Eagle Grove, IA 50533. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Malt beverages* from (1) St. Paul, MN, and Detroit, MI, to the facilities of Vierk Distributors at Harvey, IL, (2) from Detroit, MI, to Metropolitan Distributors at Chicago, IL, and (3) Philadelphia, PA and Cincinnati, OH, to the facilities of McGann Distributing Co. at Houston, TX. Supporting shippers: Vierk Distributors, 16749 Lathrop, Harvey, IL; Metropolitan Distributors, Inc., 1501 West Pershing Road, Chicago, IL 60609; McGann Distributing Co., 1499 N. Post Oak Rd., #207, Houston, TX 77055.

MC 140665 (Sub-5–15TA), filed June 5, 1980. Applicant: PRIME, INC., Route 1, Box 115–B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. *Chemicals, soap, and glass windows (except commodities in bulk)* from Los Angeles, CA to points in the United States (except AK and HI). Supporting shippers: H–J Chemicals, Inc.; and Shalimar Window Garden Co., Inc., 2423 E. 57th St., Los Angeles, CA 90058.

MC 140665 (Sub-5–16TA), filed June 5, 1980. Applicant: PRIME, INC., Route 1, Box 115–B, Urbana, MO 65767. Representative: H. J. Anderson, P.O. Box 4208, Springfield, MO 65804. *Chemicals & Chemical products (except in bulk),* Between Niagara Falls, NY and points in the United States (except AK and HI). Supporting shipper: Niacet Corporation, 400 47th St., Niagara Falls, NY 14302.

MC 141914 (Sub-5–4TA), filed June 6, 1980. Applicant: FRANKS AND SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Representative: Kathrena J. Franks, Route 1, Box 108A, Big Cabin, OK 74332. *Wood products* from Plymouth, NH to points in AL, CA, IL, MA, NY, OH, OR and WA. Supporting shipper: Plymouth Manufacturing Company, P.O. Box 280, Plymouth, NH 03264.

MC 141914 (Sub-5–5TA), filed June 6, 1980. Applicant: FRANKS AND SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Representative: Kathrena J. Franks, Route 1, Box 108A, Big Cabin, OK 74332. *Wood products* from Plymouth, NH to points in the US except AL, CA, IL, MA, NY, OH, OR and WA. Supporting shipper: Plymouth Manufacturing Company, P.O. Box 280, Plymouth, NH 03264.

MC 145149 (Sub-5–2TA), filed June 9, 1980. Applicant: MATADOR SERVICE, INC., P.O. Box 2256, Wichita, KS 67201. Representative: Clyde N. Christey, Kansas Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Asphalts & Asphalt emulsion, in bulk, in Tank Vehicles. From the facilities of Koch Asphalts Co. at or near Pillsbury, ND to points in SD and MN. Supporting shipper: Koch Asphalt Co., Division of Koch Fuels, Inc., P.O. Box 2238, Wichita, KS 67201.

MC 146448 (Sub-5–2 TA), filed May 30, 1980. Applicant: C & L TRUCKING, INC., P.O. Box 409, Judsonia, AR 72081. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. *Plastic articles,* from Birmingham, AL; Havre de Grace, MD; and Milford, CT to City of Industry, CA. Supporting shipper: Owens-Illinois, Inc., P.O. Box 1035, Toledo, OH 43666.

MC 150638 (Sub-5–1 TA), filed May 5, 1980. Applicant: CLARENCE SCOTT, d.b.a. NATIONAL TRANSPORTATION CO., 8138 Balson Ave., St. Louis, MO 63130. Representative: same. *General Commodities, except those of unusual value, Class A and B explosives, household goods as defined by the commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading,* from points in the St. Louis, MO—East St. Louis, IL commercial zone to points in OH, IN and IL. Supporting shipper: Pick Up Foods, 911 Purdue St., St. Louis, MO 63130.

MC 150963 (Sub-5–1 TA), filed June 5, 1980. Applicant: MID-CONTINENT DELIVERY, INC., 10201 North Everton Ave., Kansas City, MO 64153. Attorney: Tom B. Kretsinger, Kretsinger & Kretsinger, 20 East Franklin, Liberty, Missouri 64068. *General Commodities, with the usual exceptions.* Restricted to traffic having a prior or subsequent movement by air, or traffic tendered for air movement to direct or indirect air carriers, (1) Between Chicago, IL, on the one hand, and on the other, IA, NE and KS, except points in the Kansas City, MO-KS Commercial Zone, (2) Between Moline, IL, on the one hand, and on the other, IA, NE and KS, and (3) Between Kansas City, MO, on the one hand, and on the other, points in KS. Supporting shipper(s): All Pro Air Systems, Inc., 2756 Higgins Road, Elk Grove, IL 60007; Jet Delivery Service, Inc., 682 Mexico City Ave., Kansas City MO; Missouri Pacific Air Freight, 210 N. 13th St., St. Louis, MO 63103; James A. Green Jr., Co., 1311 Minnesota Ave., Kansas City, KS; Roman Air, Inc., 5201 N. Rose, Chicago, IL 60656; Seaboard Airlines, O'Hare Field, Chicago, IL; Circle Air Freight, 10201 N. Everton Ave., Kansas City, MO 64153; Air Lift Inc., O'Hare Field, Chicago, IL; Aeronautics Forwarding, O'Hare Field, Chicago, IL; CF Air Freight, Inc., 3055 Clearview Way, San Mateo, CA; Air France, 1350 Avenue of Americas, New York, NY 10019; and Volume Shoe Corporation, 3231 E. 6th St., Topeka, KS 66601. (Hearing site: Kansas City, MO.)

MC 150976 (Sub-5–1TA), filed June 6, 1980. Applicant: ADAMS MOTORS, INC., 1930 East 13th Street, Ames, IA 50010. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Motorcycles,* from Chicago, IL and Lincoln, NE, to points in IA. Supporting shippers: (1) Loder Motors, Inc., d.b.a. Bob Loder Honda-Yamaha, Highway 20 East, Fort Dodge, IA 50501; (2) Ken Davidson, Ltd., d.b.a. Des Moines Kawasaki-Suzuki, 2540 East University, Des Moines, IA 50317; (3) Garco, Inc., d.b.a. Garvis Honda Town, 1603 Euclid, Des Moines, Iowa 50313; (4) Chase Enterprises, d.b.a. Cedar Rapids Honda, 6353 16th Avenue, S.E., Cedar Rapids, IA 52404.

MC 150978 (Sub-5–1TA), filed June 6, 1980. Applicant: T. L. C. LINES, INC., P.O. Box 1090, Fenton, MO 63026. Representative: Jack H. Blanshan, Attorney at Law, 205 West Touhy Avenue, Suite 200, Park Ridge, IL 60068. Contract, irregular *Parts, equipment and materials used in the manufacture, assembly and repair of automotive buses (except commodities in bulk),* from points in IL, IN, MI, NY, OH, PA and WI, to the plant site of Transportation Manufacturing Corporation at Roswell, NM and points in its commercial zone. Supporting shipper: Transportation Manufacturing Corporation, Roswell, NM 88201.

MC 150981 (Sub-5–1TA), filed May 28, 1980. Applicant: EDWARD L. PARKER, d.b.a. ED PARKER TRUCKING, Box 388, Monona, IA 52159. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. *(1) Cheese and cheese products, and (2) Used empty barrels,* (1) From Hopkinton, IA, to La Crosse, WI; and (2) From New Ulm, MN, to Hopkinton and St. Olaf, IA. Supporting shipper: Mississippi Valley Milk Producers Assn., P. O. Box 4493, Davenport, IA 52808.

MC 150985 (Sub-5–1TA), filed June 9, 1980. KEITH LANKFORD, d.b.a. K. TRUCKING, R.R. #4, Farifield, IA 52556. Representative: Kenneth F. Dudley, P. O. Box 279, Ottumwa, IA 52501, Phone: 515–682–8154 or 515–682–3403. *Buildings and Component Parts,* from WA, IA, to points in IL, IN, MN, MO and WT. Supporting shipper: Richard V. Willmarth, Traffic Supervisor-Rates &

Routing, Crowmark, Inc., 1701 Towanda Avenue, Bloomington, IL 61701.

James H. Bayne,

Acting Secretary.

[FR Doc. 80-18316 Filed 6-17-80; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-67]

Certain Inclined-Field Acceleration Tubes and Components Thereof; Notice to all Parties

Notice is hereby given that the hearing in this case is scheduled to commence at 9:00 a.m., June 19, 1980 in Room 201 at the Dodge Center, 1010 Wisconsin Avenue, N.W., Washington, D.C.

The Secretary shall serve a copy of this notice upon all parties of record and shall publish this notice in the **Federal Register.**

Issued: June 12, 1980.

Janet D. Saxon,

Administrative Law Judge.

[FR Doc. 80-18409 Filed 6-17-80; 8:45 am]

BILLING CODE 7020-02-M

[303-TA-13 (Final)]

Certain Iron-Metal Castings From India; Institution of Final Countervailing Duty Investigation and Hearing

AGENCY: United States International Trade Commission.

ACTION: Institution of final countervailing duty investigation to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from India of certain iron-metal castings, provided for in item 657.09 of the Tariff Schedules of the United States (TSUS), upon which the Administrating Authority has found a reasonable basis to believe or suspect that a subsidy is being provided.

EFFECTIVE DATE: May 20, 1980.

FOR FURTHER INFORMATION CONTACT: Patrick J. Magrath of the Commission's staff (202-523-0283).

SUPPLEMENTARY INFORMATION:

Background. A petition was received in satisfactory form on February 19, 1980, from James W. Pinkerton, Jr., of Pinkerton Foundry, Inc., Lodi, California, alleging that subsidies are provided by the Government of India on the production and exportation of certain iron-metal castings and that, as a result, an industry in the United States, economically and efficiently operated, is being materially injured. Such subsidies are alleged to constitute a bounty or grant within the meaning or section 303 of the Tariff Act of 1930, as amended (93 Stat. 190, 19 U.S.C. 1303), hereinafter "the Act." Notice of the institution of the Commission's preliminary investigation and of a public conference to be held in connection therewith was duly given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and at the Commission's New York Office, and by publishing the notice in the **Federal Register** of February 27, 1980 (45 FR 12933). A public conference was yeld in Washington, D.C. on March 17, 1980.

Since India is not a "country under the Agreement," with the meaning of section 701(b) of the Act, that investigation was conducted pursuant to section 303 of the Act, as amended by section 103 of the Trade Agreements Act of 1979.

On April 3, 1980, this Commission determined "that there is a reasonable indication that an industry in the United States is materially injured by reason of the importation from India of manhole covers and frames, catch basin grates and frames, and cleanout covers and frames provided for in Item No. 657.90 of the Tariff Schedules of the United States (TSUS)." Notice of that determination was published in the **Federal Register** (45 FR 25972, April 16, 1980).

On May 20, 1980, the Deputy Assistant Secretary for Import Administration, United States Department of Commerce "preliminarily determined that benefits are granted by the Government of India to manufacturers, producers, or exporters of certain iron-metal castings which constitute a subsidy within the meaning of the countervailing duty law."

Authority. Section 303(a)(2) of the Act requires the Commission to conduct countervailing duty investigations pursuant to the provisions of title VII of the Tariff Act of 1930. Section 705(b) requires that the Commission make a final determination of injury within 120 days of the day on which the administering authority makes its affirmative preliminary determination under section 705(b) or within 45 days of the day on which the administering authority makes its affirmative final determination under section 703(a). Accordingly, the Commission hereby gives notice that effective as of May 20, 1980, it has instituted a final investigation into the above-referenced matter, pursuant to section 705(b) of the Act. This investigation will be subject to the provisions of Part 207 of the Commission's *Rules of Practice and Procedure* (19 CFR 207, 44 FR 76457) and, particularly, subpart C thereof.

Scope. The present investigation is being titled "Certain Iron-metal Castings From India" to conform with the title used by the Department of Commerce in its investigation. This change in no way affects the scope of the investigation or the products being studied. As in the preliminary investigation, this investigation will focus on certain iron-metal castings. For the purposes of this investigation, the term "certain iron-metal castings" means manhole covers and frames, catch basin grates and frames, and cleanout covers and frames, provided for in item 657.09 of the Tariff Schedules of the United States.

Written submissions. Any person may submit to the Commission on or before the prehearing statement due date specified below a written statement of information pertinent to the subject matter of the investigation. A signed original and nineteen true copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of section 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Hearings. The Commission has tentatively scheduled a hearing in connection with the investigation for 10 a.m., p.d.t., on Wednesday, August 27, 1980, in the Golden Gate Holdiay Inn, 1500 Van Ness Avenue, San Francisco, California. A report containing preliminary findings of fact prepared by the Commission's professional staff will be made available to all interested persons prior to the hearing. Each party shall submit a prehearing statement on or before August 20, 1980. All persons who desire to appear at the hearing and make oral presentations must file prehearing statements. For further information consult the Commission's *Rules of Practice and Procedure*, Part 207, Subpart C (44 FR 76457), effective January 1, 1980.

Issued: June 13, 1980.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-18410 Filed 6-17-80; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 701-TA-42 (Final) through 701-TA-50 (Final)]

Tomato Products From Belgium, Denmark, the Federal Republic of Germany, France, Ireland, Italy, Luxembourg, the Netherlands, and the United Kingdom

Determination

On the basis of the record [1] developed in investigations Nos. 701-TA-42 (Final) through 701-TA-50 (Final), the Commission unanimously determined, pursuant to section 104(a)(2) of the Trade Agreements Act of 1979, than an industry in the United States is not materially injured or threatened with material injury, and that the establishment of an industry in the United States is not materially retarded, by reason of imports of tomatoes (whether or not reduced in size), packed in salt, in brine, pickled, or otherwise prepared or preserved (all the foregoing provided for in items 141.65 and 141.66 of the Tariff Schedules of the United States) from the European Community with respect to which the Commerce Department has found that a subsidy is being provided by the European Community.

Background

Section 104(a)(2) of the Trade Agreements Act of 1979 requires the United States International Trade Commission to conduct countervailing duty investigations in cases in which the Commission has received the most current net subsidy information pertaining to any countervailing duty order in effect on January 1, 1980, which has been published on or after the date of enactment of the act (July 26, 1979) and before January 1, 1980. A final affirmative countervailing duty determination by the Secretary of the Treasury with respect to certain tomato products from the European Community was published in the **Federal Register** on August 22, 1979; such tomato products were defined as "canned tomatoes and tomato concentrates (paste and sauce, including pulp), classified under item numbers 141.6520, 141.6540, and 141.6600 of the Tariff Schedules of the United States Annotated (TSUSA)".

On February 5, 1980, the Commission received from the Department of Commerce the most current net subsidy information available with respect to the countervailing duty order on such tomato products from the European Community. Accordingly, the Commission instituted these investigations on imports of these tomato products from the European Community. Notice of the institution of the investigations and of the public hearing to be held in connection therewith was duly given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and at the Commission's New York City office. Notice was also given by publishing the notice in the **Federal Register** of February 22, 1980 (45 FR 11938). The public hearing was held in Washington, D.C., on May 9, 1980.

Statement of Reasons for the Negative Determination of Chairman Catherine Bedell and Commission George M. Moore [2]

On the basis of the record developed in these investigations, we determine, pursuant to section 104(a)(2) of the Trade Agreements Act of 1979, that an industry in the United States is not materially injured or threatened with material injury, and that the establishment of an industry in the United States is not materially retarded,[3] by reason of imports of tomatoes (whether or not reduced in size), packed in salt, in brine, pickled, or otherwise prepared or preserved, provided for in TSUS items 141.65 and 141.66, from the European Community (EC) with respect to which the U.S. Department of Commerce has found that a subsidy is being provided.

The subsidy. On February 5, 1980, the Commission received from the Department of Commerce the most current information available regarding subsidies bestowed upon tomato products from the EC. Benefits were found in the form of processing subsidies in the amount of $0.250 per pound for tomato concentrates and $0.104 per pound for peeled, canned tomatoes.

The domestic industry. In these investigations we have concluded that the appropriate domestic industry against which the impact of the subsidized imports from the EC should be measured consists of the facilities in the United States producing canned tomatoes and tomato concentrates. About 200 firms in the United States produce such processed tomato products. Approximately 10 percent of these firms account for the bulk of production. Production facilities are located throughout the United States, although California accounts for more than 80 percent of aggregate production.

Our finding concerning the composition of the appropriate domestic industry is based on section 771(4) of the Tariff Act of 1930 (19 U.S.C. 1677(4)). Section 771(4)(A) defines the term "industry" to mean the domestic producers of a "like product," which is in turn defined in section 771(10) as a "product which is like, or in the absence of like, most similar in characteristics and uses with, the articles subject to an investigation under this title." Section 771(4)(D) further provides:

> (D) Product Lines.—The effect of subsidized or dumped imports shall be assessed in relation to the United States production of a like product if available data permit the separate identification of production in terms of such criteria as the production process or the producers' profits. If the domestic production of the like product has no separate identity in terms of such criteria, then the effect of the subsidized or dumped imports shall be assessed by the examination of the production of the narrowest group or range of products, which includes a like product, for which the necessary information can be provided.

In recent years the vast bulk of U.S. imports from the EC of the tomato products included in these investigations consisted of canned tomatoes.[4] However, most domestic producers process both canned tomatoes and tomato concentrates in addition to other fruits and vegetables. Although the record contains a significant quantity of data concerning both canned tomatoes and tomato concentrates, most domestic producers do not process these items in separate production facilities, nor do they generally maintain separate profit-and-loss records. Therefore there were insufficient data to allow us to separate the domestic production of canned tomatoes and tomato concentrates into two distinct product lines based on the statutory criteria. Thus pursuant to section 771(4)(D) we assessed the impact of the subsidized imports of canned tomatoes and concentrates against the narrowest range of domestic products which included like products.

The question of material injury. With respect to the question of material injury to the domestic industry or the likelihood thereof, the Commission is directed by section 771(B) of the Tariff Act of 1930 to consider, among other factors, the volume of imports of the merchandise subject to the investigation, the effects of such imports

[1] The record is defined in sec. 207.2(j) of the Commission's *Rules of Practice and Procedure* (19 CFR 207.2(j)).

[2] Commissioner Paula Stern concurs in the result.

[3] Since there is an established domestic industry producing canned tomatoes and tomato concentrates, the question of material retardation of the establishment of an industry is not at issue.

[4] See Commission Report in Investigations Nos. 701-TA-42 (Final) through 701-TA-50 (Final) (hereafter Report), pp. A-7 and A-21, and tables 8-12.

on domestic prices of like products, and the impact of such imports on the affected U.S. industry.

The volume of subsidized imports.—U.S. imports of tomato concentrates and other prepared or preserved tomatoes (which consist predominantly of canned tomatoes) from all EC-member countries rose from 40 million pounds in 1975 to 49 million pounds in 1976, then fell without interruption to 26 million pounds in 1979. Almost all of the imports of tomato products from the EC during the period of these investigations consisted of canned peeled tomatoes supplied by Italy.[5] Total imports from the EC supplied from 2 percent to 3 percent of apparent annual U.S. consumption of tomato concentrates and canned tomatoes during 1975–78. In 1979, the ratio of such imports to consumption declined to 1.1 percent.[6]

Price effects of subsidized imports.—The Commission's investigations revealed that there has been no significant price undercutting by the imported subsidized merchandise as compared with the price of like products produced in the United States, and no pattern of price suppression or depression by reason of such imports. On the contrary, prices received by importers for tomato concentrates and canned tomatoes from the EC were consistently higher during 1977–79 than prices received by U.S. producers for comparable domestic products.

Prices received for domestically produced canned tomatoes and tomato concentrates generally increased slowly, or in some instances declined, from 1977 to mid-1979, and then fell in the second half of 1979. In contrast to the generally flat or declining trend in prices received by domestic producers during 1977–79, prices realized by importers of Italian canned tomatoes increased consistently from the first quarter of 1977 through the fourth quarter of 1979. Prices for domestic and imported tomato paste followed patterns similar to the prices of canned tomatoes.[7]

Since 1977, import prices for canned tomatoes and tomato concentrates have exceeded domestic prices by an increasing margin. The imported subsidized merchandise has not had a negative impact on domestic prices despite the decline in domestic prices in the second half of 1979. The decline in domestic prices appears to be attributable to the domestic oversupply of tomatoes for processing during recent years, and an accompanying decline in U.S. consumption of tomato concentrates and canned tomatoes.[8]

Impact of subsidized imports on the affected industry.—Section 771(C) of the Tariff Act of 1930, as amended, instructs the Commission to examine, with respect to the impact of the subsidized imports on the domestic industry, all relevant economic factors including, but not limited to, actual and potential decline in output, sales, market share, profits, productivity, return on investments, utilization of capacity, factors affecting domestic prices, and actual and potential negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital, and investment. The Commission received questionnaire responses from domestic producers believed to account for about two-thirds of the aggregate U.S. output of tomato concentrates and canned tomatoes during 1977–79 and was thus able to get an accurate picture of the economic health of the industry. On the basis of our consideration of the above economic factors we find that the subsidized imports were not a significant factor affecting the domestic industry.

Stimulated by sharp increases in prices in 1973 and 1974, annual U.S. production of tomatoes for processing rose by almost 70 percent during the first half of the 1970's—from 10 billion pounds in 1970 to 17 billion pounds in 1975. Since 1975, prices have leveled off and harvested acreage and production have declined irregularly. This decline is due to domestic oversupply and a subsequent voluntary reduction in planted acreage.[9]

Annual U.S. production of tomato concentrates and canned tomatoes was comparatively stable during 1975–79; such production closely followed changes in the output of tomatoes grown for processing.[10] The share of the U.S. market accounted for by domestic producers of such processed tomato products declined from 96.2 percent in 1975 to 93.0 percent in 1976, then increased irregularly to 96.1 percent in 1979.[11]

As reported in response to the Commission's questionnaires, U.S. capacity to produce tomato concentrates and canned tomatoes declined by about 5 percent during 1977–79. The domestic industry's rate of capacity utilization fell in 1978 when one of the largest U.S. producers closed one cannery. It nevertheless rose in 1979 to the 1977 level in spite of the fact that a second large producer closed two of its plants late that year, mainly due to excess capacity.[12]

Domestic shipments of U.S. produced tomato concentrates and canned tomatoes reported to the Commission increased slightly from 3.08 billion pounds, valued at $610 million, in 1977 to 3.13 billion pounds, valued at $648 million, in 1979.[13] U.S. exports of tomato concentrates and canned tomatoes increased from 58 million pounds in 1977 to 90 million pounds in 1979.[14]

U.S. producers' mid-year inventories of canned tomatoes increased relative to domestic production during 1977–79. For example, production of canned tomatoes was about the same in 1979 as in 1975, but inventories held by producers on July 1, 1979, were equivalent to about 28 percent of production, compared with 10 percent on the same day in 1975.[15] This increase may be accounted for by the domestic oversupply and a slight decline in demand.

The average number of workers engaged in the production of tomato concentrates and canned tomatoes fell sharply from 8,823 in 1977 to 7,075 in 1978, then recovered partially to 7,806 in 1979. The average number of hours worked by these workers dropped from 16.5 million in 1977 to 12.9 million in 1978, then increased to 14.4 million in 1979. Wages paid to workers producing tomato concentrates and canned tomatoes fell from $98 million in 1977 to $85 million in 1978, then increased sharply to $102 million in 1979. The average hourly wage paid to workers producing such tomato products rose by 20 percent from $5.93 in 1977 to $7.10 in 1979.[16] Output of tomato concentrates and canned tomatoes per man-hour rose from 226 pounds in 1977 to 244 pounds in 1979.

Aggregate net sales of tomato concentrates and canned tomatoes by domestic producers responding to the Commission's questionnaires rose by 9 percent from $477 million in 1977 to $522 million in 1979. Aggregate net operating profit declined by 59 percent from $41 million in 1977 to $17 million in 1979. The ratio of net operating profit to net sales dropped from 8.5 percent in 1977 to 6.1 percent in 1978 and 3.2 percent in 1979. The primary reason for the decline was the increase in costs of production in the face of steady average sales prices.[17] This also cause a reduction in domestic producers' cash flow from

[5] Report at pp. A–14 and A–15, tables 8–12.
[6] Report at p. A–21.
[7] Report at pp. A–21 through A–28, tables 17–20.
[8] Report at pp. A–9 and A–20.
[9] Report at pp. A–9 and A–10; transcript of the hearing, pp. 16, 30, and 31.
[10] Report at pp. A–9 and A–10, table 1.
[11] Report, table 14.
[12] Report at p. A–11.
[13] Report at p. A–12.
[14] Report at pp. A–12 and A–13, tables 2–5.
[15] Report at pp. A–13 and A–14, table 6.
[16] Report at pp. A–15 and A–16, table 13.
[17] Report at pp. A–17 and A–18.

operations from $47 million in 1977 to $26 million in 1979.[18] The ratio of producers' operating profit to the original cost or book value of total assets followed the same declining trend as the ratio of net operating profits to net sales during 1977–79.[19]

Most domestic producers did not respond to the Commission's request for information pertaining to actual and potential negative effects, if any, of imports of tomato concentrates and canned tomatoes on their growth, investment, and ability to raise capital. Those producers that did respond generally alleged that there was an oversupply of processed tomato products due to excessive U.S. capacity during 1977–79.[20]

The Commission was unable to confirm any instances in which domestic producers of tomato concentrates and canned tomatoes had lost sales due to subsidized imports of these products from the EC. The Commission's staff contacted all firms listed by domestic producers as customers to which they had lost sales but was unable to confirm any of the alleged instances of lost sales.[21]

In light of the fact that the Commission found no evidence of sales lost due to subsidized EC imports, that prices of such imported products were consistently higher than prices of comparable domestic products, and that imports accounted for only a small and declining percentage of domestic consumption, the decline in profits cannot be attributed to the subsidized imports. Decreasing profits do, however, appear to be related to the domestic oversupply of tomatoes for processing and the decline in U.S. demand for processed tomato products.

Conclusion

We therefore conclude that an industry in the United States is neither materially injured nor threatened with material injury, and that the establishment of an industry in the United States is not materially retarded by reason of imports of tomato concentrates and canned tomatoes from the EC which the Department of Commerce has found are being subsidized.

Views of Vice Chairman Bill Alberger and Commissioner Michael J. Calhoun

In order for the Commission to reach an affirmative determination in this investigation, it is necessary to find that an industry in the United States is materially injured or threatened with material injury [22] by reasons of imports of merchandise subject to the Treasury Department's order TD 79–233 (44 FR 49248).[23] In this order the Treasury Department gave notice that,

> [T]omato products which are imported directly from the European Community . . . will be subject to the payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

and ordered that for products under TSUS items 141.6520, 141.6540, and 141.6600 (paste, sauce, and other respectively),

> [I]mported directly or indirectly from the EC, which benefit from [the] bounties or grants, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount ascertained. . .

Pursuant to section 104(a)(1) of the Trade Act of 1979, on February 5, 1980, the Commission received from the Department of Commerce the most current information available regarding subsidies on these tomato products from the European Community. Benefits were found in the form of processing subsidies in the amount of $.25 per pound for tomatoe concentrates and $.014 per pound for peeled, canned tomatoes.

Domestic Industry

Under section 771(a)(4) of the Tariff Act of 1930, the term industry is defined as,

> [T]he domestic producers as a whole of a like product, or those producers whose collective output of the like product constitutes a major proportion of the total domestic production of that product.

The term "like product" is defined in section 771(10) as,

> [A] product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.

Although the original petition filed in this case was restricted to subsidized imports of canned products of the San Marzano and Romano tomatoes from Italy, the Department of Treasury broadened its subsidy investigations to include all canned tomato products including peeled tomatoes and tomato concentrates from the European Community which benefit from the EC subsidy. Accordingly, the Commisison instituted the instant investigation with regard to such canned tomato products from the Eurpoean Community. Thus, the "like product" in question here is canned tomatoes and concentrates, but without regard to the specific type of tomato. As a result, we find the relevant industry to be those facilities in the United States producing canned tomatoes and tomato concentrate.

Approximately 200 firms in the United States produce the processed tomato products under investigation with about 10 percent of these firms accounting for the bulk of total production. Production facilities are located throughout the United States, but California accounts for more than 80 percent of aggregate production. Processing also takes place in Ohio, Indiana, New Jersey, Pennsylvania, Virginia and other states. The emergence, in recent years, of California as the predominant producer has occurred because of the development and use of mechanical harvesting methods which are well suited to California's growing conditions.

Most domestic producers of canned tomatoes and tomato concentrates also process other fruits and vegetables. In general, however, processed tomatoes are one of their most importatnt products. The types and quantities of processed tomato products produced vary greatly from year to year depending on the availability of the crop for the season, carryover stock and other factors. Processing plants tend to be located near their tomato source.

In recent years, the bulk of the tomato products in question here from the European Community have consisted of prepared or preserved tomatoes entering under TSUS item 141.66. They were almost entirely canned peeled tomatoes, the majority of which were imported by approximately 20 importers in the New York City area. These importers specialize in Italian agricultural products and distribute their imports for sale to wholesalers and retailers in the Northeastern markets of the United States.

The facts in this case, however, do not meet the statutory criteria for assessing the impact of imports in terms of a regional industry under section 771(c) of the Tariff Act of 1930. That section requires that the domestic producer within a regional areas sell almost all of its production of the like product in that area and that the demand for the like product is not supplied to any substantial degree by domestic producers of the like product located elsewhere in the United States. In the instant investigation, although sales of imported canned tomatoes do appear to

[18] Report at pp. A–17 and A–19.
[19] Report at pp. A–19 and A–20.
[20] Report at p. A–19.
[21] Report at p. A–29.

[22] Since there is an established domestic industry producing canned tomatoes and tomato concentrates, the question of material retardation of the establishment of an industry is not at issue.
[23] See Section 104(a)(2) of the Trade Act of 1979.

be concentrated in the Northeastern United States, domestic producers of the like product sold in the Northeastern markets and in other areas of the United States are located primarily in California.

Material Injury or Threat Thereof

Under section 771(4)(d) we are required to assess the effect of subsidized imports in relation to the domestic production of a like product,

> [I]f available data permit the separate identification of production in terms of such criteria as production process or the producer's profits.

If this is not possible then,

> The effect of the subsidized . . . imports shall be assessed by examination of the production of the narrowest group or range of products, which includes the like product, for which the necessary information can be provided.

During the hearing and in the briefs, the parties addressed the issue of the impact of imports of San Marzano and Romano tomato products. But, as has been discussed, the like product found was canned tomato products without regard to the specific type of tomato. Nevertheless, the Commission staff attempted, but was unable, to obtain adequate data to allow for an analysis of the impact of imports on domestic tomato products of the San Marzano and Romano tomatoes as distinct product lines. Additionally, there was insufficient evidence to establish that Euopean Community canned tomatoes of this variety were indeed, comparable to the domestically produced varieties of canned tomatoes on the basis of such characteristics as taste and use.

Data gathering was further complicated by the fact that most domestic producers process both canned tomatoes and concentrates in addition to other fruits and vegetables. Although the record contains a significant quantity of data concerning both canned tomatoes and tomato concentrates, most domestic producers do not process items in separate production facilties, nor do they generally maintain separate profit-and-loss records. Therefore, there was insufficient data to allow us to separate the domestic production of canned tomatoes and tomato concentrates into San Marzano and Romano product lines. Consequently, pursuant to section 771(4)(d), we have assessed the impact of the subsidized imports of canned tomatoes and concentrates against the like domestic product which is canned tomatoes and concentrates without regard to tomato variety.

The domestic industry, as defined above, appears to be relatively healthy despite the presence of certain inhibiting factors. The slight decline in annual production of tomnato concentrates and canned tomatoes during 1975 to 1979, for example, is counterbalanced by the increase of domestic shipments and exports during 1977 to 1979. U.S. production capacity has fallen slightly and inventories have risen from 1975 to 1979. This deline, however, is due parimarily to an overall decline in U.S. consumption that was coupled with an excess capacity problem experienced by the industry during 1977 to 1979. The industry is adjusting to this situation by reducing the total harvested acreage while, at the same time, it successfuilly instituted measures to increase worker output. After declining in 1978, capacity utilization in 1979 returned to its 1977 level.

Perhaps the greatest concern to the domestic industry is the declining ratio of the operating profit to net sales. Lower profitability has in turn caused a decrease in cash flow. The record, however, does not support the industry's argument that subsidized imports have contributed to these lower levels of profits. The ratio of EC imports of tomato concentrates to U.S. consumption remained negligible at 0.6 percent from 1975 to 1979, while the ratio of EC imports of canned tomatoes to U.S. consumption actually fell from a high of 4.6 percent in 1976 to 2.1 percent in 1979. As noted above, the drop in U.S. production is due entirely to the overall drop in consumption rather than competition with imported tomatoes from the EC. Moreover, the prices of tomatoes imported from the EC were consistently higher than the prices of domestically produced tomatoes. The Commission's investigation revealed no instance of price undercutting or evidence of price suppression or lost sales. Thus, we cannot attribute any symptoms of injury the industry may be experiencing to the subsidized EC imports.

Findings of fact

The conclusion that the domestic industry producing tomato concentrates and canned tomtoes is not materially injured or threatened with material injury by reason of subsidized imports of such products from the EC is based on consideration of the economic factors required by Section 771(7) of the Tariff Act of 1930 (19 U.S.C. 1677(7)). Our findings of fact are:

A. Volume of Imports

1. U.S. imports of tomato concentrates and other prepared or preserved tomatoes (which consist predominantly of canned tomatoes) from all sources increased from 96 million pounds in 1975 to 137 million pounds in 1977, then decreased to 90 million pounds in 1979. Imports from all EC-member countries (more than 99 percent of which are from Italy) rose from 40 million pounds in 1975 to 49 million pounds in 1976, then fell each year without interruption to 26 million pounds in 1979. Imports of canned tomatoes from the EC (again virtually entirely from Italy) fell from 49 million pounds in 1976 to 26 million pounds in 1979. Imports of tomato concentrates from the EC have been negligible, accounting for 0.4 percent of the total quantity imported in 1979. Imports of such items from the EC fell from 583,000 pounds in 1977 to 186,000 pounds in 1979. (Report at A-14 and A-15, tables 8-12).

2. Imports of tomato concentrates and canned tomatoes from the EC supplied from 2 percent to 3 percent of apparent annual domestic consumption of such items during 1975-78; the ratio of such imports to consumption declined to 1.1 percent in 1979. The EC supplied negligible quantities of tomato concentrates (less than 0.6 percent of annual U.S. consumption in 1975-79), while the ratio of imports of other prepared or preserved tomatoes (predominantly canned tomatoes) from the EC to U.S. consumption of canned tomatoes rose from 3.0 percent in 1975 to 4.6 percent in 1976 but has since declined, amounting to 2.1 percent in 1979. (Report at A-21).

B. Effect of Imports on United States Prices

3. Prices received by importers for tomato concentrates and canned tomatoes from the EC were consistently and significantly higher during 1977-79 than prices received by U.S. producers for comparable domestic products. For example, the average price received by domestic producers for a case of 24/35-oz. cans of tomatoes sold on the east coast[24] fluctuated between $14 and $15 during 1977 and 1978, rose to a high of $16.60 in April-June 1979, and then fell to a 3-year low of $13.79 in October-December of that year. In contract to the generally flat trend in prices received by domestic producers during 1977-79, prices realized by importers of Italian canned tomatoes in cases of 24/35-oz. cans rose from an average of $15.08 in the first quarter of 1977 to $22.16 in the fourth quarter of 1979. (Report at A-22 through A-28, tables 17-20).

[24] Because no tomatoes in this size container are processed on the east coast (they are instead processed in California and shipped east), to insure comparability, east coast prices were calculated by adding freight costs to prices received by domestic producers on the west coast.

C. Impact on the Affected Industry

4. Annual U.S. Production of tomato concentrates and canned tomatoes showed no discernible upward or downward trend during 1975–79; such production closely followed changes in the domestic output of tomatoes grown for processing. (Report at A–10 and A–11).

5. The share of the U.S. market accounted for by domestic producers of tomato concentrates and canned tomatoes declined from 96.2 percent in 1975 to 93.0 percent in 1976, then increased irregularly to 96.1 percent in 1979. (Report, table 14).

6. As reported in response to the Commission' questionnaires, U.S. capacity to produce tomato concentrates and canned tomatoes declined by about 5 percent during 1977–79. The respondents' rate of capacity utilization fell from 1977 to 1978, but then rose in 1979 to the 1977 level. (Report at A–11).

7. Domestic shipments of U.S.-produced tomato concentrates and canned tomatoes reported to the Commission increased from 3.08 billion pounds, valued at $610 million, in 1977 to 3.13 billion pounds, valued at $648 million, in 1979. (Report at A–12).

8. U.S. exports of tomato concentrates and canned tomatoes increased from 58 million pounds in 1977 to 90 million pounds in 1979. (Report at A–12 and A–13).

9. U.S. producers' mid-year inventories of canned tomatoes, as reported by the National Food Processors Association, increased relative to domestic production during 1977–79. U.S. production of canned tomatoes was about the same in 1979 as in 1975, but inventories held by producers on July 1, 1979, were equivalent to about 28 percent of production, compared with 10 percent on the same day in 1975. (Report at A–13 and A–14). Producers' yearend inventories of tomato concentrates, as reported to the Commission, did not evidence any clear trend during 1976–79. (Report, table 6).

10. The average number of workers engaged in the production of tomato concentrates and canned tomatoes fell from 8,823 in 1977 to 7,075 in 1978, then recovered partially to 7,806 in 1979. The average number of hours worked by these employees dropped from 16.5 million in 1977 to 12.9 million in 1978, and then increased to 14.4 million in 1979. (Report at A–15 and A–16, table 13).

11. Wages paid to workers producing tomato concentrates and canned tomatoes fell from $98 million in 1977 to $85 million in 1978, then increased to $102 million in 1979. The average hourly wage paid to workers producing such tomato products rose by 20 percent from $5.93 in 1977 to $7.10 in 1979. (Report at A–15, table 13).

12. Output of tomato concentrates and canned tomatoes per work-hour on such production by production and related workers rose from 226 pounds in 1977 to 244 pounds in 1979. (Report, tables 1 and 13).

13. Although aggregate net sales of tomato concentrates and canned tomatoes by domestic producers responding to the Commission's questionnaires rose from $477 million in 1977 to $522 million in 1979, net operating profit declined from $41 million in 1977 to $17 million in 1979. The ratio of net operating profit to net sales dropped from 8.5 percent in 1977 to 3.2 percent in 1979. The primary reason for the decline was the increase in costs of production in the face of steady average sales prices. (Report at A–17 and A–18).

14. Domestic producers' cash flow from operations declined from $47 million in 1977 to $26 million in 1979. (Report at A–17 and A–19).

15. The ration of producers' operating profit to the original cost or book value of total assets followed the same declining trend as the ratio of net operating profits to net sales during 1977–79. (Report at A–19 and A–20).

16. Most domestic producers did not respond to the Commission's request for information pertaining to the actual and potential negative effects, if any, or subsidized tomato concentrates and canned tomatoes imported from the EC on the producers' growth, investment, and ability to raise capital. Those producers that did respond generally alleged that there was an oversupply of processed tomato products due to excessive U.S. capacity during 1977–79. (Report at A–19).

17. The Commission was unable to confirm any alleged sales lost by domestic producers to imports of subsidized tomato concentrates and canned tomatoes from the EC. (Report at A–29).

Conclusions of Law

A. The appropriate domestic industry against which the impact of subsidized imports from the EC should be measured consists of those domestic facilities devoted to the production of tomato concentrates and canned tomatoes.

B. The like product in question here is tomato concentrates and canned tomatoes as described in the determination without regard to the specific tomato type.

C. The domestic industry is not materially injured or threatened with material injury by reason of subsidized imports of tomato concentrates and canned tomatoes from the EC.

Issued: June 12, 1980.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80–18911 Filed 6–17–80; 8:45 am]

BILLING CODE 7020–02–M

Reconsideration of Agency Determination Under Antidumping Act, 1921

AGENCY: United States International Trade Commission.

ACTION: Reconsideration by the Commission of its original determination in investigation No. AA1921–159, Tantalum Electrolytic Fixed Capacitors From Japan.

SUPPLEMENTARY INFORMATION: On the basis of an investigation conducted in the matter of tantalum electrolytic fixed capacitors from Japan, investigation No. AA1921–159 (41 FR 47604, Oct. 24, 1976), the Commission determined by a 5-to-1 vote that an industry in the United States was not being and was not likely to be injured by reason of the importation of such merchandise into the United States.

The Commission's negative determination was appealed to the United States Customs Court (*Sprague Electric Company* v. *United States* (Customs Court No. 77–9–03056)). While the appeal was pending, it was discovered that the Commission's determination had been based in part on erroneous official Government statistics for imports of tantalum capacitors from Japan.

On March 27, 1980, the Customs Court remanded the Japanese capacitors case to the Commission for the taking of a new vote on the question of injury or likelihood thereof in light of corrected import statistics. C.R.D. 80–3. On May 23, 1980, the Customs Court modified its directive to the Commission by instructing it "to include in its deliberations the consideration of Nippon Electric Company's plans to increase productive capacity for, and exportation to the United States of, epoxy dipped tantalum electrolytic capacitors." C.R.D. 80–6. The Customs Court indicated its approval of the view that the Treasury Department's decision not to sever Nippon Electric's "epoxy dipped" capacitors from the class or kind of merchandise embraced by Treasury's less-than-fair-value determination was binding upon the

Commission as a matter of law, and that the Commission had no authority to modify the class or kind of merchandise found to be, or likely to be, sold at less than fair value.

PUBLIC COMMENT: In light of the views expressed by the Customs Court in C.R.D. 80–6, the Commission invites interested persons to submit comments on the question of whether the Commission's earlier determination in investigation No. AA1921–159, Tantalum Electrolytic Fixed Capacitors From Japan, should change by virtue of considering "epoxy dipped" tantalum electrolytic fixed capacitors exported to the United States by Nippon Electric Company to be within the class or kind of merchandise found by the Department of the Treasury to have been sold or likely to be sold at less than fair value. Any such comments should be submitted as soon as possible, but not later than July 9, 1980. All submissions should be addressed to the Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436.

FOR FURTHER INFORMATION CONTACT: N. Tim Yaworski, Esq., Office of the General Counsel, U.S. International Trade Commission, (202) 523–0311.

By order of the Commission.

Issued: June 16, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80–18436 Filed 6–17–80; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–69]

Certain Airtight Cast-Iron Stoves; Commission Request for Comments Concerning Consent Order Agreements and Settlement Agreements

AGENCY: United States International Trade Commission.

ACTION: Proposed consent order agreements and settlement agreement—Request for Public Comment.

SUMMARY: These ten proposed consent order agreements and one settlement agreement would result in termination of this investigation with respect to the eleven respondents covered by the agreements. This notice requests comments on the agreements, which are available in the Office of the Secretary of the Commission, within thirty (30) days.

DATES: Comments will be considered if received within thirty (30) days of this notice. Comments should conform with Commission rule 201.8 (19 CFR 201.8) and should be addressed to Kenneth R. Mason, Secretary, U.S. International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436.

FOR FURTHER INFORMATION CONTACT: Jeffrey S. Neeley, Esquire, Office of the General Counsel, U.S. International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436, telephone (202) 523–0359.

SUPPLEMENTARY INFORMATION: In connection with the Commission's investigation, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), of alleged unfair methods of competition and unfair acts in the importation or sale of certain airtight cast-iron stoves in the United States, the complainants, the Commission investigative attorney, and ten respondents moved on April 16, 1980 (Motion No. 69–23) to terminate this investigation as to those ten respondents based upon consent order agreements. On May 14, 1980, the administrative law judge issued her recommendation (Order No. 69–27) regarding the consent order agreements. The administrative law judge recommended that the Commission not accept the agreements for several reasons.

On June 2, 1980, the complainants, the Commission investigative attorney, and respondent Oriental Kingsworld Industrial Co., Ltd. filed a joint motion (Motion No. 69–27) to terminate the investigation with prejudice as to Oriental Kingsworld, based upon a settlement agreement signed by those parties. On June 9, 1980, the Administrative Law Judge recommended that the Commission accept the settlement agreement (Order No. 69–28).

This investigation began with publication by the Commission of a notice in the **Federal Register** on July 12, 1979 (44 FR 40732) stating that an investigation was being instituted to determine:

Whether on the basis of allegations set forth and supplemented with additional information provided the U.S. International Trade Commission, there are violations of subsection (a) of this section in the unlawful importation of certain airtight cast-iron wood- and coal-burning stoves in the United States, or in their sale by reason that such stoves are—

(a) violating Jotul's common law trademarks because such stoves are visually identical copies of Jotul's stoves;
(b) being passed off as Jotul's products;
(c) violating Jotul's registered U.S. trademarks; and
(d) being falsely advertised.

The effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States or to restrain trade and commerce in the United States.

Twenty-five parties were named as respondents on July 12. By notice published in the **Federal Register** (44 FR 58816) on October 11, 1979, the Commission named twenty-six additional respondents. A subsequent notice dated October 24, 1979 (44 FR 61269) named one more respondent.

Written Comments Requested

Because the exceptions taken to the consent order agreements that recommendation by the complainants and the Commission investigative attorney have clarified the issues before the Commission with regard to the consent order agreements, no oral argument will be held with respect to the administrative law judge's recommendation. However, in light of the Commission's duty to consider the public interest, the Commission requests written comments from persons concerning the effect of the termination of this investigation based upon the consent order agreements and the settlement agreement upon (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the production of like or directly competitive articles in the United States, and (4) U.S. consumers. These written comments must be filed with the Secretary to the Commission no later than 30 days after publication of this notice in the **Federal Register.** All the consent order agreements are virtually identical. The ten respondents who have signed agreements are Basco Inc., Harbor Sales Co., World Wide Distributors, Inc., Belknap, Inc., Lou Ehrlich, Inc., Himark Enterprises, Inc., Ranch-Rite, Inc., Omni Trading Co., Homestead Products, and Crane Industries. The one difference among the ten consent agreements regards the word "copy," as defined in section III(F)(a). Each consent order agreement is different in that it names in that section the particular stoves sold by each respondents which were allegedly causing consumer confusion. In addition, the consent order agreement signed by Basco Inc., permits that company to sell no more than 100 stoves in inventory provided that it attaches a label setting forth in a reasonably conspicuous manner the actual manufacturing locale of such stove. Complete copies of the proposed consent order agreements and the settlement agreement are available in the Office of the Secretary of the Commission.

Additional Information

The original and 19 true copies of all written submissions must be filed with the Secretary of the Commission. Any

persons desiring to submit a document (or portion thereof) to the Commission in confidence must request *in camera* treatment. Such request should be directed to the Secretary and must include a full statement of the reasons why the Commission should grant such treatment. The Commission will either accept such submission in confidence or return it. All nonconfidential written submissions will be open to public inspection at the Secretary's office.

By order of the Commission.

Issued: June 16, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-18589 Filed 6-17-80; 10:06]

BILLING CODE 7020-02-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Visual Arts Panel (Photography Fellowships); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Visual Arts Panel (Photography Fellowships) to the National Council on the Arts will be held July 12, 1980 from 9:00 a.m.-5:30 p.m.; July 13, 1980 from 9:00 a.m.-5:30 p.m.; and July 14, 1980 from 9:00 a.m.-5:30 p.m., in the 11th Floor Conference Room, Columbia Plaza Office Complex, 2401 E St., NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5 United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

June 10, 1980.

[FR Doc. 80-18366 Filed 6-17-80; 8:45 am]

BILLING CODE 7537-01-M

Office for Partnership Panel (Partnership Coordination); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Office for Partnership Panel (Partnership Coordination) to the National Council on the Arts will be held July 14, 1980 from 9:00 a.m.-5:00 p.m. and July 15, 1980 from 8:30 a.m.-5:00 p.m. in Room 1426, Columbia Plaza Office Complex, 2401 E St., NW., Washington, D.C.

A portion of this meeting will be open to the public on July 14, 1980 from 1:30 p.m.-5:00 p.m. and July 15, 1980 from 8:30 a.m.-5:00 p.m. for the discussion of Planning.

The remaining sessions of this meeting on July 14, 1980 from 9:00 a.m.-1:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

June 8, 1980.

[FR Doc. 80-18367 Filed 6-17-80; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-320]

Metropolitan Edison Co., et al.; (Three Mile Island Nuclear Station, Unit 2); Order for Temporary Modification of License

I

Metropolitan Edison Company, Jersey Central Power and Light Company and Pennsylvania Electric Company (the licensee) are the holders of Facility Operating License No. DPR-73, which had authorized operation of the Three Mile Island Nuclear Station, Unit 2 at power levels up to 2772 megawatts thermal. By Commission order dated July 20, 1979, the licensee's authority to operate the facility, except as provided therein, was suspended. The facility, which is located in Londonderry Township, Dauphin County, Pennsylvania, is a pressurized water reactor used for the commercial generation of electricity.

II

On March 28, 1979, an accident at the Three Mile Island Nuclear Station Unit 2 resulted in substantial damage to the reactor core and to certain reactor systems and components. The facility is not capable of normal operation and is in a shutdown condition with fuel in the core. The facility is being maintained in a stable, long-term cooling mode in accordance with the provisions of the Commission order, dated February 11, 1980. That order did not affect the limits on release of gaseous radioactive effluents set forth in Appendix B, section 2.1.2 of the technical specifications attached as a condition of the license. However, the krypton-85 (Kr—85) released into the reactor building during the accident must be removed from the building so that workers can begin the tasks necessary to clean the building, maintain instruments and equipment, and eventually remove the damaged fuel from the reactor core. Those tasks must be performed whether or not the plant ever again produces electricity. Radiation from the kryton gas, although thinly dispersed through the reactor building atmosphere, nevertheless poses a threat to workers who would have to work in the building for prolonged periods. The preferred method for removing the Kr—85 is a kind of flushing or purging process by which the gases would be exhausted from the building and fresh air pulled in.

Section 2.1.2 of the Appendix B technical specifications contains both instantaneous and quarterly limits for releases for noble gases, including Kr-85, to the atmosphere. These limits were developed with normal facility operations in mind and were phrased as limits on release rather than limits on off-site doses (the effects of the releases) so that compliance with the limits would not necessarily depend on off-site dose measurements. Instead, on-site measurements of the amounts of materials released would be used for determining compliance. These limits could serve to unnecessarily delay the time required to complete the purging process. The revised limits described below would remove this difficulty. They are expressed as limits on off-site doses rather than as limits on releases.

An extensive environmental monitoring network is set up in the Three Mile Island area that is capable of producing prompt and frequent off-site dose measurements. This network, along with on-site measurements of releases and meterology measurements, will be used to assure compliance with the new limits. Under the revised limits the dose to the maximally exposed individual off-site will be within the limits of the Commission's regulations that would apply if the reactor were operating normally.* Thus the new limits will not be inimical to public health and safety. In addition, since the principal effect is merely to swtich from release limits to dose limits, with the same concept of limiting health effects to a specified low amount in mind, the change involves no significant hazards consideration.

The nature and effects of the purging process are described more fully in the Commission's Memorandum and Order in this matter, dated June 12, 1980, and NUREG–0662, "Final Environmental Assessment for Decontamination of the Three Mile Island Unit 2 Reactor Building Atmosphere", May 1980.

III

The Commission has found for the reasons stated above that a temporary and immediate revision to section 2.1.2 of the Appendix B technical specifications would not be inimical to the public health and safety and involves no significant hazards consideration. Accordingly, pursuant to sections 161b and 189a of the Atomic Energy Act of 1954, as amended, and 10 CFR sections 2.204 and 50.54(h) of the Commission's regulations, section 2.1.2 of the Appendix B technical specifications is amended, effective immediately, by adding at the end thereof the following:

Only for the period of the purge of the TMI–2 reactor building atmosphere, Section 2.1.2h is deleted and Sections 2.1.2a and 2.1.2c are superseded by the following:

Do not exceed for the maximally exposed individual * in any one of the 16 (22½°) sectors centered on the TMI–2 reactor building any of the following:

(a) 15 mrem skin dose,

(b) 5 mrem total body dose,

(c) 20% of the limits in (a) and (b) shall not be exceeded over any one hour period.

In addition, pursuant to Section 6.8.2 of the proposed Appendix A Technical Specifications, NUREG–0432, made binding on the licensees by the February 11, 1980 order of the Director of the Office of Nuclear Reactor Regulation (NRR), any purging shall be conducted in accordance with procedures approved by the Director, NRR.

Under the above conditions, the licensee is to minimize the total time required to complete purging the reactor building to 10 CFR Part 20 MPC (for workers).

IV

The licensee or any person whose interest may be affected may, within thirty days, file a request for a hearing with respect to this Order in accordance with the provisions of 10 CFR 2.714. In the event a hearing is held, the issues shall be: (1) Whether the temporary technical specification modification imposed herewith (described in Part III above) is in the interest of the public health and safety; and (2) whether this Order should be sustained. A request for a hearing will not stay the effectiveness of this Order. In the event a hearing is held, it shall be consolidated with any hearing held in regard to Commission orders in this docket dated February 11 and May 12, 1980.

A request for a hearing by the licensee or another person must be filed with the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. A copy of the request for a hearing should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and Mr. George F. Trowbridge, of Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036, attorney for the licensee. Any questions regarding the contents of this Order should be directed to the Chief Hearing Counsel, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

For further details with respect to this action, see (1) Operating License DPR–73, as amended, (2) NUREG–0662, "Final Environmental Assessment for Decontamination of the Three Mile Island Unit 2 Reactor Building Atmosphere", dated May 1980, (3) Commission Memorandum and Order, dated June 12, 1980. All of the above documents are available for inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Commission's Local Public Document Room at the State Library of Pennsylvania, Government Publications Section, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126, and of the York College of Pennsylvania, Country Club Road, York, Pennsylvania.

Dated at Washington, D.C. on June 12, 1980.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80-18375 Filed 6-17-80; 8:45 am]

BILLING CODE 7590-01-M

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* The most restrictive regulation is 10 CFR Part 50, Appendix I. Appendix I sets forth gaseous release annual off-site dose design objectives of 5 millirems to the total body and 15 millirems to the skin. The purging will be limited so that the maximally exposed individual could not receive a dose from purging that exceeds this objective. Gaseous releases from TMI–2 unrelated to purging are expected to be insignificant, so that the annual dose from gaseous effluents should not exceed the annual Appendix I design objective by any significant amount, if at all. Purging will likely result in doses that will exceed the reporting levels of IV.A of Appendix I, but this is of no concern in view of the assurance that the purging will be within the annual design objective.

*Maximally Exposed Individual—

(1) One hypothetical individual within each of 16 sectors at off-site location with maximum anticipated dose.

(2) No allowance for occupancy time—assume individual present continuously.

(3) No hypothetical individual shall receive more than dose design objectives of (a) and (b) above.

[Dockets Nos. 50-245 and 50-336]

Northeast Nuclear Energy Co., et al.; Issuance of Amendments to Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 68 to Provisional Operating License No. DPR–21 and Amendment No. 59 to Facility Operating License No. DPR–65 to Northeast Nuclear Energy Company, The Connecticut Light and Power Company, The Hartford Electric Light Company, and Western Massachusetts Electric Company (the licensees), which revised the Appendix B Technical Specifications for operation of the Millstone Nuclear Power Station, Units Nos. 1 and 2, located in the Town of Waterford, Connecticut. The amendments are effective as of their date of issuance.

These amendments delete Environmental Technical Specifications Section 4.1, "Mathematical Tidal Circulation Model," and Section 4.2, "Mathematical Biological Model." These sections are no longer applicable to operation since the required confirmatory research has been completed and the resultant models approved.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendmens will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated March 20, 1978, (2) Amendments Nos. 68 and 59 to Licenses Nos. DPR–21 and DPR–65, respectively, and (3) the Commission's letter dated June 3, 1980. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 3rd day of June 1980.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch #3, Division of Licensing.

[FR Doc. 80-18377 Filed 6-17-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-344]

Portland General Electric Co. et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 44 to Facility Operating License No. NPF–1, issued to Portland General Electric Company, the City of Eugene, Oregon, and Pacific Power and Light Company (the licensees), which revised Technical Specifications for operation of Trojan Nuclear Plant (the facility) located in Columbia County, Oregon. The amendment is effective as of the date of issuance.

The amendment revises power distribution and control rod insertion limits for the reactor core.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 24, 1979, as supplemented March 4 and 17, 1980, (2) Amendment No. 44 to License No. NPF–1 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Columbia County Courthouse, Law Library, Circuit Court Room, St. Helens, Oregon 97051. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 6th day of June 1980.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch #3, Division of Licensing.

[FR Doc. 80-18379 Filed 6-17-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-311]

Public Service Electric and Gas Co., et al.; Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 1 to Facility Operating License No. DPR–75, issued to Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and Atlantic City Electric Company (the licensees), which revised Technical Specifications for operation of the Salem Nuclear Generating Station, Unit No. 2 (the facility) located in Salem County, New Jersey. The amendment is effective as of the date of issuance.

The amendment suspends the limitations of one of the Technical Specifications during the performance of individual full length rod testing and during rod position indication system calibration.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated June 6, 1980, (2) Amendment No. 1 to License No. DPR–75, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of June, 1980.

For the Nuclear Regulatory Commission.

A. Schwencer,

Acting Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 80-18378 Filed 6-17-80; 8:45 am]

BILLING CODE 7590-01-M

Screening Committee for Lawyer Vacancies on the Licensing Board Panel; Meeting

Notice is hereby given, in accordance with Section 10 of the Federal Advisory Committee Act, that the NRC Screening Committee for Lawyer Vacancies on the Licensing Board Panel will meet in closed session on June 18, 1980. The meeting will take place in the Chairman's Conference Room, 11th floor of the Matomic Building, 1717 H Street NW., Washington, D.C., and will commence at 3:30 p.m. The purpose of the meeting will be to discuss candidates for the position of Chairman of the Licensing Board Panel.

I have determined, pursuant to subsection 10(d) of the Federal Advisory Committee Act, that it is necessary to close this meeting to public attendance in order to protect information the

disclosure of which would constitute an unwarranted invasion of personal privacy. See 5 U.S.C. 552b(c)(6). Separation of non-exempt factual information from exempt information is not considered practical.

For further information, contact Charles J. Fitti, Assistant Executive Secretary, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301–492–7814.

Dated in Washington, D.C., this 17th day of June 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80–18612 Filed 6–17–80; 11:19 am]

BILLING CODE 7590–01–M

OFFICE OF MANAGEMENT AND BUDGET

Mandatory Information Requirements for Federal Assistance Program Announcements

AGENCY: Office of Management and Budget, Executive Office of the President.

ACTION: Notice of Information Requirements for Program Announcements.

SUMMARY: This notice contains information relating to the requirements for Federal assistance program announcements pursuant to Pub. L. 95–220, The Federal Program Information Act.

EFFECTIVE DATE: July 1, 1980.

FOR FURTHER INFORMATION CONTACT: Robert Brown, Branch Chief, Federal Program Information Branch, Office of Management and Budget, 726 Jackson Place, NW., Room 6001, Washington, DC 20503, (202) 395–6182 concerning the Catalog of Federal Domestic Assistance (CFDA) and Tom Snyder, Senior Management Analyst, Intergovernmental Affairs, Federal Assistance Information Branch, (202) 395–6911 for OMB Circular No. A–95 coordination.

SUPPLEMENTARY INFORMATION: To enable the Director of the Office of Management and Budger (OMB) to carry out the responsibilities mandated by the Federal Program Information Act and to assist A–95 clearinghouses in the review process, notice is hereby given that all Federal assistance progam announcements are required to contain the following information:

(1) The official program number and title as outlined by OMB Circular No. A–89.

(2) A statement as to the applicability of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and Federally-assisted programs and projects.

Federal assistance program announcements include, but are not limited to, entries published as Final Regulations and Amendments under the Rules and Regulations section and as notices of any kind pertaining to ongoing programs under the Notices section.

Federal program offices are advised to coordinate the required program number and title with their internal agency representative for the CFDA as prescribed by OMB Circular No. A–89 and, for A–95 applicability, with their agency A–95 representative.

Documents placed on public inspection at the Office of the Federal Register the day before publication will be subject to monitoring by the OMB in coordination with the Office of the Federal Register. If a Federal assistance program announcement does not contain this essential information OMB will request that the document be withdrawn from the publication process until the required information is included.

David R. Leuthold,

Budget and Management Officer.

[FR Doc. 80–15387 Filed 5–20–80; 8:45 am]

BILLING CODE 3110–01

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. 301–7]

Trade Policy Staff Committee; Termination of Section 301 Review

Pursuant to 15 CFR 2006.6, the U.S. Trade Representative hereby terminates the investigation of the complaint alleging unfair trade practices by the European Community (EC) against United States exports of canned fruit under Section 301 of the Trade Act of 1974, as amended (19 U.S.C. 2411). This complaint was filed on March 30, 1976 by the National Canner's Association and notice of the investigation, and a request for written comments, was published in the **Federal Register** of April 12, 1976 (41 FR 15385).

On March 30, 1976, the Chairman of the Section 301 Committee received from Leonard K. Lobred, Director of International Trade for the National Canners Association, a petition alleging unfair trade practices by the European Community. The complaint alleges that the variable levy on calculated added sugars, which was assessed on canned fruits imported into the European Community at the time the petition was filed, constitutes an unjustifiable, unreasonable and discriminatory import restriction which impairs the value of trade commitments made to the United States and burdens and restricts United States commerce.

After a review of the allegations of the petition, removal of the EC sugar added variable levy became one of the U.S. objectives in the Multilateral Trade Negotiations. As a result of the negotiations, the United States concluded an agreement with the European Community on July 11, 1979 which changed the variable levy to a 2% fixed duty on sugar added.

On June 27, 1979, Lynn M. Schlitt, Counsel for National Food Processors Association (formerly the National Canners Association) sent a letter to the Chairman of the Section 301 Committee requesting that further efforts be made to limit the adverse effect of procedures used to determine the sugar-added content of canned fruits. Upon review and in consultation with the petitioner, the Office of the U.S. Trade Representative has determined that efforts to address this issue should be undertaken outside the context of this section 301 investigation.

Because the agreement reached in the Multilateral Trade Negotiations addressed the major issue raised in the Association's original complaint, the U.S. Trade Representative, with the advice of the Section 301 Committee, has concluded that action is no longer required under section 301. The results of the agreement will be monitored and any significant problems which exist, or may arise, in connection with the implementation of the agreement will be brought to the attention of the European Community.

Therefore, the investigation of the complaint filed by the National Canner's Association (Doc. No. 301–7) is hereby terminated.

R. Michael Gadbaw,

Chairman, Section 301 Committee.

[FR Doc. 80–18221 Filed 6–17–80; 8:45 am]

BILLING CODE 3190–01–M

RADIATION POLICY COUNCIL

[FRL 1518–2]

Inquiry Regarding Issues on Federal Regulation of Occupational Exposures to Ionizing Radiation Including Formulation of Federal Guidance and Standards

SUMMARY: The Radiation Policy Council has established a Task Force on Federal Occupational Radiation Exposure Regulations. The following agencies are members of the Task Force: Department of Commerce, Department of Defense, Department of Energy, Department of Health and Human Services,

Department of Labor, Department of Transportation, Environmental Protection Agency, Nuclear Regulatory Commission, and Veterans Administration. The Department of Labor is chairing the Task Force. The Task Force is soliciting public comment on issues relating to Federal regulation of occupational exposures to ionizing radiation, including formulation of Federal guidance and standards.

DATES: Comments should be received by July 11, 1980.

ADDRESS: Public comments should be mailed in quadruplicate to the Radiation Policy Council c/o Docket Office, Docket W-008, Occupational Safety and Health Administration, Department of Labor, Room S6212, 200 Constitution Avenue, N.W., Washington, D.C. 20210. The communications received will be available for public inspection and copying at the above location between 9 a.m. and 4 p.m., Monday through Friday.

SUPPLEMENTARY INFORMATION: The Radiation Policy Council was created by Executive Order 12194 of February 21, 1980. (45 FR, pages 12209–10, February 25, 1980). The principle purpose of the Council is to coordinate the formulation and implementation of Federal radiation protection policies.

The Task Force on Federal Occupational Radiation Exposure Regulations has the following objectives:

1. Analyze and evaluate the regulation of occupational radiation exposure in terms of a uniform approach to keeping doses as low as reasonably achievable within the maximum permissible values.

2. Analyze and evaluate the present process for development of Federal guidance and regulations on occupational exposures to ionizing radiation. Explore possible options for coordinated policies that will make the process and resulting regulations as uniform as possible.

3. Explore problems of implementation including gaps in coverage and compliance.

Written comments are invited from the public relating to the following issues:

1. How well defined are agency responsibilities relative to each occupational constituency? Are responsibilities assigned to the most appropriate agency? Is coverage of the occupationally exposed work force adequate in terms of regulations? How effective is compliance enforcement of regulations to protect workers?

2. What procedures should be established for the development of Federal guidance for regulatory agencies?

3. On what basis should criteria for Federal guidance be established? Once such guidance is established, what should the relationship be between the guidance and the related regulations of the various agencies?

4. How can regulatory agencies insure consistency of approach to regulation?

5. How should a maximum permissible dose limit be used in conjunction with the "as low as reasonably achievable" principle?

6. How can uniformity in measurements and dosimetry best be ensured? How can consideration of measurement accuracy be incorporated into guidance and/or regulations?

7. What exposure criteria should there be for recordkeeping requirements? What type of central repository should be established for recordkeeping? What procedures for reporting should be instituted?

8. What policy should be established with respect to any mandatory requirement by employers for X-rays of employees?

9. What type of program should be established to inform employees of the hazards of occupational exposure levels of ionizing radiation to which they are likely to be subjected?

FOR FURTHER INFORMATION CONTACT: Dr. Sheldon Weiner, Chairman Task Force on Federal Occupational Radiation Exposure Regulations, c/o Directorate of Health Standards Programs, N3669, Occupational Safety and Health Administration, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210. (202) 523–7151.

Signed this 13th day of June 1980.

Carl R. Gerber,

Director, U.S. Radiation Policy Council.

[FR Doc. 80-18405 Filed 6-17-80; 8:45 am]

BILLING CODE 6560-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 21621; 70-6162]

American Electric Power Co., Inc. & American Electric Power Service Corp.; Proposed Increase in Bank Borrowings by Service Company Subsidiary and Guaranty Thereof by Holding Company

June 12, 1980.

Notice is hereby given that American Electric Power Company, Inc. ("AEP"), 2 Broadway, New York, New York 10004, a registered holding company, and its service company subsidiary American Electric Power Service Corporation ("Service Company") have filed with this Commission a post-effective amendment to their declaration previously filed and amended pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7 and 12 of the Act and Rule 50(a)(2) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, as amended by said post-effective amendment, which is summarized below, for a complete statement of the proposed transaction.

By order dated June 9, 1978 (HCAR No. 20585), declarants were authorized to enter into a loan agreement ("Agreement") with the Chase Manhattan Bank, N.A. ("Chase"), concerning borrowings by Service Company from Chase of up to $10,000,000 and a guaranty of such indebtedness by AEP. The Agreement provides, among other things, that the notes issued thereunder will mature on May 1, 1985; that borrowings will bear interest at an annual rate of 105% of the Chase prime rate until May 31, 1979, and at an annual of 108% of its prime rate from May 31, 1979, until maturity; and that Service Company will pay quarterly each year a substitute interest at the rate of ½% per annum on the daily average unused portion of the $10,000,000 of credit made available. At present Service Company has outstanding $8,500,000 of such borrowings.

By post-effective amendment declarants request authorization to enter into an amendment ("Amendment") to the Agreement, pursuant to which Chase would agree to lend Service Company up to an additional $5,000,000 from time to time through May 31, 1985, thus making Chase's total commitment $15,000,000. AEP would guarantee the borrowings by Service Company under the Amendment, and confirm its guarantee of borrowings under the Agreement.

Borrowings under Chase's additional $5,000,000 commitment under the Amendment would be evidenced by unsecured promissory notes (1) which mature May 31, 1985; (2) which bear interest payable quarterly at an annual rate equal to (a) 108% of the higher of Chase's prime rate or its Base Rate (the rate for three-month negotiable certificates of deposit published weekly by the Federal Reserve Bank of New York plus ½ of 1%) until May 31, 1981, and (b) 108% of Chase's prime rate from May 31, 1981, until maturity; and (c) which are prepayable in whole or in part without penalty. The Amendment will also provide for the quarterly payment of substitute interest (computed from the

date of the Commission's order authorizing the transaction) at the rate of ½% per annum on the average daily unused portion of the $5,000,000 additional credit made available under the Amendment. Borrowings under the original Agreement will continue to bear interest as therein provided.

It is stated that borrowings by Service Company under the Amendment, together with further borrowings under the original Agreement, will be used to provide working capital and to provide funds for the acquisition of real estate for the construction of a new office building for Service Company in Columbus, Ohio.

Declarants claim exemption from the competitive bidding requirements of Rule 50 for Service Company's issuance of notes to Chase pursuant to Rule 50(a)(2).

The fees and expenses to be incurred in connection with the proposed transaction are estimated at $2,100. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than July 7, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration, as amended by said post-effective amendment, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarants at the above-stated address and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended by said post-effective amendment or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-18386 Filed 6-17-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21622; 70-6445]

Ohio Power Co.; Proposed Acquisition of Coal Barges

June 12, 1980.

Notice is hereby given that Ohio Power Company ("Ohio Power"), 301 Cleveland Avenue, SW., Canton, Ohio 44702, an electric utility subsidiary of American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed with this Commission an application pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 9 and 10 of the Act as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Ohio Power proposes to acquire by lease sixty-five open hopper barges, having dimensions of approximately 175 feet by 26 feet. The barges will be operated by Indiana & Michigan Electric Company ("I&M"), another electric utility subsidiary of AEP, which is experienced in the operation of barges. I&M will use the barges to provide transportation services to Ohio Power and other AEP System operating utilities. The sixty-five barges which are the subject of the instant application are needed to replace barges which are being retired from service (all of which are presently leased by I&M) due to age and deteriorated condition.

I&M became involved in the barging of coal on its own behalf when it acquired on September 4, 1973, the assets of a barge line which was disposing of its business. These assets included, among other things, 11 towboats, 175 standard barges, 73 jumbo barges and 2 drydocks; these cited items were subsequently sold to and leased back by I&M from GATX Corporation or GATX Aircraft Corporation.

I&M also leased 20 standard barges in 1975. In 1976, pursuant to Commission order dated July 23, 1976 (HCAR No. 19623), I&M entered into an agreement to operate on behalf of Ohio Power 8 towboats, 140 jumbo barges and 20 standard barges that were leased by Ohio Power. By order dated April 14, 1977 (HCAR No. 19986), I&M was authorized to acquire by lease an additional 8 towboats and 100 jumbo barges.

I&M currently uses 179 standard barges and 304 jumbo barges to transport coal to AEP system plants which receive coal by barge. Based on the estimated volume of coal to be consumed at such plants during the early 1980's, it is estimated that the AEP system's coal transportation requirements could best be met by having constantly available a fleet of 242 standard barges and 234 jumbo barges, together with an allowance for 13 standard barges and 10 jumbo barges in periodic maintenance, or a total fleet of 499 barges (255 standard and 244 jumbo). It is stated that of the 179 standard barges available, only 114 are economically usable and the remaining 65 must be replaced. In order to meet, in part, the need for standard barges, I&M plans to place temporarily 60 jumbo barges in movements which would be more economical to perform with standard barges, and to replace 65 standard barges. The 65 standard barges to be retired will be returned to GATX, the lessor, on November 1, 1980, the end of the current lease term. There is no penalty associated with such return at the end of the lease period.

Concerning the company which should acquire the 65 new barges in replacement of those to be retired, it is stated that Ohio Power should be the entity for the reason that Ohio Power is expected to use approximately 60% of the AEP System's standard barges during the 1980's, yet owns no such barges and leases only 20 such barges. The barges would be operated by I&M for Ohio Power pursuant to an operating agreement which is a subject in a filing pending with this Commission (File No. 70-6161).

The 65 new barges to be acquired by Ohio Power are expected to be delivered as soon as is commercially practicable after November 1980. It is anticipated that their purchase price will be approximately $11,500,000 and that their construction will begin after execution of a Barge Purchase Agreement.

It is presently contemplated that such agreement may be assigned to a lessor or his designee who will take title to the barges as they are completed by the manufacturer. Thereafter the barges will be leased to Ohio Power. The terms and conditions of the contemplated leasing transaction will be the subject of a further filing with this Commission.

It is stated that I&M, the operator, intends to use the 65 barges to provide coal deliveries to AEP system plants, and that it intends to include the lease charges in the operating expenses allocated to the affiliated companies benefiting from barge services. The

method of charging these barging expenses is a subject in the above-mentioned pending filing concerning the operating agreement between Ohio Power and I&M (File No. 70-6161).

The fees and expenses to be incurred in connection with the proposed transaction are estimated at $2,000. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may not later than July 8, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-18385 Filed 6-17-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21620; 70-6463]

Yankee Atomic Electric Co.; Proposed Increase in Rate of Return on Investment in Working Capital of Service Division of Nuclear Power Generating Company

June 12, 1980.

Notice is hereby given that Yankee Atomic Electric Company ("Yankee Atomic"), 25 Research Drive, Westborough, Massachusetts 01581, a generating subsidiary of Northeast Utilities and of New England Electric System, both registered holding companies, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 13 of the Act and Rules 90 and 91 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

All of the outstanding capital stock of Yankee Atomic was acquired by its eleven sponsoring electric utilities pursuant to Commission orders dated November 25, 1955, and December 24, 1958 (HCAR Nos. 13048 and 13900). It was organized to construct and operate New England's first atomic power plant, located at Rowe, Massachusetts.

By order dated August 20, 1968 (HCAR No. 16141), Yankee Atomic was authorized to establish the Nuclear Service Division ("NSD"), which was organized to provide support services to Yankee Atomic's plant in Rowe and to various individual nuclear power projects undertaken by one or more of Yankee Atomic's sponsoring utilities and their associates and affiliates. The terms of organization, conduct of business and method of cost allocation of NSD are set forth in said order. Also contained in the order of August 20, 1968, was a provision authorizing Yankee Atomic to allocate to NSD initial working capital of about $200,000, equivalent to approximately 45 days' expenses plus investment in office equipment, and to receive a return of 6% per annum on such investment in working capital, said return to be included in the costs of services rendered by NSD.

In the instant filing Yankee Atomic requests that it be authorized to increase the rate of return on its investment in NSD's working capital (which is included in the costs of services rendered by NSD) from the currently authorized 6% to the overall rate of return (including related federal and state income tax allowances) most recently ordered (or accepted) by the Federal Energy Regulatory Commission ("FERC") in rate proceedings involving Yankee Atomic. It is stated that use of the present 6% rate of return has resulted in those using NSD's services not paying a fair return to Yankee Atomic for the working capital supplied to NSD by Yankee Atomic. Yankee Atomic allocated average working capital to NSD of $1,741,000 in 1979, which amount was the equivalent of approximately 45 days' expenses.

Declarant states that the most recent overall rate of return allowed it in FERC proceedings is 9.72% after income taxes (FERC Order Docket Nos. E-9420 and E-9421, July 20, 1977). Yankee Atomic also requests that any new rate allowed by FERC with respect to it become effective for NSD upon the later of (a) the filing with this Commission of the FERC order authorizing such new rate for Yankee Atomic, or (b) the effective date of such order.

The fees and expenses to be incurred in connection with the proposed transaction are estimated at $3,500. It is stated that no state commission and no federal commission, other than this Commission, has jurisidiction over the proposed transaction.

Notice is further given that any interested person may not later than July 8, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-18384 Filed 6-17-80; 8:45 am]

BILLING CODE 8010-01-M

VETERANS ADMINISTRATION

Ambulatory Care Addition, Veterans Administration Medical Center, Roseburg, Oreg.; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential impacts that may occur on the environment as a result of the proposed construction of the Ambulatory Care Addition at the Veterans Administration Medical Center (VAMC), Roseburg, Oregon.

The advanced planning fund project consists of a building addition which will house and expand the Ambulatory Care, Pharmacy and Radiology functions to meet the established space criteria. The total net square feet for the project is 16,287. The project will create an additional 3,349 net square feet of vacated space in building No. 1 for medical administrative services.

Development of the project will have impacts on the human and natural environments as it affects pedestrian circulation, noise levels, vegetation, soil stability, parking and vehicular circulation. During the constructional phases, additional noise, fumes, odors, dust, traffic and visual impacts will exist. Mitigating actions include implementation of erosion control methods, dust and fume emission controls, onsite noise abatement techniques, landscaping and compatible architectural and open space 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 (003A), 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: June 10, 1980.

By direction of the Administrator.

Maury S. Cralle, Jr.,

Associate Deputy Administrator.

[FR Doc. 80–18381 Filed 6–17–80; 8:45 am]

BILLING CODE 8320–01–M

Clinical Addition, Veterans Administration Medical Center, Hot Springs, S.D.; Finding of No Significant Impact

The Veterans Administration proposes the construction of a Clinical Addition to the main hospital building at the Veterans Administration Medical Center in Hot Springs, South Dakota.

The project consists of approximately 20,000 net square feet which will be attached to the hospital's east wing.

Development of the project will have minimal impacts on the human and natural environment. These impacts affect topography, vegetation, soils, noise levels and sedimentation.

Mitigation of the project impacts include adequate construction methods including erosion control, minimal site grading, specific site design and engineering and onsite noise abatement.

This 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 (003A), Room 1027A, Veterans Administration, 810 Vermont Avenue, N.W., 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: June 10, 1980.

By direction of the Administrator.

Maury S. Cralle, Jr.,

Associate Deputy Administrator.

[FR Doc. 80–18382 Filed 6–17–80; 8:45 am]

BILLING CODE 8320–01–M

Proposed Ambulatory Care Addition, Veterans' Administration Medical Center, Shreveport, La.; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the construction of an Ambulatory Care Addition, VAMC, Shreveport, Louisiana.

The project proposes the construction of an addition of approximately 5,000 net square feet with renovation of another 2,000 net square feet of existing hospital space. The addition will be appended to existing building no. 1.

Development of the project will have minimal impacts on the human and natural environment. There will be some temporary noise, dust, fumes and visual impacts during construction.

Mitigation of project impacts will include soil erosion and sedimentation control, onsite noise abatement measures and control of construction dust and fumes.

This 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 (003A), Room 1027A, Veterans Administration, 810 Vermont Avenue, N.W., 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: June 10, 1980.

By direction of the Administrator.

Maury S. Cralle, Jr.,

Associate Deputy Administrator.

[FR Doc. 80–18383 Filed 6–17–80; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 119
Wednesday, June 18, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Civil Aeronautics Board	1
Commodity Futures Trading Commission	2
Consumer Product Safety Commission	3, 4
Federal Communications Commission	5
Federal Energy Regulatory Commission	6
Federal Maritime Commission	7
Federal Mine Safety and Health Review Commission	8, 9
Federal Reserve System	10
National Railroad Passenger Corporation	11
Parole Commission	12
Railroad Retirement Board	13
Securities and Exchange Commission	14

1

[M-283 Amdt. 3, June 13, 1980]

CIVIL AERONAUTICS BOARD.

Short notice and closure of addition of item to the June 17, 1980 Board meeting.

TIME AND DATE: 9:30 a.m., June 17, 1980.

PLACE: Room 1012, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: Dockets 37967 and 37968; Applications of Singapore Airlines for exemption and permit amendment to authorize Singapore-Taipei-Tokyo-Los Angeles service. A meeting of the Inter-Agency Aviation Policy Group is being arranged to discuss the application (BIA).

STATUS: closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-1186-80 Filed 6-16-80; 3:18 pm]

BILLING CODE 6320-01-M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11:00 a.m., Friday, June 27, 1980.

PLACE: 2033 K Street NW., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1181-80 Filed 6-16-80; 12:25 pm]

BILLING CODE 6351-01-M

3

CONSUMER PRODUCT SAFETY COMMISSION.

(Agenda)

TIME AND DATE: 9:30 a.m., Commission meeting, Wednesday, June 18, 198.

LOCATION: Third floor hearing room, 1111 18th Street, NW., Washington, D.C.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

1. *Refuse Bins Petition, CP-80-1:* The Commission will consider a petition in which the Greater Los Angeles Solid Wastes Management Association seeks an exemption from the ban of unstable refuse bins for certain straight-sided refuse bins. The staff briefed the Commission on this petition at the March 19, 1980 meeting.

2. *Hydrofluoric Acid Petition, HP 78-2:* The Commission will consider a petition from Arden J. Bradshaw to either ban or require revised labeling for products containing hydrofluoric acid. The Commission considered this petition in July, 1979, and had referred it to the Toxicological Advisory Board for recommendations.

3. *Chain Saws:* The Commission will consider various options for addressing injuries that may be associated with chain saws.

CONTACT PERSON FOR INFORMATION: Sheldon Butts, Deputy Secretary, Office of the Secretary, Suite 300, 1111 18th Street NW., Washington, DC 20207; telephone (202) 634-7700.

Agenda approved June 10, 1980.

[S-1179-80 Filed 6-16-80; 12:10 pm]

BILLING CODE 6355-01-M

4

CONSUMER PRODUCT SAFETY COMMISSION.

(Agenda)

TIME AND DATE: 10 a.m., Commission meeting, Thursday, June 19, 1980.

LOCATION: Room 456 Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Part open. Part closed.

A. Open to the public.

MATTERS TO BE CONSIDERED:

1. *Amusement Rides: Emerging Hazard, EP 79-1:* The Commission will consider a staff recommendation to take action to improve the safety of amusement rides. The staff has proposed two alternatives for action: 1) develop a mandatory safety standard, or 2) develop a plan to support and encourage voluntary standards activities, model state legislation, and an information-exchange program.

B. Closed to the public.

2. *Enforcement Matter: Amusement Rides:* The staff and Commission will discuss an enforcement matter concerning amusement rides. (Closed under exemption 10: civil action).

3. *Briefing on Regulatory/Enforcement Matter: Cribs:* The staff and Commission will discuss regulatory and enforcement issues related to baby cribs. (Closed under exemptions 9 and 10: possible significant frustration of agency action; and civil action).

CONTACT PERSON FOR MORE INFORMATION: Sheldon Butts, Deputy Secretary, Office of the Secretary, Suite 300, 1111 18th Street NW., Washington, DC 20207, Telephone (202) 634-7700.

Agenda approved June 10, 1980.

[S-1180-80 Filed 6-16-80; 12:10 pm]

BILLING CODE 6355-01-M

5

FEDERAL COMMUNICATIONS COMMISSION.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., Wednesday, June 11, 1980.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission meeting.

CHANGES IN THE MEETING: Deletion of an item.

Agenda, Item Number, and Subject

Television—1—Applications to construct four new TV translator stations (file Nos. BPTT-3617, 3626, 3627 and 780911IA) filed by U.P. TV Systems, Inc., are the subject of Petitions to Deny filed by Teleprompter. *Summary:* The Petitions raised questions regarding (a) use of the translators to relay the TV signals to fixed points as a substitute for common carrier in violation of Section 74.731(c) of our Rules; (b) concentration of control and multiple ownership questions; and (c) and the signal interference potential with respect to the channel 53 application.

Additional information concerning this item may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: June 13, 1980.

[S-1176-80 Filed 6-16-80; 10:04 am]

BILLING CODE 6712-01-M

6

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 40763; June 16, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m. June 18, 1980.

CHANGE IN THE MEETING: The following items have been added:

Item Number, Docket Number, and Company

P-2: EL78-43; City of Bountiful, Utah, Utah Power & Light Company, City of Santa Clara, California, and Pacific Gas & Electric Company.

Item Number, Docket Numbers, and Companies

CI-1: Docket Nos. CI79-178, CI78-1268, CI79-200, CI78-1251, CI78-1272, CI78-816, G-11083 et al., CI75-16 et al., G-5010 et al., CI79-512, CI80-59, CI79-620, CI80-55, CI79-522, CI79-553, CI80-43, CI79-130, CI79-199, CI79-178, and CI64-349, Exxon Corporation; Docket Nos. CI78-180, et al., CI78-532, CI79-519, CI79-522, CI79-593, and CI79-537, Texaco Inc.; Docket Nos. CI78-713 and CI79-648, Champlin Petroleum Company; Docket Nos. CI79-309, CI79-153, CI77-797, CI79-461, CI79-529, CI79-485, CI78-736, CI79-126, CI79-44, CI78-519, CI79-631, rate schedule 69. Rate schedule 12 et al., CI78-1232, CI78-1173, CI78-604, G-14515, CI77-123, CI78-674, CI78-993, G-12154, CI75-22, rate schedule 9, rate schedule 271, rate schedule 316 et al., rate schedule 590, CI79-249, CI76-215, CI76-239, rate schedule 599, rate schedule 624, CI77-263, rate schedule 272, CI80-189, and rate schedule 273, Gulf Oil Corporation; Docket Nos. CI80-147, and CI79-514, Louisiana Land Offshore Exploration Company, Inc.; Docket Nos. CI76-783 and CI78-1128, Arkla Exploration Company; Docket No. CI80-204, Aminoil of Louisiana Inc. Rate schedule Nos. 42, 55, 67, and 22, Warren Petroleum Company, a division of Gulf Oil Corporation.

Lois D. Cashell,

Acting Secretary.

[S-1178-80 Filed 6-16-80; 9:15 am]

BILLING CODE 6450-85-M

7

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 10 a.m., June 20, 1980.

PLACE: Hearing Room One, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Closed.

MATTER TO BE CONSIDERED: Discussion of Commission's Anti-Rebating Program.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-1175-80 Filed 6-16-80; 9:49 am]

BILLING CODE 6730-01-M

8

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

June 13, 1980.

TIME AND DATE: 10 a.m., Friday, June 20, 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. Kaiser Steel Corporation, DENV 78-512-P; Petition for Discretionary Review (Issues include whether penalty assessed for violation of 30 CFR § 75.301 is excessive)

2. Eastern Associated Coal Corporation, HOPE 75-699, IBMA 76-98, and Eastern Associated Coal Corp., HOPE 76-289, IBMA 77-20. (Issues include reviewability and propriety of withdrawal orders issued under section 103(f) of the 1969 Coal Act)

3. Cement Division, National Gypsum Company, VINC 79-154-PM. Issues include interpretation of "significant and substantial" provision of section 104(d) of the 1977 Mine Act.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.

[S-1183-80 Filed 6-16-80; 1:57 pm]

BILLING CODE 6820-12-M

9

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

June 13, 1980.

TIME AND DATE: 10 a.m., Tuesday, June 24, 1980.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hear oral argument on the following:

1. *Secretary of Labor v. Pittsburg and Midway Coal Mining Company*, Docket Nos. BARB 79-307-P, etc. Issues include whether independent contractors should be permitted as parties in penalty proceeding against owner for violations committed by contractors.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.

[S-1184-80 Filed 6-16-80; 1:57 pm]

BILLING CODE 6820-12-M

10

FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Monday, June 23, 1980.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed purchases, under competitive bidding, of computer equipment within the Federal Reserve System.

2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

3. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: June 13, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[S-1174-80 Filed 6-13-80; 4:44 pm]

BILLING CODE 6210-01-M

11

NATIONAL RAILROAD PASSENGER CORPORATION.

In accordance with Rule 4a. of Appendix A of the Bylaws of the National Railroad Passenger Corporation notice is given that the Board of Directors will meet on June 25, 1980.

A. The meeting will be held on Wednesday, June 25, 1980, in the National Guard Association Building, 3rd Floor, One Massachusetts Avenue, Northwest, Washington, D.C., beginning at 9:30 a.m.

B. The meeting will be open to the public at 10:30 a.m. beginning with agenda item No. 3, as described below.

C. The agenda items to be discussed at the meeting follow.

Agenda—National Railroad Passenger Corporation—Meeting of the Board of Directors—June 25, 1980

(9:30) Closed Session

1. Internal Personnel Matters.
2. Litigation Matters.

(10:30) Open Session

3. Election of Chairman of the Board.
4. Approval of Minutes of Regular Meeting of May 28, 1980.
5. Amendment of Corporate Bylaws.
6. Commitment Approval Requests.

80-141: Automotive Vehicle Fleet Replacement Program.

80-153: Station Rehabilitation—Austin, Texas.

7. Approval of Consulting Contract for Ticketing and Boarding Control System.
8. Delegation of Authority to Execute NECIP Contracts.
9. Board Committee Reports.
   Audit
   Finance
   NECIP
10. President's Report.
11. New Business.
12. Adjournment.

D. Inquiries regarding the information required to be made available pursuant to Appendix A of the Corporation's

Bylaws should be directed to the Assistant Corporate Secretary at (202) 383–3991.

Barbara J. Willman,

Assistant Corporate Secretary.

June 16, 1980.

[S-1182-80 Filed 6-16-80; 8:45 am]

12

PAROLE COMMISSION.

TIME AND DATE: 9 a.m.–5:30 p.m., Friday, June 20, 1980.

PLACE: Room 818, 320 First Street NW., Washington, D.C., 20537.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

ORIGINAL ANNOUNCEMENT: Vol. 45 FR No. 113, June 10, 1980, p. 39373.

CHANGES IN THE MEETING: On June 12, 1980, the Commission determined that the time for beginning the above meeting be advanced to 3 p.m. on Thursday, June 19, 1980. The meeting will run until 5:30 p.m. on that date and then will resume as stated above. The meeting will be held in the above location for the purposes specified in the original announcement. The above change is being announced at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Analyst (202) 724–3094.

[S-1177-80 Filed 6-16-80; 10:45 am]

BILLING CODE 4410-01-M

13

RAILROAD RETIREMENT BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 45, No. 116, p. 40276, Friday, June 13, 1980.

TIME AND DATE: 9 a.m., June 19, 1980.

PLACE: Board's meeting room, eighth floor, headquarters building, 844 Rush Street, Chicago, Illinois 60611.

CHANGE IN THE MEETING: Additional items to be considered at the portion of the meeting which will be closed to the public:

(C) Appeal from referee's denial of claim for a "period of disability," Dennis L. Halvorson.

(D) Appeal from referee's denial of claim for a "period of disability," Russell Thorpe.

(E) Appeal from referee's denial of disability annuity application, Russel D. Myrdal.

CONTACT PERSON FOR MORE INFORMATION: R. F. Butler, Secretary of the Board, COM No. 312–751–4920, FTS No. 387–4920.

[S-1185-80 Filed 6-16-80; 2:12 pm]

BILLING CODE 7905-01-M

14

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 meetings during the week of June 23, 1980, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, June 24, 1980, at 10:00 a.m. and on Thursday, June 26, 1980, following the 2:30 p.m. open meeting. Open meetings will be held on Thrusday, June 26, 1980, at 10:00 a.m. and at 2:30 p.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 522b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Commissioners Loomis, Evans, and Friedmand determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, June 24, 1980, at 10:00 a.m., will be:

Formal orders of investigation.
Formal order of investigation and access to investigative files by Federal, State, or Self-Regulatory Authorities.
Settlement of administrative proceedings of an enforcement nature.
Settlement of injunctive actions.
Institution of injunctive action.
Opinions.

The subject matter of the closed meeting scheduled for Thursday, June 26, following the 2:30 p.m. open meeting, will be:

Post oral argument discussion.

The subject matter of the open meeting scheduled for Thursday, June 26, 1980, at 10:00 a.m., will be:

1. Consideration of whether to issue a proposed rule change of the National Association of Securities Dealers, Inc. to create two new categories of limited representatives registration. For further information, please contact Kathleen McGann at (202) 272–2855.

2. Consideration of whether to exempt Steven J. Golub from certain provisions of the Commission's Conduct Regulation during his period of temporary employment. For further information, please contact Myrna Siegel at (202) 272–2430.

The subject matter of the open meeting scheduled for Thursday, June 26, 1980, at 2:30 p.m., will be:

The Commission will hear oral argument on a petition by Hammon Capital Managment Corporation ("Registrant"), a registered investment adviser, and Gabe Hammon, Registrant's president and principal stockholder, for review of the initial decision of an administrative law judge. For further information, please contact R. Moshe Simon at (202) 272–2752.

At times changes in Commission priorities require alternations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Nancy Wojtas at (202) 272–2178.

June 16, 1980.

[S-1187-80 Filed 6-16-80; 3:38 pm]

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federal register

Wednesday,
June 18, 1980

Part II

Department of Health and Human Services

Health Care Financing Administration

Medicare Program; Schedule of Limits on Skilled Nursing Facility Inpatient Routine Service Costs

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Medicare Program; Schedule of Limits on Skilled Nursing Facility Inpatient Routine Service Costs

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Proposed notice.

SUMMARY: This notice sets forth a proposed schedule of limits on skilled nursing facility (SNF) inpatient routine service costs that may be reimbursed under Medicare for cost reporting periods beginning on or after October 1, 1980. This is an annual update of the schedule, and would replace the current schedule published in the **Federal Register** on August 31, 1979 (44 FR 51542).

The notice contains several proposed changes in our methodology for computing the limits.

DATES: To assure consideration, comments should be recevied by on or before August 18, 1980.

ADDRESSES: Address comments to: Administrator, Health Care Financing Administration, Department of Health and Human Services, P.O. Box 17073, Baltimore, Maryland 21235

If you prefer, you may deliver your comments to: Room 309–G Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. or to Room 789 East High Rise Building, 6401 Security Boulevard, Baltimore, Maryland.

When commenting please refer to BPP–64–PN. Agencies and organizations are requested to submit their comments in duplicate.

Comments will be available for public inspection, beginning approximately 2 weeks after publication, in Room 309–G of the Department's offices at 200 Independence Avenue, S.W., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (202) 245–0950.

Because of the large number of comments we receive, we cannot acknowledge or respond to them individually. However, in preparing the final notice, we will review all comments and will respond to them in the preamble to that notice.

FOR FURTHER INFORMATION, CONTACT: Carl Slutter, 301–594–9344

SUPPLEMENTARY INFORMATION:

Background

Section 1861(v)(1) of the Social Security Act (42 U.S.C. 1395x(v)(1)) authorizes the Secretary to set prospective limits on provider costs reimbursed under Medicare. These limits are based on estimates of the costs necessary in the efficient delivery of needed health services and may be applied to the direct or indirect overall costs or to the costs incurred for specific items or services furnished by a Medicare provider.

Regulations implementing this authority are set forth at 42 CFR 405.460. Under this authority, a final notice of a schedule of limits on SNF inpatient general routine service costs was published in the **Federal Register** on August 31, 1979 (44 FR 51542). That schedule, the first applicable to SNF services, went into effect on October 1, 1979 and is still in effect.

During fiscal year 1978, total expeditures for long term care services under both the Medicare and Medicaid programs was approximately $7.9 billion. Of that total, roughly $356 million or 4.5 percent represented Medicare reimbursement for services in about 3,700 skilled nursing facilities.

The methodology used to derive this proposed schedule of limits differs in several respects from that used in developing the current schedule of limits. These differences result from refinements to the current limits methodology. The proposed schedule is based upon SNF cost data that is more current (by at least 12 months) than the data used to develop the present schedule. The Market Basket Index has also been revised to reflect more recent economic trends in the costs of goods and services used by SNFs, and the Wage Indexes are based upon more current wage data. The inflation factors were developed from the latest available econometric models. The use of the lastest available data results in limits that more accurately reflect economic conditions during the period the limits will cover. More detailed explanations of the refinements to the methodology are discussed below.

Summary of Proposed Changes

The proposed new schedule would provide for:

1. *Separate group limits for labor-related and non-labor components of per diem costs.* In the notice published on August 31, 1979, we established, for each SNF comparison group, a single basic limit set at 115 percent of each group's average costs. Each SNF's individual limit was computed by multiplying a constant portion (62.21 percent) of the group basic limit by the wage index for the SNF's location, and adding the non-wage portion of the group limit to arrive at a wage-adjusted limit.

Under the proposed method, we would obtain actual SNF inpatient general routine per diem service cost data for each SNF and increase those data by the actual and projected increases in the SNF market basket (See item 2 under *Summary of Carry—Over Methodology.*) We would then separate each SNF's per diem cost into labor-related (see item 3 of this section) and non-labor portions, and divide the labor-related portion by the wage index for the SNF's location (see item 2 below). However, the non-labor and labor-related portions of per diem cost would be recombined to arrive at a single basic limit for each comparision group, as was done in deriving the August 31, 1979 schedule. Instead, separate group means would be computed for the labor-related and non-labor components of per diem cost. Each group mean would then be multiplied by 112 percent. For each group, the resulting amounts are shown in Tables IA and IB. We have made this change in our methodology since we believe that facilities will be able to better follows the calculations of the limits.

2. *Adjustment of SNF Cost Data by Wage Index* A technical improvement has been made this year to the method for computing the group average costs used to develop the limits. Before the group average costs were computed, the wage indexes described below were utilized to adjust the labor-related portion of each provider's adjusted routine service cost. This change, new with this schedule, allows us to more accurately account for geographic variations in the labor-related portion on SNF costs prior to determining the limits.

The wage indexes used in this schedule are the same as the indexes used in last year's schedule to adjust the published limits, updated with more current data. They were developed from data supplied by the Bureau of Labor Statistics (BLS). The data used are those for the "hospital group," a standard BLS reporting category. Because hospitals and SNF's generally compete in essentially the same labor market for employees, an index based on geographic variations in hospital wages provides an accurate measure of geographic variations in wages paid by SNFs.

This is also the same index we used for the proposed limits for hospitals which were published in the **Federal Register** on April 1, 1980 (45 FR 21582).

We developed the hospital wage indexes by computing the national Standard Metropolitan Statistical Area

(SMSA) or New England County Metropolitan Area (NECMA) average hospital wage and dividing this average into the average hospital wage for each SMSA (or NECMA). (A list of SMSAs and NECMAs with their component counties is in Appendix II below.) The result is expressed as an index number.

For non-SMSA areas, the indexes were developed by computing the national non-SMSA average hospital wage and dividing this average into the average hospital wage for all non-SMSA counties in a State.

The wage indexes are based on data for the year 1978, which is the latest available data. Data for 1979 will not be available until late in 1980. The indexes are also used to adjust the labor-related component of the published limits to reflect the labor costs in each provider's location. This part of the methodology is basically the same as that used in last year's schedule of limits.

3. *Application of the hospital wage index to employee benefits, health service costs, costs of business services, and other miscellaneous expenses.*

In developing the schedule published on August 31, 1979, we used the wage index discussed above to adjust the wage portion of each SNF's group limit to account for geographic wage variations. The wage portion of the limit was defined as the national average wage component in the SNF Market Basket.

To obtain an SNF's limit, we instructed intermediaries to multiply the wage portion of the application group basic limit (62.21 percent) by the wage index for the SNF's location, and add the non-wage portion of the limit. These calculations were needed to arrive at a wage-adjusted limit for each SNF.

In the proposed schedule, we have provided a higher adjustment that applies to five categories of labor-related costs: wages, employee benefits, health service costs, business service costs, and other miscellaneous costs. The proportion of cost we proposed to adjust by the wage index is now 80.15.

For purposes of the proposed adjustment, employment benefits include such items as FICA tax, health insurance, life insurance, facility contributions to employee retirement funds, and all other compensation that the SNF records in the "employee health and welfare" cost center on its Medicare cost report. (The Medicare Provider Reimbursement Manual (HIM-15), Chapter 4, and the instructions to the HCFA cost reporting forms describe the types of costs that are to be recorded in that cost center.)

Health service costs are a category used by the National Nursing Home Survey conducted in 1977 by the Office of Health Research, Statistics and Technology, National Center for Health Statistics of the Public Health Service. They include the costs of routine services that are purchased under arrangement from outside sources.

Business services costs include costs of banking, contract laundry, telephone, and other services SNFs purchase at retail from outside suppliers.

Other miscellaneous costs include various types of routine operating costs not allocated to any other category of the market basket.

Thus, we propose to apply the wage index to the total portion of cost (80.15 percent) attributable to wages, fringe benefits, health service costs, business service costs, and other miscellaneous expenses, rather than to the wage portion (61.07 percent) only.

We are proposing this change because our analysis of the data we used to develop the limits shows that area variations in routine per diem costs in these additional categories are closely correlated with area variations in prevailing wage levels. We believe that applying the wage index to the other categories of labor-related costs specified above, rather than to wages only, will result in individual limits that are more equitable and more appropriate to each SNF's actual market environment.

4. *Limits set at 112 percent of the average labor-related and average non-labor costs of each comparison group.* The limits established by the notice of August 31, 1979, were set at 115 percent of each comparison group's average adjusted routine service cost. The refinements introduced in that schedule of limits—the exclusion of capital-related costs and the classification system—had reduced the cost variations between providers. As we stated in that notice, we used a percentage of the average, rather than a percentile, as the basis for establishing the limits because of the resultant homogeneity of costs in each of the comparison groups.

We added a margin factor of 15 percent to each group's average cost to accommodate cost variations that occur due to factors not accounted for by our classification system.

Under our proposed limits, we have increased the percentage of the limit subject to adjustment by the wage index, and also have adjusted the costs used in developing the limits to take into account the effect of geographic wage variations on provider costs. We believe these refinements to our methodology for adjusting and deriving the limits significantly improve the precision with which individual SNFs' limits can be determined, and thereby justify use of a margin factor that is smaller than the 15 percent allowance we used in the limits published on August 31, 1979. Despite these refinements, we still believe that a margin concept is appropriate to take account of any remaining variations in costs not recognized under the classification system and limit adjustment methodologies. Therefore, we are proposing that the limits be set at 112 percent of each group's mean cost. We believe that 12 percent allowance above mean costs is a reasonable margin factor in view of the refinements made in the methodology used to establish the limits.

5. *Cost of Living Adjustments—Alaska and Hawaii.* The limits published August 31, 1979, included a provision for adjustments for the States of Alaska and Hawaii, to accommodate the significantly higher costs associated with operating SNFs in these States. Since this situation still exists, we are proposing to continue these adjustments. The factors used in making these adjustments are the most recently determined cost of living differentials developed by the Office of Personnel Management.

However, there is a change in the methodology used in making this adjustment. We have determined that the wage index adjustment accommodates the higher labor-related costs in these States. Therefore, we have amended the methodology to provide for an adjustment only to the non-labor component of each group's limit.

Summary of Carry-Over Methodology

In addition to the proposed changes we have made in the methodology for this schedule of limits, certain aspects of the current schedule remain the same. These include:

1. *Use of Adjusted SNF Inpatient Routine Service Costs.* This proposed schedule would apply to SNF inpatient routine service costs (as defined in 42 CFR 405.452(d)(2)), plus the inpatient routine nursing salary cost differential, adjusted by exclusion of capital-related costs, as is done in the current schedule. Capital-related costs include interest, depreciation, insurance, rent and fixed asset related costs that are normally included in the depreciation accounts for Medicare reimbursement purposes.

A large part of the difference in routine service costs among otherwise similar SNFs is attributable to capital-related costs (which vary, among other reasons, because of the age of the physical plant). With the removal of these costs, a major source of disparity between costs of otherwise similar providers has been eliminated.

The revised cost report HCFA–2552 that will be published shortly will contain additional schedules that will allow a provider to identify and eliminate indirectly allocated capital-related costs.

2. *Use of SNF Market Basket Index.* The final limits of August 31, 1979, utilized a market basket index based on the costs of goods and services used by SNFs. The proposed limits have been developed in similar fashion; that is, they are based on reported costs, adjusted for actual and projected cost increases by applying the SNF market basket index. The values used in deriving the index are contained in Appendix I below.

The market basket is comprised of the most commonly used categories of SNF routine service expenses. The categories we are using are based primarily on those used by the National Center for Health Statistics in its National Nursing Home Surveys.

The categories of expenses are weighted according to the estimated proportion of SNF routine service costs attributable to each category. The weights for all major categories of SNF costs are based on the National Nursing Home Surveys for 1972 and 1976. These are the most current and comprehensive sources of national data on the distribution of costs in SNFs. (The second column of the index table specifies the weights used for each category.)

In developing the market basket index, we obtained historical and projected rates of increase in the resource prices for each category. The market basket index table, in the third and fourth columns, identifies the price variables used and the source of the forecast for calendar years 1980 through 1982.

The market basket index also provides for adjustments to be made in the limits if our forecasts of economic trends prove erroneous. If the actual rate of increase in SNF costs exceeds our estimate by more than three-tenths of one percent (0.3 percent), the limits will be adjusted to reflect the actual rate of the increase.

3. *Use of Separate Limits for Hospital-Based and Free Standing SNFs.* The schedule of limits published August 31, 1979, included separate limits for hospital-based and free-standing SNFs, based upon indications that hospital-based providers incur higher costs due to circumstances beyond their control. In that notice, we indicated that we would conduct a study to examine these higher costs. The two areas we examined were:

(a) The Medicare allocation methodology for overhead costs; and

(b) Variations in intensity of care.

We have been unable, to date, to make a final determination of the extent to which either of these factors contribute to higher costs in the hospital-based SNF. The major problem we have encountered is that the data available to us were gathered for other purposes. As a consequence, we were unable to reach a conclusion on the extent to which the Medicare allocation methodology is a source of the higher costs in the hospital-based SNF. The data available on intensity of care was found to be insufficient in sample size and scope to allow any final conclusions to be reached on the extent to which this variable may be a contributing factor in the higher costs of hospital-based SNFs.

Using this year's SNF cost data, we intend to develop an expanded central data base to study the contribution made by the Medicare cost allocation methodology to the higher cost of hospital-based SNFs. The data base will be expanded by extracting and automating a greater amount of information from cost reports that we currently have available. This effort will have no impact whatsoever on data that a provider has to report.

We have concluded that an analysis of the effect of variations intensity of care on SNF costs will require a separate data collection effort. We are developing the necessary study methodology. Once this is completed, we will collect the necessary data and conduct a proper analysis of this variable. In general, our studies to date appear to support the view that case mix differences do, in fact, exist between hospital-based and freestanding SNFs. Since the considerations which led to the decision to establish separate limits last year remain unchanged, this proposed schedule of limits also contains separate limits for hospital-based and freestanding SNFs. As our studies allow us to quantify the additional costs necessary for the provision of SNF care in a hospital-based setting, the method of setting the SNF limits will be revised. To the extent that the higher costs of a hospital-based SNF are the result of patient needs, they will be recognized. We will also be carefully evaluating our cost allocation methodology to ascertain if changes can be made to assure that only the hospital overhead related to providing SNF care is included in the hospital-based SNF costs.

4. *Exceptions and Exemptions.* The regulations at 42 CFR 405.460 provide that exceptions, exemptions and classification adjustments may be made in the application of the limits if certain required conditions are met. The provisions that pertain to SNFs include:

(a) An exemption from coverage under the limits may be granted to a newly established SNF which has operated as an SNF, under present and previous ownership, for less than 3 full years.

(b) The SNF may qualify for an exception to the specific limit that would otherwise be applicable to it under this schedule, if it can show that:

(1) The actual cost of items or services furnished by a SNF exceeds the applicable limit because such items or services are atypical in nature and scope, compared to the items or services generally furnished by SNFs similarly classified; and

(2) The atypical items or services are furnished because of the special needs of the patients treated and are necessary for efficient delivery of needed health care.

(c) An exception may be granted if the SNF can show that it incurred higher costs due to extraordinary circumstances beyond its contol. These circumstances include, but are not limited to, strikes, fire, earthquake, flood, or similar unusual circumstances with substantial cost effects;

(d) The SNF may qualify for an exception if it is located in an area with fluctuating populations. The exception will be granted if:

(1) The SNF is located in an area (e.g., a resort area) with population that varies significantly during the year;

(2) The appropriate health planning agency has determined that the area does not have a surplus of beds and similar services, and has certified that the beds and services made available by the SNF are necessary; and

(3) The SNF meets occupancy standards established by the Secretary.

(e) The SNF may be granted an exception if it can demonstrate that it incurs increased costs for items or services covered by the limits because of its operation of an approved medical education program, as specified in § 405.421.

(f) An exception to the methodology used in making the wage adjustment to a SNF's limit may be allowed where it can demonstrate that the specified precentage used for this adjustment differs from its actual percentage of these costs by more than 10 percent.

Application of the Limits to State Medicaid Rates

Our regulations at 42 CFR 447.315(c), have been amended (45 FR 11806, 2/22/80) to remove the requirement that Medicaid payments for SNF and ICF

services be subject to the cost limits published under 42 CFR 405.460. Therefore, these proposed limits will not apply to Medicaid reimbursement, except in those two States (Hawaii and Alaska) using the Medicare reimbursement methodology and in those that provide for the application of the cost limits in their approved State plan. At present only a few States incorporate the cost limits in their approved State plans.

Methodology for Determining Per Diem Routine Service Cost Limit; Development of Published Limits

1. *Data.* The proposed limits have been determined by using actual SNF inpatient routine service cost data, less capital-related costs. These data were obtained from the latest Medicare cost reports available as of January 7, 1980. The data were adjusted, by means of the market basket index discussed above, to project reported costs from the midpoint of the cost report period used in the data collection to the midpoint of the first cost reporting period to which the limits will apply. The percentage increases in the market basket over the previous year used for this projection are:

1977	7.1
1978	9.0
1979	9.8
1980	10.4
1981	10.5
1982	10.0

For future periods, the projected rate of increase in the market basket index will be adjusted to the actual rate of increase if the actual rate is more than three-tenths of 1 percentage point (0.3%) above the estimated rate. The actual rate of increase will be published in the **Federal Register** and will be used to adjust a SNF's cost limit at the time of final settlement.

2. *Use of Wage Index to Adjust Cost Data.* After adjustment by the market basket index, each SNF's adjusted per diem routine service costs were then divided into labor-related and non-labor portions. The labor-related portion of the costs was determined by using the 80.15 percent factor from the market basket. This portion of per diem costs was divided by the wage index applicable to the SNF's location to arrive at an adjusted labor-related portion of routine cost.

3. *Group Means.* Separate means of adjusted routine service labor-related and non-labor costs were calculated for each SNF group established in accordance with the SNF's location and type (hospital-based/freestanding).

4. *Components of Limit.* For each group the mean labor-related and mean non-labor costs were multiplied by 112 percent (see Tables IA and IB).

Adjustment of Published Limits

1. *Adjustment of Labor-Related Component by Wage Index.* To arrive at a labor-adjusted limit for each SNF, the labor-related component for the SNF's group is multiplied by the wage index developed from the wage levels for hospital workers in the area in which the SNF is located. (See Tables II and III). The adjusted limit that would apply to an SNF will be the sum of the non-labor component, plus the adjusted labor-related component, unless the SNF qualifies for the cost reporting year adjustment in step 2 below.

Example—Calculation of Adjusted Limit for a Freestanding SNF Located in Miami, Florida.

Non-Labor Component—$10.91 (published in Table IB).

Labor-Related Component—$40.08 (published in Table IB).

SMSA Wage Index—1.1277 (published in Table II).

Computation of Adjusted Limit

Labor-related component	$40.08
Wage index	×1.1277
Adjusted labor component	$45.20
Non-labor component	+10.91
Adjusted limit	$56.11

The wage indices for each SMSA/NECMA and for the non-SMSA areas of each State are published in Tables II and III.

2. *Adjustment for Cost Reporting Year.* If an SNF has a cost reporting period beginning on or after November 1, 1980, the adjusted limit will be revised upward by the factor from Table IV that corresponds to the month and year in which the cost reporting period begins. These factors are derived by allowing an additional one twelfth (1/12) of the appropriate projected rate of annual increase in costs of the goods and services in the market basket for each month between October, 1980 and the month and year in which the SNF's cost reporting year starts.

Example—SNF A's cost reporting period begins January 1, 1980.

The otherwise applicable limit for the SNF is $56.11.

Computation of Revised SNF Limit

Individual SNF adjusted limit	$56.11
Adjustment factor from table IV	×1.02625
Revised limit	$57.58

If an SNF uses a cost reporting period that is not 12 months in duration, a special calculation of the adjustment factor must be made. This is because the adjustment factors in Table IV are based on an assumed 12-month reporting period. For cost reporting periods other than 12 months, the calculation must be done specifically for the midpoint of the cost reporting period. The SNF's intermediary will obtain this adjustment factor from HCFA.

Schedule of Limits

Under the authority of section 1861(v) of the Social Security Act, the following proposed group per diem limits would apply to the adjusted SNF inpatient routine service cost (including the inpatient routine nursing salary differential) for cost reporting periods beginning on or after October 1, 1980. Fiscal intermediaries would compute the adjusted limits (using the wage indexes published in Tables II and III), and notify each SNF of its applicable limit.

Table 1A.—*Group Limits for Hospital-Based SNFs*

Location	Labor related component	[1]Nonlabor component
SMSA	$71.33	$19.49
Non-SMSA	$58.71	$14.45

Table 1B.—*Group Limits for Freestanding SNFs*

Location	Labor related component	[1]Nonlabor component
SMSA	$40.08	$10.91
Non-SMSA	$38.09	$9.20

[1] The non-labor portion of the limits for SNFs located in States of Alaska and Hawaii will be increased by the following cost-of-living adjustments:

	Factor
Alaska	1.25
Hawaii (Island)	
Oahu	1.125
Kauai	1.15
Molokai	1.15
Maui and Lanai	1.10
Hawaii	1.10

Table 11.—*Wage Index for Urban Areas*

SMSA Areas	Wage Index
Abilene, TX	.8471
Akron, Oh	1.0308
Albany, GA	.7833
Albany-Schenectady-Troy, NY	1.0322
Albuquerque, NM	1.1007
Alexandria, LA	1.0357
Allentown-Bethlehem-Easton, PA-NJ	1.0490
Altoona, PA	1.0878
Amarillo, TX	.9891
Anaheim-Santa Ana-Garden Grove, CA	1.1626
Anchorage, AK	1.5136
Anderson, IN	.9269
Ann Arbor, MI	1.2489
Anniston, AL	.7986
Appleton-Oshkosh, WI	.9052
Asheville, NC	1.1118
Atlanta, GA	.9272
Atlantic City, NJ	1.0018
Augusta, GA-SC	1.0750
Austin, TX	.9079
Bakersfield, CA	1.0743
Baltimore, MD	1.1333
Baton Rouge, LA	.9242
Battle Creek, MI	1.2267
Bay City, MI	1.04338
Beaumont-Port Arthur-Orange, TX	.8613
Billings, MT	.8945
Biloxi-Gulfport, MS	1.0576
Binghamton, NY-PA	.9246
Birmingham, AL	.9969
Bismarck, ND	.9134

Table 11.—*Wage Index for Urban Areas*—Continued

SMSA Areas	Wage Index
Bloomington, IN	.9585
Bloomington-Normal, IL	.8289
Boise City, ID	1.0836
Boston-Lowell-Brockton-Lawrence-Haverhill, MA–NH	1.1337
Bradenton, FL	.8438
Bridgeport-Stamford-Norwalk-Danbury, CT	1.1186
Brownsville-Harlingen-San Benito, TX	.9056
Bryan-College Station, TX	.7822
Buffalo, NY	.9060
Burlington, MC	.6610
Canton, OH	.9141
Cedar Rapids, IA	.8929
Champaign-Urbana-Rantoul, IL	1.0856
Charleston-North Charleston, SC	1.0173
Charleston, WV	1.0328
Charlotte-Gastonia, NC	.9259
Chattanooga, IN–GA	.9687
Chicago, IL	1.2146
Cincinnati, OH–KY–IN	1.0896
Clarksville-Hopkinsville, TN–KY	.8262
Cleveland, OH	1.1701
Colorado Springs, CO	.9149
Columbia, MO	1.2097
Columbia, SC	.9927
Columbus, GA–AL	.8531
Columbus, OH	1.0253
Corpus Christi, TX	.9106
Dallas-Fort Worth, TX	.9434
Davenport-Rock Island-Moline, IA–IL	.9172
Dayton, OH	1.1514
Daytona Beach, FL	.9461
Decatur, IL	.9357
Denver-Boulder, CO	1.1140
Des Moines, IA	1.0621
Detroit, MI	1.1769
Dubuque, IA	.9002
Duluth-Superior, MN–WI	.8073
Eau Claire, WI	.8419
El Paso, TX	.9345
Elkhart, IN	.7965
Elmira, NY	.8010
Enid, OK	.8312
Erie, PA	.9700
Eugene-Springfield, OR	.9591
Evansville, IN–MN	1.0204
Fargo-Moorhead, MD–MN	1.0048
Fayetteville, NC	1.1267
Fayetteville-Springdale, AR	8734
Flint, MI	1.1314
Florence, AL	.7955
Fort Collins, CO	.8229
Fort Lauderdale-Hollywood, FL	1.1327
Fort Myers, FL	.9611
Fort Smith, AR–OK	.8401
Fort Wayne, IN	.9028
Fresno, CA	1.1454
Gadsden, AL	.8987
Gainesville, FL	1.1171
Galveston-Texas City, TX	.9935
Gary-Hammond-East Chicago, IN	1.1579
Grand Forks, ND–MN	.8739
Grand Rapids, MI	.9088
Great Falls, MT	.8888
Greeley, CO	.8215
Green Bay, WI	.9398
Greensboro-Winston-Salem-High Point, NC	.9874
Greenville-Spartanburg, SC	.8864
Hamilton-Middleton, OH	1.0650
Harrisburg, PA	1.0520
Hartford-New Britain-Bristol, CT	1.0720
Honolula, HI	1.1668
Houston, TX	1.0308
Huntington-Ashland, WV–KY–OH	.9505
Huntsville, AL	.8280
Indianapolis, IN	1.0486
Iowa City, IA	1.3012
Jackson, MI	.9826
Jackson, MS	.8981
Jacksonville, FL	.9324
Janesville-Beloit, WI	.8371
Jersey City, NJ	1.0712
Johnson City-Kingsport-Bristol, TN–VA	.8512
Johnstown, PA	.9977
Kalamazoo-Portage, MI	1.1351
Kankakee, IL	.9591
Kansas City, MO–KS	.9882
Kenosha, WI	1.0441
Killeen-Temple, TX	1.0588
Knoxville, TN	.8505
Kokomo, IN	.9330
La Crosse, WI	.8532

Table 11.—*Wage Index for Urban Areas*—Continued

SMSA Areas	Wage Index
Lafayette, LA	.8521
Lafayette-West Lafayette, IN	.8907
Lake Charles, LA	.8526
Lakeland-Winter Haven, FL	.8476
Lancaster, PA	1.0410
Lansing-East Lansing, MI	1.0488
Laredo, TX	.8372
Las Cruces, NM	.7806
Las Vegas, NV	1.1837
Lawrence, KS	.8378
Lawton, OK	.8740
Lewiston,-Auburn, ME	.8724
Lexington-Fayette, KY	1.0316
Lima, OH	.9421
Lincoln, NE	1.0107
Little Rock-North Little Rock, AR	1.1015
Long Branch-Asbury Park, NJ	1.0585
Longview, TX	.7922
Lorain-Elyria, OH	.9870
Los Angeles-Long Beach, CA	1.2905
Louisville, KY–IN	1.0112
Lubbock, TX	.8434
Lynchburg, VA	.8611
Macon, GA	.9170
Madison, WI	1.0238
Manchester-Nashua, NH	.8699
Mansfield, OH	.8706
McAllen-Pharr-Edinburg, TX	.7825
Melbourne-Titusville-Cocoa, FL	.9051
Memphis, TN–AR–MS	1.0612
Miami, FL	1.1264
Midland, TX	.8816
Milwaukee, WI	1.0154
Minneapolis-St. Paul, MN–WI	.9923
Mobile, AL	.8911
Modesto, CA	.9527
Monroe, LA	9022
Montgomery, AL	9923
Muncie, IN	.9149
Muskegon-Norton Shores-Muskegon Heights, MI	.9837
Nashville-Davidson, TN	1.0555
Nassau-Suffolk, NY	1.3079
New Redford-Fall River, MA	.9665
New Brunswick-Perth Amboy-Seyreville, NJ	1.0678
New Haven-Waterbury-Meriden, CT	1.1519
New London-Norwich, CT	1.0957
New Orleans, LA	.9929
New York, NY–NJ	1.4451
Newark, NJ	1.2785
Newport News-Hampton, VA	1.0425
Norfolk-Virginia Beach -Portsmouth, VA–NC	.9660
Northeast Pennsylvania	1.1027
Odessa, TX	.8788
Oklahoma City, OK	.9306
Omaha, NE–IA	.9549
Orlando, FL	.9108
Owensboro, KY	.7235
Oxnard-Simi Valley-Ventura, CA	1.4074
Panama City, FL	.8592
Parkersburg-Marietta, WV–OH	.9577
Pascagoula-Moss Point, MS	1.1379
Paterson-Clifton-Passaic, NJ	1.0851
Pensacola, FL	.9132
Peoria, IL	1.0520
Petersburg-Colonial Heights-Hopewell, VA	.8909
Philadelphia, PA–NJ	1.1616
Phoenix, AZ	1.0806
Pine Bluff, AR	.7245
Pittsburgh, PA	1.1255
Pittsfield, MA	1.0213
Portland, ME	.9540
Portland, OR–WA	1.1194
Poughkeepsie, NY	1.2004
Providence-Warwick-Pawtucket, RI	1.0334
Provo-Orem, UT	.8969
Pueblo, CO	.8612
Racine, WI	.8246
Raleigh-Durham, NC	1.0578
Rapid City, SD	1.1297
Reading, PA	.9918
Reno, NV	1.2465
Richland-Kennewick, WA	.9853
Richmond, VA	.9838
Riverside-San Bernadino-Ontario, CA	1.1690
Roanoke, VA	1.1003
Rochester, MN	.9782
Rochester, NY	1.0818
Rockford, IL	1.0742
Sacramento, CA	1.2012
Saginaw, MI	1.1456
St. Cloud, MN	1.1067
St. Joseph, MO	.9095

Table 11.—*Wage Index for Urban Areas*—Continued

SMSA Areas	Wage Index
St. Louis, MO–IL	.9764
Salem, OR	1.0709
Salinas-Seaside-Monterey, CA	1.2103
Salt Lake City-Ogden, UT	.8515
San Angeló, TX	.8074
San Antonio, TX	1.0283
San Diego, CA	1.1255
San Francisco-Oakland, CA	1.3805
San Jose, CA	1.3758
Santa Barbara-Santa Maria-Lompoc, CA	1.0276
Santa Cruz, CA	1.0595
Santa Rosa, CA	1.3212
Sarasota, FL	.8909
Savannah, GA	.9041
Seattle-Everett, WA	1.0056
Sherman-Denison, TX	.7773
Shreveport, LA	1.0296
Sioux City, IA–NE	.9221
Sioux Falls, SD	.8497
South Bend, IN	.8811
Spokane, WA	1.0577
Springfield, IL	1.0559
Springfield, MO	.9462
Springfield, OH	.9646
Springfield-Chicopee-Holyoke, MA	1.0342
Steubenville-Weirton, OH–WV	.9822
Stockton, CA	1.2994
Syracuse, NY	1.2807
Tacoma, WA	1.0397
Tallahassee, FL	.8494
Tampa-St. Petersburg, FL	1.0374
Terre Haute, IN	.8609
Texarkana-TX–Texarkana, AR	1.0364
Toledo, OH–MI	1.0955
Topeka, KS	1.1339
Trenton, NJ	1.1293
Tucson, AZ	1.0725
Tulsa, OK	.9224
Tuscaloosa, AL	1.0304
Tyler, TX	.9142
Utica-Rome, NY	.8669
Vallejo-Fairfield-Napa, CA	1.5362
Vineland-Millville-Bridgeton, NJ	9,370
Waco, TX	1.1763
Washington, DC–MD–VA	1.2749
Waterloo-Cedar Falls, IA	.8478
West Palm Beach-Boca Raton, FL	.9374
Wheeling, WV–OH	.9001
Wichita, KS	1.0373
Wichita Falls, TX	.8064
Williamsport, PA	.9170
Wilmington, DE–NJ–MD	1.1964
Wilmington, NC	.8770
Worcester-Fitchburg-Leominster, MA	.9514
Yakima, WA	.8946
York, PA	.9573
Youngstown-Warren, OH	1.0881

Table III—*Wage Index for Rural Areas*

Non-SMSA area	Wage index
Alabama	.9246
Alaska	1.5107
Arizona	1.0963
Arkansas	.8294
California	1.2158
Colorado	1.0599
Connecticut	1.1225
Delaware	1.0306
Florida	.9907
Georgia	.9382
Hawaii	1.3946
Idaho	.9142
Illinois	.8852
Indiana	1.0121
Iowa	.9095
Kansas	.9044
Kentucky	.8944
Louisiana	.8883
Maine	1.0354
Maryland	1.0525
Massachusetts	1.1692
Michigan	1.0998
Minnesota	.8895
Mississippi	.8386
Missouri	.9685
Montana	.9994
Nebraska	.8075
Nevada	1.0487
New Hampshire	1.0673

Table III—*Wage Index for Rural Areas*—Continued

Non-SMSA area	Wage index
New Jersey	1.0695
New Mexico	1.0288
New York	.9986
North Carolina	.9805
North Dakota	.8921
Ohio	1.0218
Oklahoma	.9264
Oregon	1.0769
Pennsylvania	1.1394
South Carolina	.8946
South Dakota	.7753
Tennessee	.8387
Texas	.9065
Utah	.8058
Vermont	1.0319
Virginia	.9318
Washington	1.0242
West Virginia	1.1401
Wisconsin	.9048
Wyoming	1.0947

Table IV.—*Cost Reporting Year Adjustment Factors*

If the SNF cost report period begins	Adjustment factor
November 1980	1.00875
December 1980	1.01750
January 1981	1.02625
February 1981	1.03458
March 1981	1.04291
April 1981	1.05124
May 1981	1.05957
June 1981	1.06790
July 1981	1.07623
August 1981	1.08456
September 1981	1.09289

Appendix II.—*SMSA Constituent Counties*

City	State	County
Abilene	Tx	Callahan Jones Taylor
Akron	Oh	Portage Summit
Albany	Ga	Dougherty Lee
Albany—Schenectady—Troy.	NY	Albany Montgomery Rensselaer Saratoga Schenectady
Albuquerque	NM	Bernalillo Sandoval
Alexandria	La	Grant Rapides
Allentown—Bethlehem—Easton.	Pa-NJ	Warren, NJ Carbon Lehigh Northampton
Altoona	Pa	Blair
Amarillo	Tx	Potter Randall
Anaheim—Santa Ana—Garden Grove.	Ca	Orange
Anchorage	Ak	Anchorage

Appendix I.—*Derivation of "Market Basket" Index for SNF Routine Service Costs*

Cost category	Routine [1] weight 1979	Forecaster, 1980–1981	"Price" variable used
Payroll expenses (wages and salaries).	61.84	DRI–CFS [2]	Percentage changes in average hourly earnings of employees in nursing and personal care facilities. (SIC 805.) Source: U.S. Department of Labor, Bureau of Labor Statistics, "Employment and Earnings," (monthly) Table C–2.
Employee benefits	7.78	DRI–MM [3]	A. *Historical*—For the period through CY 1979: Employee benefits per fulltime equivalent worker employed by community hospitals. Source: 1976–1979, American Hospital Association, National Hospital Panel Survey, see mid-month issues of *Hospitals*. B. *Forecasted*—For the period CY 1980 and thereafter: Supplements to wages and salaries per worker in nonagricultural establishments. Sources: For supplements to wages and salaries—U.S. Department of Commerce, Bureau of Economic Analysis, *Survey of Current Business*. For total employment—U.S. Department of Labor, Bureau of Labor Statistics, Employment and Earnings, (monthly) table B–4.
Food:			
(1) Consumer Price Index	4.85	DRI–MM	Food and beverages component of consumer price index, all urban. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, Table 22.
(2) Wholesale Price Index	4.89	DRI–MM	Processed foods and feeds component of producer price index. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, Table 26.
Drugs	1.40	DRI–CFS [2]	Pharmaceutical preparations, ethical component of producer price index. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Producer Prices and Price Indexes* (monthly), Table 6.
Supplies	3.26	DRI–MM	All Item Consumer Price Index, all urban. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, Table 22.
Health services	1.19	DRI–CFS	Physician services component of consumer price index for all urban consumers. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, Table 23.
Other business services	4.58	DRI–MM	Services component of consumer prices index, all urban. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, Table 23.
Fuel oil and coal	2.04	DRI–MM	Implicit price deflator—comsumption of fuel oil and coal (derived from fuel oil component of Consumer Price Index). Source: U.S. Department of Commerce, Bureau of Economic Analysis, *Survey of Current Business* (monthly), Table 26 (7.111)
Electricity	1.16	DRI–MM	Implicit price deflator—consumer of electricity (derived from electricity component of Consumer Price Index). Source: U.S. Dept. of Commerce, Bureau of Economic Analysis.
Natural gas	.96	DRI–MM	Implicit price deflator for natural gas (derived from utility (piped) gas component of Consumer Price Index.) Source: Same as electricity, above.
Water and sanitary services	.48	DRI–CFS	Water and sewerage maintenance component of consumer Price Index. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, Table 23.
Liability insurance premiums	.81	HEW, health care financing administration.	Hospital malpractice insurance premium data obtained from the American Hospital Association for the period 1967–1979.
Miscellaneous	4.76	DRI–MM	All Item Consumer Price Index, All Urban. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, Table 23.

[1] The basic weights for all major categories of skilled nursing home costs were obtained from the DHEW-National Center for Health Statistics (NCHS) National Nursing Home Surveys (NNHS) for 1972 and 1976 for homes certified for participation in the Medicare program. See *Nursing Home Costs 1972, United States: National Nursing Home Survey, August 1973–April 1974, DHEW, NCHA; National Nursing Home Survey: 1977 Summary for the United States, Vital and Health Statistics, Series 13, Number 43.* A laspevres price index was constructed using 1977 weights and "price" variables indicated in this table. In calendar year 1977 each "price" variable has an index value of 100.0. The relative routine service cost weights change each period in accordance with "price" changes for each " price" variable. Cost categories with relatively higher "price" increases get relatively higher cost weights and vice versa.

[2] DRI–CFS refers to Data Resources, Inc., Cost Forecasting Service (CFS 801), 1750 K Street, N.W., Washington, D.C. 20006.

[3] DRI–MM refers to Data Resources, Inc., Macro Model (Control 022280), 29 Hartwell Avenue, Lexington, Massachusetts 02173.

Appendix II.—*SMSA Constituent Counties*—Continued

City	State	County
Anderson	In	Madison
Ann Arbor	Mi	Washtenaw
Anniston	Al	Calhoun
Appleton—Oshkosh	Wi	Calumet
		Outagamie
		Winnebago
Asheville	NC	Buncombe
		Madison
Atlanta	Ga	Butts
		Clayton
		Cherokee
		Douglas
		Cobb
		Fayette
		Forsyth
		DeKalb
		Henry
		Newton
		Fulton
		Paulding
		Gwinnett
		Rockdale
		Walton
Atlantic City	NJ	Atlantic
Augusta	Ga–SC	Columbia, Ga.
		Richmond, Ga.
		Aiken, SC
Austin	Tx	Hays
		Travis
		Williamson
Bakersfield	Ca	Kern
Baltimore	Md	Anne Arundel
		Baltimore
		Baltimore City
		Carroll
		Harford
		Howard
Baton Rouge	La	Ascension
		East Baton Rouge
		Livingston
		West Baton Rouge
Battle Creek	Mi	Barry
		Calhoun
Bay City	Mi	Bay
Beaumont—Port Arthur–Orange	Tx	Hardin
		Jefferson
		Orange
Billings	Mt	Yellowstone
Biloxi—Gulfport	Ms	Hancock
		Harrison
		Stone
Binghamton	NY–Pa	Broome
		Tioga
		Susquehanna
Birmingham	Al	Jefferson
		St. Clair
		Shelby
		Walker
Bismarck	ND	Burleigh
		Morton
Bloomington	In	Monroe
Bloomington—Normal	Il	McLeah
Boise City	Id	Ada
Boston—Lowell—Brockton—Lawrence—Haverhill	Ma	Essex
		Middlesex
		Norfolk
		Suffolk
		Plymouth
		Rickingham, NH
Bradenton	Fl	Manatee
Bridgeport—Stamford—Norwalk—Danbury	Ct	Fairfield
Brownsville—Harlingen—San Benito	Tx	Cameron
Bryan—College Station	Tx	Brazos
Buffalo	NY	Erie
		Niagara
Burlington	NC	Alamance
Caguas	PR	Caguas
		Gurabo
		San Lorenzo
Canton	Oh	Carroll
		Stark
Cedar Rapids	Ia	Linn
Champaign—Urbana—Rantoul	Il	Champaign
Charleston—North Charleston	SC	Berkeley
		Charleston
		Dorchester
Charleston	WV	Kanwaha
		Putnam
Charlotte—Gastonia	NC	Gaston
		Mecklenburg
		Union
Chattanooga	Tn	Catoosa
	Ga	Dade
		Walker
		Hamilton
		Marion
		Sequatchie
Chicago	Il	Cook
		DuPage
		Kane
		Lake
		McHenry
		Will
Cincinnati	Oh–Ky–In	Dearborn
		Boone
		Campbell
		Kenton
		Clermont
		Hamilton
		Warren
Clarksville	Tn	Montgomery
Hopkinsville	Ky	Christian
Cleveland	Oh	Cuyahgoa
		Geauga
		Lake
		Medina
Colorado Springs	Co	El Paso
		Teller
Columbia	Mo	Boone
Columbia	SC	Lexington
		Richland
Columbus	Ga–Al	Russell
		Chattahoochee
		Columbus City
Columbus	Oh	Delaware
		Fairfield
		Franklin
		Madison
		Pickaway
Corpus Christi	Tx	Nueces
		San Patricio
Dallas—Fort Worth	Tx	Collin
		Dallas
		Denton
		Ellis
		Hood
		Johnson
		Kaufman
		Parker
		Rockwell
		Tarrant
		Wise
Davenport—Rock Island—Moline	Ia	Henry
	Il	Rock Island
		Scott
Dayton	Oh	Greene
		Miami
		Montgomery
		Preble
Daytona Beach	Fl	Volusia
Decatur	Il	Macon
Denver—Boulder	Co	Adams
		Arapahoe
		Boulder
		Denver
		Douglas
		Gilpin
		Jefferson
Des Moines	Ia	Polk
		Warren
Detroit	Mi	Lapeer
		Livingston
		Macomb
		Oakland
		St. Clair
		Wayne
Dubuque	Ia	Dubuque
Duluth—Superior	Mn	St. Louis
	Wi	Douglas
Eau Claire	Wi	Chippewa
		Eau Claire
Elkhart	In	Elkhart
Elmira	NY	Chemung
El Paso	Tx	El Paso
Enid	Ok	Garfield
Erie	Pa	Erie
Eugene—Springfield	Or	Lane
Evansville	In–Ky	Gibson
		Posey
		Vandehburgh
		Warrick
		Henderson
Fargo—Moorhead	ND	Clay
	Mn	Cass
Fayetteville	NC	Cumberland
Fayetteville—Springdale	Ar	Benton
		Washington
Flint	Mi	Genesee
		Shiawassee
Florence	Al	Colbert
		Lauderale
Fort Collins	Co	Larimer
Fort Lauderdale—Hollywood	Fl	Broward
Fort Myers	Fl	Lee
Fort Smith	Ar–Ok	Crawford
		Sebastian
		Le Flore
		Sequoyah
Fort Wayne	In	Adams
		Allen
		Dekalb
		Wells
Fresno	Ca	Fresno
Gadsden	Al	Etowah
Gainesville	Fl	Alachua
Galveston—Texas City	Tx	Galveston
Gary—Hammond—East Chicago	In	Lake
		Porter
Grand Forks	ND–Mn	Grand Forks
		Polk
Grand Rapids	Mi	Kent
		Ottawa
Great Falls	Mt	Cascade
Greeley	Co	Weld
Green Bay	Wi	Brown
Greensboro—Winston—Salem—High Point	NC	Davidson
		Forsyth
		Guilford
		Randolph
		Stockes
		Yadkin
Greenville—Spartanburg	SC	Greenville
		Pickens
		Spartanburg
Hamilton—Middletown	Oh	Butler

Appendix II.—*SMSA Constituent Counties*—Continued

City	State	County
Harrisburg	Pa	Cumberland Dauphin Perry
Hartford—New Britian—Bristol.	Ct	Harford Middlesex Tolland Litchfield
Honolulu	Hi	Honolulu
Houston	Tx	Brazoria Fort Bend Harris Liberty Montgomery Waller
Huntington—Ashland	WV-Ky-Oh	Boyd Greenup Lawrence Cabell Wayne
Huntsville	Al	Limestone Madison Marshall
Indianapolis	In	Boone Hamilton Hancock Hendricks Johnson Marion Morgan Shelby
Iowa City	Ia	Johnson
Jackson	Mi	Jackson
Jackson	Ms	Hinds Rankin
Jacksonville	Fl	Baker Clay Duval Nassau St. James
Janesville—Beloit	Wi	Rock
Jersey City	NJ	Hudson
Johnson City—Kingsport—Bristol.	Tn-Va	Carter Hawkins Sullivan Unicoi Washington Bristol City Scott Washington
Johnstown	Pa	Cambria Somerset
Kalamazoo	Mi	Kalamazoo VanBuren
Kankakee	Il	Kankakee
Kansas City	Mo-Ks	Johnson Wyandotte Cass Clay Jackson Platte Ray
Kenosha	Wi	Kenosha
Killeen—Temple	Tx	Bell Coryell
Knoxville	Tn	Anderson Blount Knox Union
Kokomo	In	Howard Tipton
La Crosse	Wi	La Crosse
Lafayette	La	Lafayette
Lafayette—West Lafayette.	In	Tippecanoe
Lake Charles	La	Calasieu
Lakeland—Winter Haven.	Fl	Polk
Lancaster	Pa	Lancaster
Lansing—East Lansing	Mi	Clinton Eaton Ingham Ionia
Laredo	Tx	Webb
Las Cruces	NM	Dona Ana
Las Vegas	Nv	Clark
Lawrence	Ks	Douglas
Lawton	Ok	Comanche
Lewiston—Auburn	Me	Androscoggin
Lexington—Fayette	Ky	Bourbon Clark Fayette Jessamine Scott Woodford
Lima	Oh	Allen Auglaize Putnam Van Wert
Lincoln	Ne	Lancaster
Little Rock—North Little Rock.	Ar	Pulaski Saline
Long Branch—Asbury Park.	NJ	Monmouth
Longview	Tx	Gregg Harrison
Lorain—Elyria	Oh	Lorain
Los Angeles—Long Beach.	Ca	Los Angeles
Louisville	Ky-In	Clark Floyd Bullitt Jefferson Oldham
Lubbock	Tx	Lubbock
Lynchburg	Va	Amherst Appomattox Campbell Lynchburg City
Macon	Ga	Bibb Houston Jones Twiggs
Madison	Wi	Dane
Manchester—Nashua	NH	Hillsboro Merrimack
Mansfield	Oh	Richland
Mayaguez	PR	Anasco Hormigueros Mayaguez
McAllen—Pharr—Edinburg.	Tx	Hidalgo
Melbourne—Titusville—Cocoa	Fl	Brevard
Memphis	Tn-Ar-Ms	Crittenden DeSoto Shelby Tipton
Miami	Fl	Dade
Midland	Tx	Midland
Milwaukee	Wi	Milwaukee Ozaukee Washington Waukesha
Minneapolis—St. Paul	Mn-Wi	Anoka Carver Dakota Chisago Hennepin Ramsey Scott Washington Wright St. Croix
Mobile	Al	Baldwin Mobile
Modesto	Ca	Stanislaus
Monroe	La	Ouachita
Montgomery	Al	Autauga Elmore Montgomery
Muncie	In	Delaware
Muskegon—Norton Shores—Muskegon Heights.	Mi	Muskegon Oceana
Nashville—Davidson	Tn	Cheatham Davidson Dickson Sumner Robertson Rutherford Wilson Williamson
Nassau—Suffolk	NY	Nassau Suffolk
New Bedford—Fall River.	Ma	Bristol
New Brunswick—Perth Amboy—Sayreville.	NJ	Middlesex
New Haven—West Haven—Waterbury—Meriden.	Ct	New Haven
New London—Norwich.		New London
New Orleans	La	Jefferson Orleans St. Bernard St. Tammany
New York	NY-NJ	Bronx Kings New York Putnam Queens Richmond Rockland Westchester Bergen
Newark	NJ	Essex Morris Somerset Union
Newport News—Hampton.	Va	Hampton City Williamsburg City Newport News City Glouster York James City Poquoson
Norfolk—Virginia Beach—Portsmouth.	Va-NC	Chesapeake City
Portsmouth		Norfolk City Portsmouth City Suffolk City Virginia Beach City Currituck
Northeast Pennsylvania	Pa	Lackawanna Luzerne Monroe
Odessa	Tx	Ector
Oklahoma City	Ok	Canadian Cleveland McClain Oklahoma Pottowatomie
Omaha	Ne-Ia	Pottawattamie Douglas Sarpy
Orlando	Fl	Orange Osceola Seminole
Owensboro	Ky	Daviess
Oxnard—Simi Valley—Ventura.	Ca	Ventura
Panama City	Fl	Bay
Parkersburg—Marietta	WV-Oh	Washington Wirt Wood
Pascagoula—Moss Point.	Ms	Jackson
Paterson—Clifton—Passaic.	NJ	Passaic
Pensacola	Fl	Escambia Santa Rosa
Peoria	Il	Peoria Tazewell Woodford

Appendix II.—*SMSA Constituent Counties*—Continued

City	State	County
Petersburg—Colonial Heights—Hopewell.	Va	Colonial Heights City Dinwiddie Hopewell City Petersburg City Prince George
Philadelphia	Pa-NJ	Burlington Camden Gloucester Bucks Chester Delaware Montgomery Philadelphia
Phoenix	Az	Maricopa
Pine Bluff	Ar	Jefferso
Pittsburgh	Pa	Allegheny Beaver Washington Westmoreland
Pittsfield	Ma	Berkshire
Ponce	PR	Juana Diaz Ponce Villalba
Portland	Me	Cumberland Sagadahoc York
Portland	Or-Wa	Clackamas Multnomah Washington Clark
Poughkeepsie	NY	Dutchess
Providence—Warwick—Pawtucket.	RI	Bristol Kent Providence Washington Newport
Provo—Orem	Ut	Utah
Pueblo	Co	Pueblo
Racine	Wi	Racine
Raleigh—Durham	NC	Durham Orange Wake
Rapid City	SD	Pennington Meade
Reading	Pa	Berks
Reno	Nv	Washoe
Richland—Kennewick	Wa	Benton Franklin
Richmond	Va	Charles City Chesterfield Coochlarid Hanover Henrico New Kent Co Powhatan Richmond City
Riverside—San Bernadino—Ontario.	Ca	Riverside San Bernardino
Roanoke	Va	Botetourt Roanoke Craig Roanoke City Salem City
Rochester	Mn	Olmstead
Rochester	NY	Livingston Monroe Ontario Orleans Wayne
Rockford	Il	Boone Winnebago
Sacramento	Ca	Placer Sacramento Yolo
Saginaw	Mi	Saginaw
St. Cloud	Mn	Benton Sherburne Stearns
St. Joseph	Mo	Andrew Buchanan
St. Louis	Mo-Il	Clinton Madison Monroe St. Clair Franklin Jefferson St. Charles St. Louis St. Louis City
Salem	Or	Marion Polk
Salinas—Seaside—Monterey.	Ca	Monterey
Salt Lake City—Ogden.	Ut	Davis Salt Lake Tooele Weber
San Angelo	Tx	Tom Green
San Antonio	Tx	Bexar Comal Guadalupe
San Diego	Ca	San Diego
San Francisco—Oakland.	Ca	Alameda Contra Costa Marin San Francisco San Mateo
San Jose	Ca	Santa Clara
San Juan	PR	Bayamon Carolina Canovanas Catano Guaynabo Loiza San Juan Toa Baja Trujillo Alto
Santa Barbara—Santa Maria—Lompoc.	Ca	Santa Barbara
Santa Cruz	Ca	Santa Cruz
Santa Rosa	Ca	Sonoma
Sarasota	Fl	Sarasota
Savannah	Ga	Bryan Chatham Effingham
Seattle—Everett	Wa	King Snohomish
Sherman—Denison	Tx	Grayson
Shreveport	La	Bossier Caddo Webster
Sioux City	Ia-Ne	Woodbury Dakota
Sioux Falls	SD	Minnehaha
South Bend	In	Marshall St. Joseph
Spokane	Wa	Spokane
Springfield	Il	Menard Sangamon
Springfield	Mo	Christian Greene
Springfield	Oh	Champaign Clark
Springfield—Chicopee—Holyoke.	Ma	Hampden Hampshire
Steubenville—Weirton	Oh-WV	Jefferson Brooke Hancock
Stockton	Ca	San Joaquin
Syracuse	NY	Madison Onondaga Oswego
Tacoma	Wa	Pierce
Tallahassee	Fl	Leon Wakulla
Tampa—St. Petersburg	Fl	Hillsborough Pasco Pinellas
Terre Haute	In	Clay Sullivan Vermillion Vigo
Texarkana	Tx-Ar	Little River Miller Bowie
Toledo	Oh-Mi	Monroe Fulton Lucas Ottawa Wood
Topeka	Ks	Jefferson Osage Shawnee
Trenton	NJ	Mercer
Tuscon	Az	Pima
Tulsa	Ok	Creek Mayes Osage Rogers Tulsa Wagoner
Tuscaloosa	Al	Tuscaloosa
Tyler	Tx	Smith
Utica—Rome	NY	Herkimer Oneida
Vallejo—Fairfield—Napa.	Ca	Napa Solano
Vineland—Millville—Bridgeton.	NJ	Cumberland
Waco	Tx	McLennan
Washington	DC-Md-Va	DC Charles Montgomery Prince Georges Alexandria City Arlington Fairfax City Fairfax Falls Church City Loudoun Prince William Manassas Manassas Park City
Waterloo—Cedar Falls	Ia	Black Hawk
West Palm Beach—Boca Raton.	Fl	Palm Beach
Wheeling	WV-Oh	Belmont Marshall Ohio
Wichita	Ks	Butler Sedgwick
Wichita Falls	Tx	Clay Wichita
Williamsport	Pa	Lycoming
Wilmington	De-NJ-Md	New Castle Cecil Salem
Wilmington	NC	Brunswick New Hanover
Worcester—Fitchburg—Leominster.	Ma	Worcester
Yakima	Wa	Yakima
York	Pa	Adams York
Youngstown—Warren	Oh	Mahoning Trumbull

(Sections 1102,1814(b), 1861(v)(1), 1866(a) and 1871 of the Social Security Act; 42 U.S.C. 1302, 1395f(b), 1395x(v)(1), 1395cc(a), and 1395hh)

(Catalog of Federal Domestic Assistance Program No. 13.733, Medicare—Hospital Insurance)

Dated: May 30, 1980.

Earl M. Collier, Jr.,

Acting Administrator, Health Care Financing Administration.

Approved: June 10, 1980.

Patricia Roberts Harris,

Secretary.

[FR Doc. 80-18156 Filed 6-17-80; 8:45 am]

BILLING CODE 4110-35-M

federal register

Wednesday
June 18, 1980

Part III

Council on Wage and Price Stability

Noninflationary Pay and Price Behavior; Adoption of Form PAY-1

COUNCIL ON WAGE AND PRICE STABILITY

6 CFR Parts 705, 706, and 707

Noninflationary Pay and Price Behavior; Adoption of Form PAY–1

AGENCY: Council on Wage and Price Stability.

ACTION: Adoption of second program year pay reporting form and request for submission of data.

SUMMARY: The Council is adopting a pay reporting form for its second program year, designated as Form PAY–1, which requests the submission of data on prospective pay-rate increases for the second program year by July 11, 1980. Data on actual pay rate increases for the second program year should be filed within 60 days after the end of the second program year.

EFFECTIVE DATE: June 18, 1980.

FOR FURTHER INFORMATION CONTACT: Homer Jack, 202/456–7180; David Hough, 202/456–7100; Peter Kuhmerker, 202/456–7100.

SUPPLEMENTARY INFORMATION: Form PAY–1 is essentially the same as Form PAY–1 (Actual) that was published on January 3, 1980 (45 FR 966). However, changes in the pay standard for the second program year have required the following modifications:

- The inflation assumption for evaluating cost-of-living formulas is changed from 6 percent to 7.5 percent (Part III, Item 6c).
- Previously, the first 7 percent of the costs of maintaining existing health benefits were chargeable under the pay standard. The percentage of those costs that is now chargeable depends on the average pay increase implemented by the company in the second year, up to a maximum of 9.5 percent (Part III, Item 6d).
- Increases due to pre-existing incremental pay plans, as well as promotions, are not charged against the pay standard if the fixed population method is used to measure compliance. Previously, only qualification and promotion increases could be excluded (Part III, Item 6i).
- Another exception category has been added, "Pay-Rate Increases to Correct COLA-Related Inequities," and is designated as "CI" in Part III, Item 6h.
- The adjustment for formal annual pay plans is no longer applicable and has been deleted (previously Part III, Item 6g).
- When evaluating compliance for the second program year, carryover from the first program year may be deducted from the annual pay-rate change for the second program year (Part III, Items 5b and 8b). (An employee unit does not have carryover if an exception adjustment was applied in the first program year.)

For collective bargaining contracts negotiated in the second program year, covering 500 or more workers, the Council asks that compliance units submit a completed Form PAY–1 within 15 days after contract ratification or July 15, 1980, whichever is later. For nonrepresented employee units, the Council seeks pay-rate data on a *prospective* basis for the second program year, to be submitted no later than July 11, 1980.

The Council has already sent or will shortly send copies of Form PAY–1 to about 800 companies. However, all compliance units that had 5,000 or more employees during any calendar quarter of their last complete fiscal year before October 2, 1979, are requested to file the form by the dates set forth above.

While the submission of data is voluntary, the Council views the access to timely, uniformly defined data as essential to the effective monitoring of compliance with the standards. The data will be treated as confidential in accordance with Section 4(f) of the Council on Wage and Price Stability Act, 12 U.S.C. 1904, note, and 6 CFR Part 702, (44 FR 70086, December 5, 1979).

In accordance with 6 CFR 706.20, if a company has furnished the Council with any of the data requested by Form PAY–1, it need not furnish them again, although it should identify for the Council the document (including page references) containing such data and the date on which the data was submitted.

This form was submitted to the Office of Management and Budget in accordance with the Federal Reports Act, and was approved under OMB–116–R0366.

(Council on Wage and Price Stability Act, Pub. L. 93–387, as amended (12 U.S.C. 1904, note); E.O. 12092 (November 1, 1978); E.O. 12161 (September 28, 1979))

Issued in Washington, D.C. June 12, 1980.

R. Robert Russell,

Director, Council on Wage and Price Stability.

BILLING CODE 3175–01–M

INSTRUCTIONS FOR PREPARATION OF FORM PAY-1 REPORT ON COMPLIANCE WITH THE PAY STANDARD SECOND PROGRAM YEAR

General Instructions

Purpose of Form PAY-1

As part of the President's Anti-Inflation Program, the Council on Wage and Price Stability (the Council) has issued Voluntary Standards for Noninflationary Pay and Price Behavior. The second year pay standard appears at 45 FR 17125 (March 18, 1980). Explanatory Questions and Answers applicable to the second year pay standard appear at 45 FR 20453 (March 28, 1980). The "Pay and Price Standards Implementation Guide" at 44 FR 5339 (January 25, 1979) explains and describes the different methods of pay standard calculation (although the first year pay standard numbers used in the examples are not applicable to the second year). Special Procedural Rules for complying with the standard appear at 44 FR 67060 (November 21, 1979).

The submission of data on this form is voluntary. However, the Council views the access to timely, uniformly defined data as essential to the effective monitoring of compliance with the standards. Form PAY-1 is used by the Council as a means for collecting data from companies. The information requested will allow the Council to meet two objectives: first, the data will be used to determine the extent to which firms have complied with the voluntary standard on pay-rate increases; second, companies are asked to report total pay-rate increases, as well as those chargeable under the pay standard, to enable the Council to determine the effect of the "exclusions" on total pay-rates and measure the inflationary impact of total labor costs. This is consistent with the Council's efforts to analyze the factors influencing the rate of inflation. Analysis of the requested data will have an impact on future policy decisions regarding the voluntary pay and price standards specifically, and the anti-inflation effort in general.

The Council on Wage and Price Stability Act, 12 U.S.C. Section 1904, note, authorizes the Council to collect data on wages, such as are requested on this form.

Confidentiality of Information:

Information furnished to the Council pursuant to this request will be treated as confidential in accordance with Section 4(f) of the Council on Wage and Price Stability Act, 12, U.S.C. 1904, note, and 6 CFR Part 702 (44 FR 70086, December 5, 1979).

Suggestions for Improvement:

The Council welcomes suggestions for improving this form. In general, it seeks ways of obtaining the information it needs to exercise its responsibilities for monitoring compliance with the Voluntary Standards for Anti-Inflationary Pay and Price Behavior with the minimum reporting burden on reporting companies.

Who Should File:

A company with 5,000 or more employees during any calendar quarter of its last fiscal year before October 2, 1979, was to submit a Form CO-1 (Pay) for each pay compliance unit. (A compliance unit is a company or part of a company separately identified for purposes of compliance with the pay standard.) Any such compliance unit that

had 5,000 or more employees during any calendar quarter of its last complete fiscal year before October 2, 1979, and any other compliance unit designated by the Council, is requested to file with the Council information specified in "What to File" below. If a plan of company organization is not on file with the Council, a plan of company organization (Form CO-1 (Pay)) should accompany this form.

If a company chose to disaggregate a consolidated entity for compliance purposes and no separately identified compliance unit has 5,000 employees or more, this should be noted by the company in Part 1, Item 1(e) of the form and the form returned to the Council.

What to File:

Each compliance unit is requested to submit a separate Form PAY-1 (one copy) for its individual employee units covering 100 employees or more. However, regarding collective bargaining units, within 15 days of contract ratification a company should file a Form PAY-1 for collective bargaining contracts negotiated during the program year (and not considered exempt as specified in Section 705.12(e) of the Pay Standard) covering 500 employees or more. For "management" and "all other" employee units not under a multi-year pay agreement, compliance units should report their base period pay rates (Column A) and their pay rates for the end of the program year (Column B). For nonrepresented units under a multi-year pay commitment, compliance units should report their base period pay rates (Column A) and projected pay rates at the end of the commitment period (Column B).

For collective bargaining contracts, compliance units should report pay rates in effect at the expiration of the prior contract (Column A), and projected pay rates at the expiration of the current contract (Column B). For multi-year collective bargaining contracts and multi-year pay commitments for nonrepresented employee units, compliance units are also asked to report their projected pay rates at the end of each year (see Insert for Multi- Year Agreements).

Employee units with an average hourly straight-time wage rate of $5.35 or less during the third quarter of 1979 are exempt from the pay standard in the second program year. For these exempt employee units, complete Part I, Item 1 and Item 4d and indicate the average hourly straight-time wage rate in Part III, Item 1, Column A; no further information is required.

Where to File

Form PAY-1 should be addressed to:

Office of Pay Monitoring
Council on Wage and Price Stability
Winder Building
600 17th Street, N.W.
Washington, D.C. 20506

Specific Instructions

The Form PAY-1 closely follows the definition of pay given in the Voluntary Pay Standards (6 CFR Subpart 705B), and reference to the Standards and Implementation Guide will help clarify items on the form. Do not include on this form overtime wages

(unless overtime provisions change), or employer contributions for legally-mandated benefit programs. All wages and benefits to workers earning straight-time wages of four dollars per hour or less as of October 1, 1978 as well as wages and benefits for workers hired during the program year at a straight-time wage of four dollars per hour or less may be excluded or included, at the option of the compliance unit (see Section 705.17(b)). (Note above that employee units with an average hourly straight-time wage rate of $5.35 or less during the third quarter of 1979 are exempt from the pay standard.) Exclude deferred compensation paid in the base period but earned in an earlier period. Include deferred compensation earned in the program period but not paid in the program period. Other exclusions and adjustments to pay which the Standards allow should be treated as follows: determine the actual increase in the hourly pay rate prior to the allowable adjustments (Part III, Item 5), then list in Part III, Item 6, the applicable adjustments used to calculate the chargeable pay-rate increase under the Standards. For employee units that did not use the exception adjustment in the first program year, a carryover amount (7 percent minus the first-year chargeable pay-rate increase) may be used to reduce the second year chargeable pay-rate increase.

All pay rates should be calculated as pay per straight-time hour worked per employee, carried to three decimal places (as shown on the form). When paid leave hours are incurred irregularly, these hours should be calculated according to the leave practices in effect at the end of the base quarter and at the end of the program year as though they were incurred evenly over time. Compliance units may use a straight-time hours-paid-for basis (e.g., for salaried workers), where paid leave is included in straight-time wage and salary pay and only changes to paid leave practices are reported as a benefit. Increases/decreases in paid leave hours during the program period affect the straight-time hours and correspondingly will increase/decrease the cost of all benefits. These effects should be reflected in calculations for Columns B-E. The Council does not require inordinate calculations to complete this form; a good faith estimate should be made when data are not available.

Part I -- Identifiying Data

Items 1a-c:	Enter name and address of compliance unit.
Item 1d:	Enter primary 4-digit 1972 Standard Industrial Classification Code.
Item 1e:	Check the box if no compliance unit has 5,000 or more employees. (If this is the case no further data are needed.)
Item 1f:	Indicate if this report is based on prospective or actual data.
Item 2a:	Check the appropriate box indicating the type of employee unit as defined in Section 705.11 of the Standards.
Item 2b:	Give the location for the employee unit.

Item 2c: Complete for collective bargaining units only. Attach a list if more than one union is included in the unit.

Item 2d: Complete for non-represented units only. Item 2d(1) refers to the dates of the base quarter used in calcuating pay-rate data in Column A; Item 2d(2) refers to the dates of the program period from which data in Column B were obtained.

Item 3: For represented units, a compliance unit should use the method of pay computation applicable to collective bargaining units, Section 705.12. For nonrepresented units a compliance unit may use either the average pay-rate change for the unit, Section 705.13(a), called the "double snapshot" method, the pay-rate change for the fixed population of continuing employees employed in the beginning and end of the program year, Section 705.13(b), called the "fixed population" method, or the weighted average pay-rate change of distinct functional employee subgroups, Section 705.13(c). When using method 705.13(b), only include on the form amounts paid to continuing employees. Check the method(s) used.

Items 4a-d: Enter the number of employees in the employee unit and the average straight-time hours worked per employee. For collective bargaining units enter the annual straight-time hours. For non-represented employee units enter the number of straight-time hours corresponding to the time period for Item 2d. For collective bargaining units, only complete 4a and 4b.

Part II -- Certification

Self-explanatory.

Part III -- Pay-Rate Data

Item 1: Straight-time wage and salary pay should include, where applicable, payments for shift differentials, skill differentials, and cost-of-living adjustments.

Cost-of-living adjustments (COLA) should be included in the wage and salary entry, but should also be shown separately for the program period along with the applicable rate of increase in the Consumer Price Index (CPI). Item 6c provides the opportunity to exclude COLA costs above those resulting from a 7.5 percent annual rate of increase in the CPI. If COLA applies to only part of the employee unit, enter the actual COLA weighted by the ratio of those covered to the entire employee unit.

Item 2: Incentive pay includes, where applicable, the following items (expressed as pay per straight-time hour). The Council wishes to emphasize that it does not require inordinate calculations to complete these items; a good faith estimate should be made when data are not available.

Item 2a: Sales commission and production incentive pay (not adjusted for volume increases; an adjustment may be made in Item 6b).

Item 2b: Bonuses and other annual incentive compensation charged when earned for nondiscretionary plans (that is, when the services are performed that generate the compensation) and when paid for discretionary plans.

Item 2c: Compensation for long-term incentive plans (including any spread between an option or purchase price and fair market value at time of grant for plans subject to the future-value standard, Section 705.14), new future-value incentive plans, and other similar compensation arrangements when earned or accrued.

Item 2d: Enter the sum of 2(a), 2(b), and 2(c).

Item 3: Benefits include, where applicable, employer contributions or costs for the following fringe benefit items (show the actual costs per straight-time hour; adjustments may be made to some items in Item 6).

Item 3a: Pay for time not worked (e.g., paid vacations and holidays, sick leave and other paid leave); see the introduction to the Specific Instructions for an alternative treatment.

Item 3b: Savings and thrift plans such as qualified stock bonus plans, qualified profit-sharing plans (including retirement plans), employee stock ownership plans, other defined contribution plans and nonqualified plans.

Item 3c: Qualified defined-benefit retirement plans (if a compliance unit planned to exclude pension costs from its pay-rate computations and detailed costs are not available, an estimate based on available data is sufficient).

Item 3d: Health benefit plans.

Item 3e: Life insurance, accident insurance, and other insurance plans.

Item 3f: Legal assistance, education assistance, and other plans resulting in benefits to employees but not reported as income; and job perquisites and other forms of compensation not covered elsewhere in the definition of pay but reported as income under the Internal Revenue Code and its interpretive regulations and rulings. Enter the total cost for these plans; list the major items.

Item 3g: Enter the sum of 3a to 3f.

Item 4: The hourly pay-rate is the sum of the straight-time wage and salary rate (Item 1), the hourly cost of incentive pay (Item 2d), and the hourly cost of fringe benefits (Item 3g).

Item 5a: The annual percent pay-rate increase is the percent increase from the base period pay rate (Item 4A) to the program period pay rate (Item 4B). To determine the percent increase, divide the program period pay rate by the base period pay rate, subtract 1, and multiply the result by 100. The formula for doing this would be: Percent increase = (4B/4A - 1) x 100. For multi-year agreements, the total percent increase should be expressed as the annual rate taking compounding into consideration. The formula in the multi-year

case for doing this is: Annual percent increase = ($\sqrt[N]{4B/4A} - 1$) x 100, where N is the number of years covered by the agreement, 4B is the pay rate at the end of the agreement period, 4A is the base period pay rate, and 4B/4A represents the total percent increase over the agreement. Thus, take the Nth root of the total pay increase (for example, the square root for a two-year agreement, the cube root for a three-year agreement), subtract 1, and multiply the result by 100.

Item 5b: The carryover from the first program year is equal to 7 percent minus the first year chargeable pay-rate increase. No carryover adjustment may be made for employee units that used a first year exception to the pay standard, either approved by the Council or self-administered (see Pay Q&A M-7, FR, March 28, 1980).

Item 5c: Enter 5a minus 5b.

Item 6: The pay standard provides exceptions, exclusions, and special treatment of some pay. Use this item to enter the amounts of pay which may be subtracted from the actual pay rate (Item 4) to yield the chargeable pay rate under the pay standard. All amounts should be calculated as pay divided by straight-time hours. Note that exception adjustments may not be used to reduce line 8(a) below 9.5 percent.

Remember to enter both the direct amount and also the indirect (roll-up or creep) amounts due to the adjustments. (See page 32 of the Implementation Guide, FR, January 25, 1979 for calculation of rollup.) If retirement plan costs are excluded under Item 6e(2) or Item 6f, exclude retirement plan costs when determining roll-up or creep costs where applicable.

Item 6a: Instead of the bonus amount earned in the base period, a company may use as an alternate base the average of the corresponding bonus amounts in two of the last five years. If the alternate base is chosen, enter the difference between the base period bonus and the alternate bonus (which of course is larger) on this line. Show the difference as a negative

number so that when the pay adjustments are subtracted in line 7, the entry will increase the base period pay rate.

Item 6b: Under sales commission or production incentive plans, increases in compensation due to increases in the physical volume of items sold or produced are not charged to the pay standard (see the example on page 45 of the Implementation Guide, FR, January 25, 1979). Enter such increases in compensation on this line.

Item 6c: Nonunion as well as union employee units may use the 7.5 percent projected rate of inflation to cost out a COLA formula in a multi-year agreement (which must, however, be binding on the company, see Pay Q&A E-7, FR, March 28, 1980). Use this line to enter COLA amounts paid out because the inflation rate increased by more than 7.5 percent. Attach a copy of the COLA formula to the PAY-1 form. Note if the COLA provision is new; list any changes if a previous COLA provision was modified.

Item 6d: Increases in the costs of maintaining existing health benefits are only charged against the pay standard up to the rate of pay increase implemented under Section 705.10(a). Enter this percent rate in the space provided. Enter increases not chargeable (see Section 705.15 of the Pay Standard) on this line.

Item 6e(1): Enter changes in pension funding costs on this line (see Section 705.16 of the Standards). Note that cost savings due to funding changes should be entered as well as cost increases; i.e., changes in funding methods may not offset increases in pension or other benefits.

Item 6e(2): As an alternative to the adjustment in line 6e(1), for an unaltered pay-related pension plan, companies may exclude the entire pension costs from both the base period and the program period (see Pay Q&A I-5, FR, March 28, 1980). To do so, enter on this line the amounts shown in line 3c.

Item 6f: Amounts paid under a qualified profit-sharing retirement plan in which the formula is not changed may be excluded from pay in both

the base period and the program period (see Pay Q&A I-10, FR, March 28, 1980). To do so, enter these amounts (which were included in the line 3b) on this line.

Item 6h(1): Enter the amounts of pay for which the Council has granted an exception on this line. Exceptions are made for tandem pay-rate changes (TA), pay-rate increases traded for productivity-improving work-rule changes in union agreements (WR), pay-rate increases attributable to acute labor shortages (LS), undue hardship or gross inequity cases (WH), and cost-of-living related inequities (CI). Enter the number of each type of exception next to the appropriate exception code.

Item 6h(2): Enter the same data as in line 6h(1) for exceptions which have been self-administered by the company (e.g., for an employee unit of less than 100 employees).

Item 6i: If the fixed population method of compliance is chosen, the amount of legitimate promotions and pre-existing incremental pay plan increases may be excluded from the pay rate on these two lines. Also enter the correspnding amounts paid in the base period to demonstrate the consistency of the pay practices unless reasonable estimates of these data are not readily available, in which case attach other evidence of such consistency.

Item 6j: Under Section 705.13(c) of the Standards, a weighted average of pay-rate changes may be used instead of a simple average, in order to adjust for changes in work-force composition. If this method in chosen, enter the difference between the two methods on this line.

Item 6k: Enter the sum of adjustments 6a-j on this line (again, be sure that line 6a is a negative number); if Item 6k, Column A is negative, indicate this by placing a minus sign before the entry.

Item 7: On this line enter the difference between line 4 and line 6k.

Item 8: Calculate the annual rate of increase in pay in the same way as in line 5. The net adjusted pay rate increase (8c) should be 9.5 percent or less for the employee unit to be in compliance.

Part III - A - Data Insert for Multi-Year Agreements

The data insert should be completed for any multi-year agreements for both collective bargaining units and nonrepresented units. Columns C, D, and E represent individual years; complete as many columns as appropriate for the agreement period.

Items 1-4, 6, and 7: Instructions for these pay-rate items are the same as for the Base Period (Column A) and Program Period (Column B). The projected pay-rate in effect at the end of each year (12-month period) should be reported. For Column D the adjustments in Item 6 should be cumulative for the first two years of the agreement and for Column E the adjustments in Item 6 should be cumulative for the first three years of the agreement.

Item 5: Column C is the percent pay-rate increase from the base period (Item 4A) to the end of the first agreement year (Item 4C). Column D is the percent pay-rate increase from the end of the first agreement year (Item 4C) to the end of the second agreement year (Item 4D). Column E is the percent pay-rate increase from the end of the second agreement year (Item 4D) to the end of the third agreement year (Item 4E).

Item 8: Columns C-E should be computed the same as Item 5 with Items 7A, 7C, 7D and 7E substituted for Items 4A, 4C, 4D and 4E.

Part IV -- Future-Value Compliance

Complete this part separately for each of the compliance unit's future-value incentive plans.

Item 1: Name of future-value incentive plan.

Item 2: Description of plan.

Item 3: The pay standard for future-value incentive plans applies to existing and successor plans. Furthermore, successor plan treatment may apply to plans with a different type of unit if a company can demonstrate that the basic value of the new unit is generally equal to the value of the replaced unit (attach explanation).

Item 4: Enter the number of recipients under the plan in the base period (12 months prior to October 1, 1979) and in the program period (October 1, 1979 through September 30, 1980) if changes in the number of recipients is based on the continuation of well-established past practices with objective criteria for determining recipients. Otherwise, enter the number of employees in the employee group to which the recipients belong.

Item 5: Enter the average number of units issued per recipient or per employee in the appropriate employee group in each period. Enter the actual base period data even if the alternate base period average is used in Item 6.

Item 6: A compliance unit may use as an alternate base the annual average of the units granted over the last five years. If used, enter the alternate base period average on this line.

Item 7: The percent increase in the average number of units per recipient granted or issued in the program year must be less than or equal to the amount provided for under Section 705.10(a) for the plan to be in compliance.

Form PAY-1 Report on Compliance with the Pay Standard - Second Program Year

OMB No: 116-R0357

CWPS
Winder Building
600 17th Street, N.W.
Washington, D.C. 20506

Part I - Identifying Data

1. Compliance Unit
   a. Name: _____
   b. Street Address: _____
   c. City, State, and Zip Code: _____
   d. Primary SIC: _____
   e. If no compliance unit has 5,000 or more employees, check here: ☐
   f. ☐ Prospective ☐ Actual

2. Employee Unit
   a. Type: ☐ Collective bargaining ☐ Management ☐ All other
   b. Location (City & State): _____
   c. If collective bargaining unit:
      1. Union (include Local number): _____
      2. Contract begins: _____ Expires: _____ Negotiated: _____
   d. If non-represented unit:
      1. Base period (month/day/year): From _____ To _____
      2. Program period (month/day/year): From _____ To _____

3. Method of Computation

☐	(CB)	Collective bargaining, 705.12
☐	(UA)	Unit average, 705.13(a)
☐	(FP)	Fixed population, 705.13(b)
☐	(WA)	Weighted average, 705.13(c)

4. Number of Straight-time hours and employees:
   a. Base period straight-time hours per employee: _____
   b. Base period number of employees: _____
   c. Program period straight-time hours per employee: _____
   d. Program period number of employees: _____

Part II - Certification

To the best of my knowledge and belief the data submitted herewith are factually correct, complete and prepared in accordance with the applicable instructions. It is requested that the information submitted herewith be considered as confidential within the meaning of Section 4(f) of the Council on Wage and Price Stability Act, 12 U.S.C. 1904 note, and 6 CFR Parts 702, 44 FR 70086 (December 5, 1979).

Name of Chief Executive Officer or other authorized designee (please type)
Name of Company: _____
Name and Title: _____ Tel: (____) _____
Signature: _____ Date: _____
Name of person to contact regarding this form: _____
Telephone: (____) _____

Part III - Pay Rate Data	(A) Base Period Pay Rate	(B) Program Period Pay Rate	
1. Straight-Time Wage and Salary: (CPI:__%; COLA: $__.___)	$__.___	$__.___	1
2. Incentive Pay (where applicable):			
a. Sales commission and production incentive pay:	__.___	__.___	2a
b. Bonuses and other annual incentive pay:	__.___	__.___	2b
c. Long term incentive pay:	__.___	__.___	2c
d. Total hourly cost of incentive pay:	__.___	__.___	2d
3. Benefits:			
a. Pay for time not worked:	__.___	__.___	3a
b. Savings and thrift plans:	__.___	__.___	3b
c. Qualified defined-benefit retirement plans:	__.___	__.___	3c
d. Health benefit plans:	__.___	__.___	3d
e. Other insurance plans:	__.___	__.___	3e
f. Other (total): _____ _____	__.___	__.___	3f
g. Total hourly cost of fringe benefits:	__.___	__.___	3g
4. Hourly Pay Rate (Sum of 1+2d+3g):	__.___	__.___	4
5. a. Annual percent pay-rate increase:		__.__%	5a
b. Carryover from first program year (may not be used if exception adjustment was applied in first program year):		__.__%	5b
c. Net pay-rate increase (5a-5b):		__.__%	5c

IF THE NET PAY-RATE INCREASE IS 9.5 PERCENT OR LESS (AND FOR MULTI-YEAR AGREEMENTS NO INDIVIDUAL YEARLY INCREASE IS ABOVE 9.5 PERCENT) AND DEFINED-BENEFIT PENSION FUNDING COSTS ARE UNCHANGED, THE EMPLOYEE UNIT IS IN COMPLIANCE AND ITEMS 6-8 NEED NOT BE COMPLETED. DATA ON MULTI-YEAR AGREEMENTS SHOULD BE ENTERED IN PART III-A EVEN IF LINE 5c IS 9.5 OR BELOW.

	(A) Base Period Pay Rate	(B) Program Period Pay Rate	
6. Adjustments to Pay Rate (where applicable) NOTE: Exception adjustment may not be used to reduce line 8a below 9.5 percent:			
a. Alternate base adjustment for bonus plans:	-$__.___		6a
b. Sales commission/production incentive pay due to higher volume:		$__.___	6b
c. COLA payments beyond 7.5 percent increase in CPI (attach copy of formula):		__.__	6c
d. Maintenance of health benefits cost increase above __.__ percent:		__.__	6d
e. 1. Non-chargeable changes in defined-benefit pension funding costs:		__.__	6e(1)
2. Exclusion of unaltered pension plan:	__.__	__.__	6e(2)
f. Exclusion of qualified profit-sharing retirement plan:	__.__	__.__	6f
h. Overage from pay exceptions			
1. Approved by CWPS (TA_LS_WR_WH_CI_):		__.__	6h(1)
2. Self-administered (TA_LS_WR_WH_CI_):		__.__	6h(2)
i. Effect on average wage if fixed population method used, 705.13(b)			
1. Promotions (in base period $__.__):		__.__	6i(1)
2. Incremental pay plan increases (in base period $__.__):		__.__	6i(2)
j. Effect on pay rate if weighted average method used, 705.13(c);		__.__	6j
k. Total adjustments: Positive / Negative	$__.__	$__.__	6k
7. Adjusted Hourly Pay Rate (Difference 4-6K):	$__.__	$__.__	7
8. a. Annual percent pay-rate increase	__.__%		8a
b. Carryover from first program year (may not be used if exception adjustment was applied in first program year):	__.__%		8b
c. Net pay-rate increase (8a-8b):	__.__%		8c

Part III-A - Data Insert for Multi-year Agreements

		(C) End of 1st year	(D) End of 2nd year	(E) End of 3rd Year	
1. Wage Rate:		$__.___	$__.___	$__.___	1
(1st year COLA: $__.___; 2nd year COLA: $__.___ 3rd year COLA: $__.___)					
2. Incentive Pay:	a.	__.___	__.___	__.___	2a
	b.	__.___	__.___	__.___	2b
	c.	__.___	__.___	__.___	2c
	d.	__.___	__.___	__.___	2d
3. Benefits:	a.	__.___	__.___	__.___	3a
	b.	__.___	__.___	__.___	3b
	c.	__.___	__.___	__.___	3c
	d.	__.___	__.___	__.___	3d
	e.	__.___	__.___	__.___	3e
	f.	__.___	__.___	__.___	3f
	g.	__.___	__.___	__.___	3g
4. Hourly Pay Rate:		$__.___	$__.___	$__.___	4
5. Percent Increase:		__.__%	__.__%	__.__%	5
6. Adjustments:	b.	__.___	__.___	__.___	6b
	c.	__.___	__.___	__.___	6c
	d.	__.___	__.___	__.___	6d
	e. 1	__.___	__.___	__.___	6e(1)
	2	__.___	__.___	__.___	6e(2)
	f.	__.___	__.___	__.___	6f
	h. 1	__.___	__.___	__.___	6h(1)
	2	__.___	__.___	__.___	6h(2)
	k.	$__.___	$__.___	$__.___	6k
7. Adjusted Pay Rate:		$__.___	$__.___	$__.___	7
8. Adjusted % Increase:		__.__%	__.__%	__.__%	8

Part IV - Future-Value Compliance

1. Plan Name: _____

2. Description: _____

_____

3. Type: /__/ Existing plan

/__/ Successor plan with same type of unit

/__/ Successor plan with different type of units (attach explanation showing that the basic value of the new units is generally equal to the value of the replaced units)

	(A) Base Period	(B) Program Period
4. Number of recipients:	_____	_____
5. Average number of units issued:	_____	_____
6. Alternate base period average (if used):	_____	

7. Percent increase (5B/5A-1)x100 or (5B/6A-1)x100): ___.__%

[FR Doc. 80-18215 Filed 6-17-80; 8:45 am]
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federal register

Wednesday
June 18, 1980

Part IV

Department of the Interior

Fish and Wildlife Service

Endangered and Threatened Wildlife and Plants; Proposal To Determine Callirhoe Scabriuscula (Texas Poppy-Mallow) To Be an Endangered Species

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposal To Determine Callirhoe Scabriuscula (Texas Poppy-Mallow) To Be an Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposal.

SUMMARY: The U.S. Fish and Wildlife Service proposes to determine a plant, *Callirhoë scabriuscula* (Texas poppy-mallow), to be an Endangered species under the authority contained in the Endangered Species Act. This plant occurs in Texas and is threatened by possible sand mining of its habitat. If this proposal is finalized, a determination of *Callirhoë scabriuscula* to be an Endangered species would implement the protection provided by the Endangered Species Act of 1973 as amended.

DATES: Comments from the public must be received by August 18, 1980. Comments from the Governor of Texas must be received by September 16, 1980.

ADDRESSES: Comments and materials concerning this proposal, preferably in triplicate, should be sent to the Director (FWS/OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials received will be available for public inspection during normal business hours at the Service's Office of Endangered Species, 1000 N. Glebe Road Fifth Floor, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Chief—Office of Endangered Species, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, 703/235–2771.

SUPPLEMENTARY INFORMATION: *Callirhoë scabriuscula* (Texas poppy-mallow) was first collected by Dr. Sutton Hayes in the late 1800's on the Colorado River of Texas. This member of the mallow family is an erect, simple or basally branched perennial herb which averages 2 to 4 feet in height. The five wine-purple petals form an erect partially open cup about 1½ inches in diameter, with a dark maroon red inside center ring. *Callirhoë scabriuscula* occurs in the rolling plains vegetation of Texas (Gould 1975). It is limited in distribution to a small area of deep sandy soil blown from alluvial deposits along the Colorado River; this soil type is highly susceptible to wind erosion (Wiedenfeld *et al* 1970). The continued existence of this plant and the fragile habitat in which it occurs are being threatened by sand mining, grazing, and other factors. This rule proposes to determine *Callirhoë scabriuscula* to be Endangered which would implement the protection provided by the Endangered Species Act as amended. The following paragraphs further discuss the actions to date involving this pant, the threats to the plant, and effects of the proposed action.

Background

Section 12 of the Endangered Species Act of 1973 directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94–51, was presented to Congress on January 9, 1975. On July 1, 1975, the Director published a notice in the **Federal Register** (40 FR 27823–27924) of his acceptance of the report of the Smithsonian Institution as a petition within the context of Section 4(c)(2) of the Act, and of his intention thereby to review the status of the plant taxa named within. On June 16, 1976, the Service published a proposed rulemaking in the **Federal Register** (41 FR 24523–24572) to determine approximately 1,700 vascular plant species to be Endangered species pursuant to Section 4 of the Act. This list of 1,700 plant taxa was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94–51 and the July 1, 1975 **Federal Register** publication. *Callirhoë scabriuscula* was included in the July 1, 1975, notice of review and the June 16, 1976, proposal. General comments on the 1976 proposal were summarized in an April 26, 1978, **Federal Register** publication which also determined 13 plant species to be Endangered or Threatened species (43 FR 17909–17916).

The Endangered Species Act Amendments of 1978 required that all proposals over two years old be withdrawn. A one year grace period was given to proposals already over two years old. On December 10, 1979, the Service published a notice withdrawing the June 16, 1976, proposal along with four other proposals which had expired. At this time the Service has sufficient new information to warrant reproposing *Callirhoë scabriuscula.*

In the June 24, 1977, **Federal Register** (42 FR 32373–32381), the Service published a final rulemaking under 50 CFR 17 detailing the regulations to protect Endangered and Threatened plant species. The rulemaking established prohibitions and a permit procedure to grant exceptions, under certain circumstances, to the prohitions.

The Department has determined that this is not a significant rule and does not require the preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Summary of Factors Affecting the Species

Section 4(a) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) states that the Secretary of Interior shall determine whether any species is an Endangered species or a Threatened species due to one or more of the five factors described in Section 4(a) of the Act. These factors and their application to *Callirhoë scabriuscula* Robins. (Texas poppy-mallow) are as follows (Amos, 1979):

Callirhoë scabriuscula

1. *Present or threatened destruction, modification, or curtailment of its habitat or range.* Much of the natural habitat of *Callirhoë scabriuscula* has been disturbed. The range is limited to one Texas county; much of this is no longer suitable habitat for the plant. The actual area covered by the plant is very small. The range is dissected by a four-lane divided highway (U.S. Highway 67) and two frontage roads. All of the land on which the plants now occur is in private ownership. Cultivation, establishment of rural residences, and development of roads and a railway have reduced the range and the size of the populations. An imminent threat to all existing populations is commercial sand mining within the plant's habitat (Amos, 1979).

2. *Overutilization for commercial, sporting, scientific or educational purposes.* If exact localities were published, the plant's conspicuous and showy blooms could cause it to be threatened by amateur gardeners, wildflower enthusiasts and commercial horticultural collecting. Since all the populations occur on privately owned land, taking of these attractive plants could not be prohibited.

3. *Disease or predation* (including grazing). Numbers of individuals in areas under grazing pressure observed during the past three seasons have been steadily declining and there has been a marked reduction in plant vigor. The erect habit and the single main stem of the plant make it particularly susceptible to trampling by grazing animals. This is further impacted by the short flowering and fruiting period of the species; the plants do not recover in time to produce seeds in that season.

4. *The inadequacy of existing regulatory mechanisms.* The taxon is not protected under any current Texas state law. The endangered Species Act would offer needed protection for the species.

5. *Other natural or man-made factors affecting its continued existence.* Restriction to a very specialized and localized soil type and total range which is geographically limited to a small area tend to intensify any adverse effects occurring in the habitat of this plant.

Critical Habitat

Section 4(a)(1) of the Endangered Species Act provides in part that:

> At the time any such regulation (to determine whether a species is Endangered or Threatened) is proposed, the Secretary shall by regulation, to the maximum extent prudent, specify any habitat of such species which is then considered to be critical habitat.

Callirhoë scabriuscula is threatened by taking, an activity not prohibited by the Endangered Species Act of 1973 with respect to plants. Publication of Critical Habitat maps would make this species more vulnerable. After recovery and protection plans have been developed for this plant, Critical Habitat may be beneficial and may be proposed in the future. Therefore, it would not be prudent to determine Critical Habitat at this time.

Effects of This Proposal if Published as a Final Rule

In addition to the effects discussed above, the effects of this proposal if published as a final rule would include, but would not necessarily be limited to, those mentioned below.

The Act and implementing regulations published in the June 24, 1977, **Federal Register** set forth a series of general prohibitions and exceptions which apply to all Endangered plant species. All of those prohibitions and exceptions also apply to any Threatened species, excluding seeds of cultivated plants treated as Threatened, unless a special rule pertaining to that Threatrened species has been published and indicates otherwise. The regulations referred to above, which pertain to Endangered and Threatened plants, are found at Sections 17.61 and 17.71, of 50 CFR and are summarized below.

With respect to *Callirhoë scabriuscula* all prohibitions of Section 9(a)(2) of the Act, as implemented by Section 17.61 would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. Certain exceptions would apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 also provide for the issuance of permits to carry out otherwise prohibited activities involving Endangered or Threatened species under certain circumstances. International and interstate commercial trade in *Callirhoë scabriuscula* do not exist. It is anticipated that few permits involving plants of wild origin would ever be issued. Since this plant is not common in the wild or in cultivation, additional paperwork for the public under Section 9 of the Act would be minimal.

Section 7(a) of the Act requires Federal agencies to evaluate their actions with respect to any species which is listed as Endangered or Threatened. Provisions for Interagency Cooperation implementing Section 7 are codified at 50 CFR Part 402. If published as a final rule this proposal would require Federal agencies to insure that activities they authorize, fund or carry out, are not likely to jeopardize the continued existance of *Callirhoë Scabriuscula.*

The known populations of *Callirhoë Scabriuscula* occur on privately owned lands. Maintenance of road beds and rights-of-way is the only type of Federal involvement presently occuring in the area. Maintaining these rights-of-way in a manner compatible with the *Callirhoë* should only require minimal planning and a minimal commitment of manpower and resources. The Soil conservation Service Field Office in Ballinger, Tex. is aware of the significance and location of this plant. No permits are required for the sand mining and the SCS has no involvement in this activity. No other Federal involvement is foreseeable at this time.

National Environmental Policy Act

A draft environmental assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia, and may be examined during regular business hours by appointment. A determination will be made prior to the time of final rulemaking as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

Public Comments Solicited

The Director intends that the rules finally adopted will be as accurate and effective as possible in the conservation of any Endangered or Threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

1. Biological or other relevant data concerning any threat (or the lack thereof) to the species included in this proposal;

2. Additional information concerning the range and distribution of this species.

Final promulgation of the regulations on *Callirhoë scabriuscula* will take into consideration the comments and any additional information received by the Director, and such communications may lead him to adopt a final regulation that differs from this proposal.

Authors

This proposal is being published under the authority contained in the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*; 87 Stat. 884). The primary authors of this proposed rule are Mr. Tom Strekal and Ms. E. LaVerne Smith, Washington Office of Endangered Species (703/235–1975).

Literature Cited

Amos, B. 1979. Determination of *Callirhoë scabriuscula* Robins. as an Endangered species. Prepared for U.S. Fish and Wildlife Service. October 31, 1979.

Gould, F. S. 1975. Texas plants, a checklist and ecological summary. College Station, Texas: Texas A&M University System, The Texas Agricultural Experiment Station.

Wiedenfeld, C. C., L. J. Barnhill, and C. J. Novosad. 1970. Soil survey of Runnels County, Texas. Washington, D.C.: Soil Conservation Service.

Regulation Promulgation

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below.

1. It is proposed to amend § 17.12 by adding, in alphabetical order, the following to the list of plants:

§ 17.12 Endangered and threatened plants.

Species						
Scientific name	Common name	Historic range	Status	When listed	Critical habitat	Special rules
Malvacea, Mallow Family:						
Callirhoë scabriuscula	Texas poppy-mallow	USA (Texas)	E	N/A	N/A	N/A

Dated: June 7, 1980.

Lynn A. Greenwalt,

Director, Fish and Wildlife Service.

[FR Doc. 80-18372 Filed 6-17-80; 8:45 am]

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federal register

Wednesday
June 18, 1980

Part V

Department of the Interior

Fish and Wildlife Service

Endangered and Threatened Wildlife and Plants; Proposal To Determine Spiranthes Parksii (Navasota Ladies'-Tresses) To Be an Endangered Species

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposal To Determine Spiranthes Parksii (Navasota Ladies'-Tresses) To Be an Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposal.

SUMMARY: The U.S. Fish and Wildlife Service proposes to determine a plant, *Spiranthes parksii* (Navasota ladies'-tresses) to be an endangered species under the authority contained in the Endangered Species Act. This plant occurs in Texas and is threatened by urbanization and collecting. If this proposal is finalized, a determination of *Spiranthes parksii* to be an endangered species would implement the protection provided by the Endangered Species Act 1973 as amended. The Service seeks comments and information from the public.

DATES: Comments from the public must be received by August 18, 1980. Comments from the Governor of Texas must be received by September 16, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Chief, Office of Endangered Species, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, 703/235-2771.

ADDRESSES: Comments and materials concerning this proposal, preferably in triplicate, should be sent to the Director (FWS/OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials received will be available for public inspection by appointment during normal business hours at the Service's Office of Endangered Species, 1000 N. Glebe Road, Fifth Floor, Arlington, Virginia.

SUPPLEMENTARY INFORMATION.

Spiranthes parksii (Navasota ladies'-tresses) was first collected by Dr. H. B. Parks along the Navasota River in Brazos County, Texas, in 1945. Correll described the species in 1947 based upon the Parks collection. Subsequent efforts to relocate the species in the late 'forties and 'fifties were unsuccessful and it was thought to have become extinct. However, in 1978, P. M. Catling rediscovered the species in Brazos County near College Station. Recent searches have resulted in relocating a population near the type locality. In 1978, 20 plants were observed at these two stations. In 1979, 9 plants were observed at these two sites. The extremely small total population size makes *Spiranthes parksii* highly vulnerable to extinction. *Spiranthes parksii* is endemic to Brazos County, Texas. Thus, it is one of the rarest and least known orchids of North America. The continued existence of this species is threatened by encroaching urban development of its habitat and by collecting. Because the Navasota ladies'-tresses is a highly distinctive rare orchid it is sought by orchid collectors. This rule proposes to determine *Spiranthes parksii* to be endangered and if finalized would implement the protection provided by the Endangered Species Act as amended. The following paragraphs further discuss the actions to date involving this plant, the threats to the plant, and effects of the proposed action.

Background

Section 12 of the Endangered Species Act of 1973 directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, designated as House document No. 94-51, was presented to Congress on January 9, 1975. On July 1, 1975, the Director published a notice in the **Federal Register** (40 FR 27823-27924) of his acceptance of the report of the Smithsonian Institution as a petition within the context of Section 4(c)(2) of the Act, and of his intention thereby to review the status of the plant taxa named within. On June 16, 1976, the Service published a proposed rulemaking in the **Federal Register** (41 FR 24523-24527) to determine approximately 1,700 vascular plant species to be endangered species pursuant to Section 4 of the Act. This list of 1,700 plant taxa was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House document No. 94-51 and the July 1, 1975 **Federal Register** publication. *Spiranthes parksii* was included in the July 1, 1975, notice of review and the June 16, 1976 proposal.

The Endangered Species Act Amendments of 1978 required that all proposals over two years old be withdrawn. A one year grace period was given to proposals already over two years old. On December 10, 1979, the Service published a notice withdrawing the June 16, 1976 proposal along with four other proposals which had expired. At this time the Service has sufficient new information to warrant reproposing *Spiranthes parksii.*

In the June 24, 1977, **Federal Register** (42 FR 32373-32381), the Service published a final rulemaking under 50 CFR 17 detailing the regulatioins to protect Endangered and Threatened plant species. The rulemaking established prohibitions and permit procedure to grant exceptions, under certain circumstances, to the prohibitions.

The Department has determined that this is not a significant rule and does not require the preparation of a regulatory analysis under Executive Order 12044 and 43 CFR 14.

Summary of Factors Affecting the Species

Section 4(a) of the Endangered Species Act (16 U.S.C. 1531 et seq.) states that the Secretary of Interior shall determine whether any species is an Endangered species or a Threatened species due to one or more of the five factors described in Section 4(a) of the Act. These factors and their application to *Spiranthes parksii* Correll (Navasota ladies'-tresses) are as follows:

Spiranthes parksii

(1) *Present of threatened destruction, modification, or curtailment of its habitat or range.* One of the two populations of *Spiranthes parksii* is immediately adjacent to the College Station-Bryan urban area. Development of this area is inevitable (Mahler, 1980). The other population is on ranch land now used for deer hunting. Any modification of current management procedures, such as a range improvement operation, could adversely affect the few individuals known from this area. The plant populations in both areas are highly vulnerable to extinction. Potential habitats for this species were searched without success. Thus, two very small populations represent the entire species.

(2) *Overutilization for commercial, sporting, scientific or educational purposes. Spiranthes parksii* is a rare endemic that is currently little known to scientists or to the general public. At present, the taking of specimens for scientific study is minimal. Commercial and private taking by the public is a significant potential threat to this species of rare orchid. Taking has not occurred in the past because the exact locality information has not been generally available.

(3) *Disease or predation.* There is no evidence that either disease or predation is a contributing factor to the endangered status of this species.

(4) *The indadequacy of existing regulatory mechanisms.* There is currently no State or Federal protection for *Spiranthes parksii.*

(5) *Other natural or manmade factors affecting its continued existence. Spiranthes parksii* is endemic to small openings in post oak woodland in Brazos County, Texas. This severely

restricted distribution suggests that this is a fire species which needs the regular occurrence of fire in its ecosystem in order to thrive and reproduce. Current management practices emphasize fire suppression; this practice may be contributing to the decline of the species.

The restriction of this species to two stations and the extremely low population level intensify any adverse effects occurring in the habitat of this plant.

Critical Habitat

Section 4(a)(1) of the Endangered Species Act of 1973, as amended, provides, in part:

> . . . At the time any such regulation [any proposal to determine a species to be an Endangered and Threatened species] is proposed, the Secretary shall also by regulation, to the maximum extent prudent, specify any habitat of such species which is then considered to be critical habitat.

Critical Habitat has not been proposed for *Spiranthes parksii* because it is threatened by taking, an activity not prohibited by the Endangered Species Act of 1973 with respect to plants. This orchid, one of the rarest in North America, would be sought as a curiosity by collectors were Critical Habitat maps published. Publishing these detailed location maps of the *Spiranthes parksii* populations in the **Federal Register** and local newspapers as is required by the Endangered Species Act would call attention to this species and make it more vulnerable to taking. Therefore it would not be prudent to determine Critical Habitat at this time. After protection plans have been developed for this plant, Critical Habitat may be beneficial and may be proposed in the future.

Effects of this Proposal if Published as a Final Rule

In addition to the effects discussed above, the effects of this proposal if published as a final rule would include, but would not necessarily be limited to, those mentioned below.

The Act and implementing regulations published in the June 24, 1977 **Federal Register** set forth a series of general prohibitions and exceptions which apply to all Endangered plant species. All of those prohibitions and exceptions also apply to any Threatened species, excluding seeds of cultivated plants treated as Threatened, unless a special rule pertaining to that Threatened species has been published and indicates otherwise. The regulations referred to above, which pertain to Endangered and Threatened plants, are found at §§ 17.61 and 17.71, of 50 CFR and are summarized below.

With respect to *Spiranthes parksii* all prohibitions of Section 9(a)(2) of the Act, as implemented by Secton 17.61 would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. Certain exceptions would apply to agents of the Service and State conservation agencies. The Act and 50 CFR Section 17.62 also provide for the issuance of permits to carry otherwise prohibited activities involving Endangered or Threatened species under certain circumstances. International and interstate commercial trade in *Spiranthes parksii* does not exist. It is not anticipated that any permits involving plants of wild origin would ever be issued. Therefore, there would be no additional paperwork for the public under Section 9 of the Act.

Section 7(a) of the Act requires Federal agencies to evaluate their actions with respect to any species which is listed as Endangered or Threatened.

Provisions for Interagency Cooperation implementing Section 7 are codified at 50 CFR Part 402. If published as a final rule this proposal would require Federal agencies to insure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of *Spiranthes parksii.*

National Environmental Policy Act

The two known populations of *Spiranthes parksii* occur on privately owned lands. There is currently no Federal involvement on either site. No significant impact on state or local governments is expected as a result of this action. The population near college Station is adjacent to urban development while the population in northeastern Brazos County is on ranch land along the Navasota River. No local or state government involvement is known to exist at either of these sites.

A draft environmental assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species, 1000 North Glebe Road, Arlington, Virgina, and may be examined during regular business hours, by appointment. A determination will be made before the time of final rulemaking as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969.

Public Comments Solicited

The Director intends that the rules finally adopted will be as accurate and effective as possible in the conservation of any Endangered or Threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

(1) Biological or other relevant data concerning any threat (or the lack thereof) to the species included in this proposal; and

(2) Additional information concerning the range and distribution of this species.

Final promulgation of the regulations on *Spiranthes parksii* will take into consideration the comments and any additional information received by the Director, and such communications may lead him to adopt a final regulation that differs from this proposal.

This proposal is being published under the authority contained in the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.; 87 Stat. 884). The primary author of this proposed rule is Ms. Rosemary Carey, Washington Office of Endangered Species (703/235–1975).

Literature cited

Catling, P.M. and K.L. McIntosh. 1979. Rediscovery of *Spiranthes parksii* Correll. Sida 8(2): 188–193.

Mahler, Wm. F. 1980. Determination of *Spiranthes parksii* Correll as an Endangered Species. Prepared for the U.S. Fish and Wildlife Service.

Texas Almanac, 1980–81. 50th ed. Published by Dallas Morning News, Dallas, Texas.

Regulation Promulgation

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below.

1. It is proposed to amend § 17.12 by adding, in alphabetical order, the following to the list of plants:

§ 17.12 Endangered and Threatened plants.

Species			Historic range	Status	When listed	Critical habitat	Special rules
Scientific name		Common name					
Orchidaceae—Orchid Family							
Spiranthes parksii.		Navasota ladies'-tresses.	USA (Texas)	E	N/A	N/A	N/A

Dated: June 10, 1980.

Harold J. O'Connor

Director, Fish and Wildlife Service.

[FR Doc. 80-18373 Filed 6-17-80; 8:45 am]

BILLING CODE 4310-55-M

federal register

Wednesday
June 18, 1980

Part VI

Department of Energy

Economic Regulatory Administration

Standby Gasoline Rationing Plan

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 570

[Docket No. ERA-R-79-54-A]

Standby Gasoline Rationing Plan

AGENCY: Economic Regulatory Administration, Department of Energy.
ACTION: Final rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE), pursuant to direction from the President of the United States, hereby publishes final rules adopted by the President for a standby gasoline rationing plan. Development of this rationing plan is required by the Energy Policy and Conservation Act (Pub. L. 94–163, EPCA), as amended by the Emergency Energy Conservation Act of 1979 (Pub. L. 96–102, EECA).

Pursuant to the procedures specified in EPCA, the plan will be submitted by the President to Congress for review over a period of 30 days. If not disapproved by Congress, these regulations will remain in standby status. They would become effective only upon a determination by the President that putting the Standby Gasoline Rationing Plan into effect is necessary to respond to a severe petroleum shortage or to meet international energy program obligations, in accordance with the procedures specified in the EPCA.

The Standby Gasoline Rationing Plan is intended to provide a basic framework for distribution of ration rights to end-users of gasoline. In many instances the regulations are broad in scope, and details will have to be provided in further regulations, guidelines and orders. These details will be developed during the so-called "pre-implementation period," which is expected to take several months. Only after this time will the complete gasoline rationing plan be ready for implementation.

The plan provides that eligibility for ration allotments will be determined primarily on the basis of motor vehicle registrations, taking into account historical differences in the use of gasoline among States. The regulations also provide authority for supplemental allotments to firms so that their allotment will equal a specified percentage of gasoline use during a base period. A priority classification, including, for example, national security, newspaper distribution, rental vehicles, agriculture and for hire mail and small parcel transportation and delivery, is established to assure adequate gasoline supplies for designated essential services.

Ration rights are required by the regulations to be provided by end-users to their suppliers for each gallon sold, and suppliers must provide "redeemed" (cancelled) ration rights to their suppliers on a gallon-for-gallon basis in order to be resupplied. Ration rights are freely transferable. A ration banking system is created to facilitate transfers of ration rights and redeemed ration rights. Each State will be provided with a reserve of ration rights to provide for hardship needs and to alleviate inequities. A small national reserve also is established to meet emergency needs and other national purposes.

DOE will regulate the distribution of gasoline at the wholesale level according to the transfer by suppliers of redeemed ration rights and the gasoline allocation regulations in 10 CFR Part 211, if such regulations are in effect. The Secretary of Energy may, pursuant to his authority under other law, limit the impact of the allocation regulations in order to prevent any overlap and inconsistency with the rationing plan.

Development of any end-user gasoline rationing plan necessitates difficult tradeoffs between equitably meeting the diverse needs of millions of gasoline users and creating a program capable of rapid implementation with limited administrative complexity. Although the rationing plan, if fully implemented, would be costly and administratively complex, options have been incorporated into the plan to provide, to the maximum extent practical, equity among gasoline users thoughout the Nation and to provide flexibility to minimize disparities within States.

Any gasoline rationing plan will inconvenience large numbers of gasoline users and will cause hardships to many persons. But in times of serious shortage, gasoline rationing would assure access to some gasoline by all motorists (particularly priority users) and would also help to eliminate waiting lines, stabilize the market for gasoline, and mitigate the economic dislocations caused by a severe petroleum shortage.

DATES: Pursuant to the procedures specified in EPCA, the plan will be submitted by the President to Congress for review over a period of 30 days. If not disapproved by Congress, these regulations will remain in standby status. They would become effective only upon a determination by the President that putting the Standby Gasoline Rationing Plan into effect is necessary to respond to a severe petroleum shortage or to meet international energy program obligations, in accordance with the procedures specified in the EPCA.

Comments by August 15, 1980, 4:30 p.m.

ADDRESSES: All comments to: Office of Public Hearing Management, Department of Energy, Room 2313, 2000 M Street, N.W., Washington, D.C. 20631.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

I. Background and Statutory Requirements
II. Other Statutory Requirements of the EPCA
III. Final Standby Gasoline Rationing Plan
IV. Summary of the Final Standby Gasoline Rationing Regulations
  A. Distribution of Ration Rights
  B. Entitlements for Ration Allotments
  C. Issuance and Distribution of Ration Rights
  D. Gasoline Sales
  E. Relationship of Allocation Program to Rationing
  F. Ration Banking
  G. The Ration Rights Market
  H. National Ration Reserve
  I. States' Role in Gasoline Rationing
V. Section by Section Analysis of the Standby Gasoline Rationing Regulations
  A. General Provisions
  1. § 570.1 Scope and Effective Date.
  2. § 570.2 General Definitions.
  3. § 570.3 Penalties and Violations.
  4. § 570.4 Reporting Requirements.
  5. § 570.5 User Fees.
  6. § 570.6 Authority to Contract or Delegate.
  7. § 570.7 Authority to Issue Further Regulations and Orders.
  B. Ration Rights: General Provisions
  1. § 570.11 Distribution of Ration Rights.
  2. § 570.12 Disposition of Government Ration Checks.
  3. § 570.13 Ration Rights.
  4. § 570.14 Mandatory Transfers of Ration Allotments.
  C. Computation of Reserves and Allotments

1. § 570.21 Definitions.
2. § 570.22 Calculations.
3. § 570.23 Ration Rights Purchases and Sales.
4. § 570.24 Limitation on Distribution of Ration Rights.
D. Supplemental Allotments
1. § 570.31 Priority Class Activities.
2. § 570.32 Commercial Firm Allotments.
3. § 570.33 Other Supplemental Allotments.
4. § 570.34 Application Procedures.
5. Precedence of Delivery.
E. Purchase of Gasoline
1. § 570.41 Retail Purchases of Gasoline.
2. § 570.42 Other Purchases of Gasoline.
3. § 570.43 Other Gasoline Purchase Provisions.
4. § 570.44 Supplier Disposition of Ration Rights and Ration Checks.
5. § 570.45 Principal Suppliers' Obligations to DOE.
6. § 570.46 Redemption Advances.
7. § 570.47 Inventory Changes.
F. Allocation of Gasoline
1. § 570.51 Relationship to Parts 210 and 211.
G. Ration Banking
1. § 570.61 Coupon Issuance Points and Participating Banks.
2. § 570.62 Ration Rights Accounts.
3. § 570.63 Redemption Accounts.
4. § 570.64 Restrictions on Endorsements.
H. National Ration Reserve
I. State Ration Reserves
1. § 570.81 State Ration Reserves.
2. § 570.82 Establishment of State Rationing Offices and Local Boards.
3. § 570.83 Hardship Applications and Guidelines.
VI. Discussion of Other Comments
A. Allotments Based on Registered Vehicles Versus Drivers' Licenses
B. Other Gasoline Uses
C. Diesel Fuel Rationing
VII. Procedures for Promulgating the Standby Gasoline Rationing Plan Rule
VIII. Comment Procedures
IX. Regulatory Analysis
X. Environmental Report

I. Background and Statutory Requirements

On December 7, 1979, the Department of Energy (DOE) issued a notice of proposed rulemaking and public hearings (44 FR 70799, December 10, 1979) to amend Chapter II, Title 10 of the *Code of Federal Regulations* by adding a new Part 570 setting forth regulations with respect to a Standby Gasoline Rationing Plan.[1] Written comments were invited and public hearings were held in Washington, D.C., New Orleans, Boston, San Francisco, Chicago and Seattle. Over 1300 written comments were received, and over 200 oral presentations were made at the six public hearings. Commenters included private citizens from every section of the country and representatives of an extremely broad range of business activities, consumer groups, interest groups and Federal, State and local governmental units. We are satisfied that virtually every interest that would be affected by the plan is represented in the comments and statements that were submitted. The comments submitted have been carefully considered, and several changes to the proposed plan have been made in response to the public comments.

Development by the President of a gasoline rationing plan is required by sec. 203 of the Energy Policy and Conservation Act (Pub. L. 94–163, EPCA), as recently amended by the Emergency Energy Conservation Act of 1979 (Pub. L. 96–102, EECA). EPCA sec. 203(a)(1) provides that:

> As soon as practicable after the date of the enactment of the Emergency Energy Conservation Act of 1979, the President shall prescribe, by rule, a rationing contingency plan. * * *

The Secretary of Energy has been delegated the authority to develop for the President's consideration the gasoline rationing plan prescribed under EPCA section 203. (Executive Order 11912 (41 FR 15825, April 15, 1976), as amended by Executive Order 12038 (43 FR 4957, February 7, 1978)).

Although the EPCA does not specify a time limit for promulgation of a gasoline rationing plan, the Secretary of Energy has ordered that the plan be developed as expeditiously as possible consistent with the procedural requirements of the EPCA, EECA and other laws. 1979 was a year characterized by a temporary cessation of oil supplies from Iran and shortages of gasoline, aviation fuel, diesel fuel and other products. In response to the seizure of U.S. embassy employees in Tehran, the President issued a proclamation on November 12, 1979, which prohibits the importation into the U.S. of oil that originated in Iran. Prior to this action, Iran supplied 4–5 percent of our total oil supply.

The hostage situation in Tehran and the recent Soviet invasion of Afghanistan have continued to provoke further turmoil and unrest in the Middle East, an area which supplies over 60 percent of the petroleum consumed by the Western industrial nations. The beginning of the 1980's, therefore, is characterized by insecure foreign sources of petroleum and a potential threat of gasoline shortages, underscoring the need for the government to have in place a Standby Gasoline Rationing Plan as soon as possible so as to be prepared to manage a severe gasoline shortfall.

The recent amendments to EPCA changed significantly the process by which a gasoline rationing contingency plan is approved by Congress and implemented by the President. EPCA sec. 201(d), as amended by the EECA, provides generally that the President must submit the rationing plan to Congress for review over a period of 30 days. The plan will be considered approved after that period unless a joint resolution of disapproval is enacted (which occurs when both Houses of Congress adopt the resolution and the President does not veto it, or, if the President vetoes it, both Houses of Congress override the veto by a two-thirds margin). A plan may be approved affirmatively by Congress in less than 30 days.

Pursuant to EPCA sec. 201(d), as amended, an approved plan would remain in standby status and could be imposed only if the President found that putting the plan into effect is required by a severe energy supply interruption or is necessary to comply with obligations of the United States under the international energy program. EPCA sec. 201(d) defines a severe energy supply interruption as a national energy supply shortage which the President determines has resulted or is likely to result in a 20 percent shortfall, with respect to projected normal demand, of gasoline and middle distillate fuels for a period of at least 30 days. The shortfall must be one which is not manageable under other energy emergency authorities, is expected to persist for a substantial period of time and is expected to have a major adverse impact on national health or safety or the national economy. An international energy program obligation must have comparable impacts. The President must notify the Congress of his finding together with a request to implement rationing.

EPCA sec. 201(d) further provides that the President may request the Congress to waive the finding requirement described above.

The EPCA, as amended, also provides that an approved plan could be amended provided the Congress is notified and the proposed amendment lies before the appropriate committees of Congress for at least 15 days, or each such committee has transmitted to the President written notice that such committee has no objection to the amendment. Once a plan is implemented by the President in an emergency it can be amended only if the President transmits the amendment to Congress.

If this Standby Gasoline Rationing Plan regulation is adopted according to these procedures, it might remain in standby status for a substantial period

[1] The history of previous DOE gasoline rationing plans is discussed in the Notice of Proposed Rulemaking, 44 FR at 70803.

of time after approval by Congress before it would have to be implemented. In addition, developing a program for rationing gasoline on a national level is a unique and extraordinarily complex undertaking. Preparation of a complete gasoline rationing program will require several months of pre-implementation planning and effort by DOE to complete the details of such a far-reaching program. In consideration of these factors and the necessity of having a plan ready as soon as possible, the final regulations strike a balance between providing as much detail as practicable, yet retaining the flexibility to respond to a broad range of situations. Given the delicate balance of the world oil situation, the Standby Gasoline Rationing Plan must be capable of implemention in a range of circumstances. It is contemplated that further rules, orders and guidelines consistent with the general plan will be issued during the pre-implementation period and at the time rationing is implemented to provide any necessary additional details. These rules, orders, or guidelines will be adopted only after public comments are received and considered in accordance with normal rulemaking procedures. They will not be subject to formal Congressional review unless they change the Standby Gasoline Rationing Plan.

II. Other Statutory Requirements of the EPCA

Section 203(a)(1) of the EPCA, as recently amended by the EECA, establishes the general framework that must be included in any rationing contingency plan. The plan shall provide, consistent with the attainment to the maximum extent practicable of the objectives specified in section 4(b)(1) of the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93–159, EPAA),

(A) For the establishment of a program for rationing and ordering of priorities among classes of end-users of gasoline and diesel fuel used in motor vehicles, and

(B) For the assignment of rights, and evidence of such rights, to end-users of gasoline and such diesel fuel, entitling such end-users to obtain gasoline or such diesel fuel in precedence to other classes of end-users not similarly entitled.

The rationing plan also must take into account the mobility needs of the handicapped.

EPCA sec. 203(a)(3), as amended, prescribes that any rationing plan must (1) distribute end-user rights on a State-to-State basis that results in the degree of shortfall being equally shared among the various States, (2) make end-user rights available on a basis which takes into account fairly the relative needs of end-users, and (3) ensure that adequate end-user rights are available to carry out sections 203(a)(1) (A) and (B) quoted above.

EPCA also provides that the President, in developing the rationing plan, make provisions for use of local boards to respond to hardship and other needs.

Section 203(e) of the EPCA prohibits any rationing contingency plan developed under the EPCA from:

(1) Imposing any tax;

(2) Providing for a credit or deduction in computing any tax; or

(3) Imposing any user fee, except to the extent necessary to defray the cost of administering the rationing contingency plan or to provide for initial distribution of end-user rights.

III. Final Standby Gasoline Rationing Plan

In response to numerous public comments and further study and effort by DOE, the final Standby Gasoline Rationing Plan has been modified in many substantial respects from the proposal. These changes are discussed in detail in the section by section analysis.

Many of the comments focused on specific issues which likely will be the subject of further rationing rulemakings during the pre-implementation period. Such rulemakings will be required to work out the details of the rationing program. At such time, all relevant comments received in response to the proposed plan will be given further attention, together with comments submitted in response to those rulemakings.

IV. Summary of the Final Standby Gasoline Rationing Regulations

A. Distribution of Ration Rights

In order to carry out, to the maximum extent possible, the dual objectives of the EPCA to distribute ration rights among the States on the basis of historical use and to provide equitable distribution among all classes of end-users, the distribution of ration rights will be as follows:

For each ration period, DOE will project the national total available supply of gasoline. This amount will determine the total number of ration rights that will be made available. These ration rights will be distributed generally as follows:

(1) A small percentage of these rights will be reserved for distribution for a National Ration Reserve.

(2) The total number of ration rights to be distributed to classes of end-users within each State will be determined on a State-by-State basis that takes into account historical use of gasoline by those classes in that State. With the exception of agriculture, allotments for firms and priority activities in each State will be taken from that State's share of total allotments. Agriculture priority allotments will be distributed before distributions are made to individual States to avoid distortions that might otherwise be caused to other classes of end-users because of the size of this priority category. Under this procedure, each class of end-user in one State would share any shortfall equally (as measured against historical use) with the corresponding class of end-user in other States.

(3) A percentage of each States's ration rights will be reserved for a State Ration Reserve, from which the State will make distribution to meet hardship needs.

(4) DOE will provide allotments to firms and priority class activities on the basis of their historical use of gasoline.

(5) In each State, the remaining ration allotments will be distributed to all other registrants, eligible individuals and other persons entitled to allotments on a per vehicle basis.

B. Entitlements for Ration Allotments

1. Eligibility for ration allotments will be primarily on the basis of motor vehicle registration. However, DOE will implement a system by which such allotments will be supplemented for all business firms and priority users based upon their historical use of gasoline. Persons (whether individuals or firms) with the most recent valid vehicle registration for an eligible vehicle will receive ration allotments. Authority is provided for a limit to be imposed on the number of ration rights distributed to any person or household. Provisions will be made for the expeditious transfer to eligibility for ration allotments when a vehicle is transferred. Provisions also will be made to enable purchasers of new cars to obtain ration rights on an expedited basis.

2. All vehicles, except motorcycles and mopeds, will receive the same allotment. Motorcycles will receive one-fourth of the allotment for other vehicles, and mopeds will receive one-tenth of an allotment. Firms will receive the same per vehicle allotments but will be able to supplement them with additional allotments to reflect their historical usage of gasoline.

3. DOE will issue supplemental allotments for certain priority activities, such as national security, agriculture, law enforcement, fire fighting, United States Postal Service, emergency medical services, public passenger

transportation, sanitation services, search and rescue, snow removal, telecommunications services, gas and electric utilities service, newspaper distribution, energy production activities, vehicle rentals and firms engaged in for hire mail and small parcel transportation and delivery.

C. Issuance and Distribution of Ration Rights

1. DOE will distribute ration rights by printing and mailing Government ration checks to eligible ration recipients.

2. Ration recipients will be permitted to exchange Government ration checks for ration coupons at designated coupon issuance points, endorse them for deposit in a ration rights account, endorse them for transfer or sale to any individual or firm, or exchange them for gasoline to a willing supplier.

D. Gasoline Sales

1. DOE will control the sale of gasoline by requiring that each purchaser of gasoline at a retail sales outlet present ration rights (coupons or checks) to the retailer equal on a gallon basis to the amount of gasoline purchased. DOE will establish procedures by which bulk purchasers and other wholesale purchaser-consumers shall transfer ration rights to their suppliers.

2. Retail outlets and other suppliers of end-users will be required to "redeem" the ration rights received in exchange for gasoline sold. Certain gasoline suppliers may be required to open "redemption accounts" for the deposit of redeemed ration rights.

3. Suppliers will be required to remit to their suppliers redeemed ration rights or a redemption check drawn on a redemption account equal on a gallon basis to the amount of gasoline received.

4. Principal suppliers, *i.e.*, refiners and importers, will be required periodically to write a redemption check to DOE equal on a gallon basis to the volume of gasoline sold during a given reporting period.

E. Relationship of Allocation Program to Rationing

1. As is explained more fully in the section by section analysis, the Secretary of Energy's authority to allocate gasoline under the EPAA regulations in 10 CFR Parts 210 and 211 is distinct from the rationing authority in EPCA, and is not subject to EPCA review procedures. At the time rationing is implemented, the Secretary of Energy will have the discretion under his EPAA authority either to continue allocation controls or to rely solely upon the Standby Gasoline Rationing Plan to allocate gasoline.

2. To the extent that Parts 210 and 211 remain in effect and the provisions of these regulations are inconsistent with the provisions in Parts 210 and 211, the rationing regulations will control. The principal impact of these regulations on the allocation program, if it remains in effect, is that each purchaser's right to receive product will be limited by the number of ration rights or redeemed ration rights it has to transfer for the gasoline.

3. The Secretary of Energy is provided in these regulations with authority to prohibit suppliers from increasing above a specified limit transfers of gasoline to certain purchasers. This provision will be important particularly if the allocation requirements of Part 211 are not in effect, since they will allow the Secretary to prevent a supplier from increasing supplies to its own retail outlets at the expense of independent retailers which it also supplies.

F. Ration Banking

1. Subject to conditions to be established by DOE, any firm or individual will be permitted to open a ration rights account at a participating bank. Ration rights accounts will operate in much the same manner as monetary checking accounts, *i.e.*, account holders will be able to deposit ration coupons and ration checks in their accounts and can write ration checks against their accounts.

2. Gasoline suppliers will be able to open "redemption accounts" for the deposit of redeemed ration coupons and ration checks. Redemption checks can be written against these accounts, payable to other suppliers for resupply of gasoline. Suppliers will receive an initial redemption advance in order to permit them to be resupplied until they have accumulated sufficient redeemed ration rights. DOE may place restrictions on the transfer of redeemed ration rights other than for the resupply of gasoline if such restrictions are necessary to prevent fraud or abuse.

G. The Ration Rights Market

1. Ration coupons that have not been redeemed will be freely transferable. DOE does not intend to regulate the ration rights market directly, but the final plan reserves the right to do so, if in DOE's judgment such regulation becomes necessary to prevent abuses.

2. In order to facilitate the establishment of a market for ration coupons, DOE has the authority under the regulations to sell some ration rights to the public, provided such sale does not cause the total number of issued ration rights to exceed the total amount of gasoline available. In addition DOE can authorize the States to sell ration rights from the State Ration Reserves (see below). DOE also is authorized, to the extent appropriations are available, to buy and sell coupons whenever necessary to equilibrate the number of issued ration rights with the actual supply of gasoline.

H. National Ration Reserve

A percentage of the total ration rights issued will be reserved for the establishment of a National Ration Reserve. The National Ration Reserve will be used to meet national disaster relief needs and other national emergencies, to provide allotments to Canadian and Mexican firms that drive vehicles across the border for the purpose of conducting business in the United States, and for such other purposes as DOE finds necessary.

I. States' Role in Gasoline Rationing

1. A percentage of the ration rights to be issued within each State will be reserved for distribution to that State as a State Ration Reserve, to be used by the State primarily for the relief of hardship. The States will have broad discretion and flexibility in the administration of the State Ration Reserves but will be required to submit to DOE a plan describing how the State Ration Reserve will be administered before receiving the ration rights. DOE can authorize the States to sell to the public a portion of the State Ration Reserve in order to facilitate the establishment of a market for ration coupons.

V. Section-by-Section Analysis of the Standby Gasoline Rationing Regulations

A. General Provisions

1. § *570.1 Scope and Effective Date.* Section 570.1 provides that gasoline rationing will be effective in all or such parts of the United States as specified by DOE. Several comments urged that the State of Alaska be exempted from gasoline rationing because of many unique factors existing in that State, primarily associated with climatic conditions and sparse population. Section 570.1 will permit DOE to exempt a State or a territory from rationing if such an exemption would result in a more equitable and efficient distribution of gasoline, but it would be more appropriate to postpone such a decision until more facts can be developed during the pre-implementation period.

Section 570.1(c) has been modified so as to clarify the applicability of 10 CFR Parts 205, 210, 211, and 212 to rationing.

The procedural regulations contained in Part 205 will be applicable to this Part, unless the Secretary of Energy by rulemaking modifies Part 205 to reflect the specialized needs of rationing. The Secretary may conclude, for example, that it would be preferable to develop a separate appeals mechanism within DOE for rationing issues, rather than relying upon the procedures in Part 205.

The authority to administer Parts 210, 211 and 212 of 10 CFR during a period of rationing is not dependent upon the rationing provisions of the EPCA or the EECA, but on the EPAA and the regulations issued thereunder. The Secretary will determine under his discretionary EPAA authority which provisions of the allocation and pricing regulations will remain in effect during rationing. Section 570.1(c) provides that if any provisions of Parts 210, 211 and 212 are in effect at the time rationing is in effect, they will apply to rationing. It is further provided, however, that if any of the provisions of these regulations are inconsistent with any provisions of any other Part of this Chapter, the provisions of Part 570 shall control.

2. § *570.2 General Definitions.* Most of the definitions which were proposed in the December 7 notice have been adopted as proposed. There are two new definitions and several modifications to definitions. The explanations in the preamble to the proposed regulations (44 FR at 70810, Dec. 10, 1979) of definitions which have not been modified remain valid.

"Agriculture" has been defined to mean agricultural production as defined in 10 CFR Part 211, and related distribution of agricultural products. Further information on the meaning of this definition is included in the discussion below of priority activities.

The definition of "base year" has been changed from the proposed regulation. As proposed, the base year would have been the same base year as in the allocation regulations, 10 CFR Part 211, or the 12 month period specified by DOE. We have determined that it is not necessary for the rationing regulations to be tied to the base year definition for allocation, and that it is preferable to use the most recent base year for which data is available, regardless of whether that is the base year for allocation purposes. This is so because the allotments to firms would then be made using the same historical period as that used for State-by-State distribution, which must be done according to "the most recent base period use data available." EPCA sec. 203(a)(3). Moreover, if it is determined that gasoline should be resupplied to dealers on the basis of their redeemed ration rights only, as is likely, the base year under the allocation program becomes much less significant. We therefore have defined the base year as the most recent 12 calendar month period for which accurate and reliable gasoline use data are available. If rationing remains in effect for a prolonged period, the base year may change as new gasoline use data is collected.

The definition of "emergency services" has been expanded to include search and rescue activities and utilities services. These activities too will be entitled to receive supplemental allotments of ration rights as priority class firms. Further effort will be necessary during pre-implementation to establish a precise definition of "search and rescue activities."

"Utilities services" has been defined to include repair, operation and maintenance of gas and electric service to the public by public utilities. This definition is intended to encompass only the systems involved and does not include repairs to appliances and devices owned by the consumer, whether such service is performed by the public utility or a private firm. Furnace repair is an example of a service which is not covered by the definition.

The term "Governor" is used in the final regulations and has been defined to mean the chief executive officer of the State (the definition of which includes the District of Columbia, Puerto Rico and U.S. territories and possessions).

A definition of "person" has been added to the final regulations which includes any individual, corporation, partnership, association or any other organized group, and includes any agency of the United States Government or any other government.

The definition of "bulk purchaser" has been modified to have the same meaning as it does under the allocation regulations. The term is defined in 10 CFR 211.102, and presently is defined as any firm which is an ultimate consumer and which, as part of its normal business practice, purchases or obtains motor gasoline from a supplier and either (a) receives delivery of that product into a storage tank substantially under the control of that firm at a fixed location, (b) with respect to use in agricultural production, receives delivery into a storage tank with a capacity not less than 50 gallons substantially under the control of that firm, or (c) receives delivery of that product for use in cargo, freight and mail hauling by truck.

The definition of "retail sales outlet" has been modified from the definition contained in the allocation regulations, 10 CFR 211.51. Many commenters expressed concern that the proposed definition did not include marinas and other suppliers to gasoline consuming equipment other than motor vehicles. The term "retail sales outlet" has been defined so as to make it clear that the term is intended to include the typical gas station and marina as well as any other retail site where gasoline is sold to end-users (other than into the user's gasoline storage tank at a fixed location). A retailer who provides gasoline delivery service to large consumers who have a gasoline storage tank at a fixed location is not, in such sales, considered to be selling from a "retail sales outlet" under these regulations.

Many comments were received urging that the definition of "telecommunications services" be modified so as not to limit the activity to "periods of substantial disruption of normal service." It was argued that it is impractical to grant a priority after the emergency has occurred. Rather, providing the priority in advance likely could prevent many disruptions in services from occurring. We found these arguments to be persuasive and have modified the definition accordingly. Under the revised definition, telecommunications firms will be able to receive priority allotments at the beginning of a rationing period in amounts sufficient to provide for anticipated repair, operation and maintenance needs. In response to several commenters who felt that the definition discriminated against competitors of the telephone companies, firms which provide the same services in direct competition with common carriers also have been included in the priority classification. By way of illustration, if a firm which is not a common carrier services office telephone equipment in competition with a telephone common carrier, it will be entitled to a priority allotment, limited, of course, to the extent of service to such competitive equipment.

A few other modifications were made to definitions so as to clarify their intent. Other definitions will be discussed below in the separate sections where these terms are applied.

3. § *570.3 Penalties and Violations.* Section 570.3 is unchanged from the proposal and provides that any person who violates any provision of these regulations or any further regulations or orders issued under them will be subject to the penalties set forth in section 5 of the EPAA, sections 524 and 525 of the EPCA, and Subpart P of 10 CFR Part 205.

Section 570.3 also imposes an obligation upon all firms having custody, care or control of ration rights to take all reasonable precautions against the use of counterfeit and altered ration rights, as well as a duty to safeguard ration coupons, Government ration checks and other ration rights from embezzlement, loss, theft, damage or unauthorized destruction.

Subsections (c), (d) and (e) of § 570.3 specifically proscribe counterfeiting, fraud and related activity with respect to ration checks, ration coupons or other ration rights, as well as with respect to redemption checks. Additionally, subsection (f) implements section 105(b)(5) of the Emergency Energy Conservation Act of 1979, providing that ration rights or any other evidence of right prepared by or an on behalf of the United States for use in connection with a rationing contingency plan shall be considered to be an obligation or other security of the United States for purposes of the criminal statutes in Title 18, United States Code.

4. § *570.4 Reporting Requirements.* Section 570.4 of the regulations authorizes DOE to require filing of such reports or information as it deems necessary to administer the Standby Gasoline Rationing Plan.

5. § *570.5 User Fees.* Section 570.5(a) of the final regulations retains the provision permitting DOE to impose a uniform fee on each gallon sold during the period for which rationing is in effect. Under the EPCA, such a fee can be imposed only to the extent necessary to defray administrative costs or to provide for initial distribution of ration rights.

Many jobbers, retailers, State governments and other commenters were concerned about the substantial administrative costs they may incur during rationing. A new §570.5(b) has been added which provides that DOE shall establish procedures to provide for reimbursement of some or all administrative and related costs incurred by coupon issuance points, State and local governments and such other firms and governmental units as shall be called upon to implement the Standby Gasoline Rationing Plan. These costs would include the costs of administering the State Ration Reserves, costs incurred by firms serving as coupon issuance points, and costs incurred by other firms that are called upon by government to provide services for the ration rights distribution, use and collection process. Costs incurred by ration recipients would not be reimbursable under this section. In addition, it is not intended that reimbursement of costs will be made under this section to firms that recover such costs by passing them on to their customers. Thus, for example, no provision has been included for suppliers to recoup additional costs resulting from rationing since DOE's pricing regulations in 10 CFR Part 212 already provide a mechanism to recover such costs. It is expected that banks which provide ration banking services (other than coupon distribution) will recover the cost of providing such services by charging a service fee to their customers.

6. § *570.6 Authority to Contract or Delegate.* Section 570.6 provides DOE with the authority to delegate any of the functions contained in these regulations to any other governmental agency at the Federal, State or local level. This section also gives DOE authority to contract for goods and services necessary to implement rationing.

7. § *570.7 Authority to Issue Further Regulations and Orders.* These regulations may be in a standby status for a substantial period after Congressional approval before they would have to be implemented. Also, the need for certain authorities may not be ascertained until they are identified during the pre-implementation process. Accordingly, there are many instances in the regulations where the need for further orders, rules or guidelines is anticipated. Section 570.7 provides authority to issue such rules, orders and directives in order to implement these regulations.

Although an implementing regulation will not be an amendment to the rationing plan (provided, of course, it is consistent with the plan) and therefore will not be subject to Congressional review, it will have to be promulgated in accordance with applicable administrative procedures, including an opportunity for public input, as required by sec. 203(h) of EPCA. DOE also, will, to the maximum extent possible, obtain comments from the public prior to the issuance of any orders or guidelines which are developed for the rationing program during pre-implementation.

Any regulation which amends this Standby Gasoline Rationing Plan will be submitted for Congressional review in accordance with the EPCA procedures.

B. Ration Rights: General Provisions

1. § *570.11 Distribution of Ration Rights.* The Standby Gasoline Rationing Plan provides, in § 570.11(a), that DOE will issue ration rights in the form of Government ration checks or will deposit them (through, for example, electronic transfers) directly into ration rights accounts. Flexibility also is retained to allow DOE to distribute ration allotments by any other means that it determines to be expeditious and efficient in the circumstances, as long as the amount of the allotments made to each recipient are determined in accordance with Subpart C.

The regulations provide in § 570.11(b) that DOE may establish procedures whereby all or a portion of the ration rights allotted to a State Ration Reserve may be distributed by DOE. Such a situation may arise, for example, where a State has accumulated a large number of ration rights in the State Ration Reserve and for the next ration period would rather have DOE distribute the Reserve's allotment for that period directly to ration recipients within the State. Or, if a State is not administering its Reserve in accordance with an approved plan, DOE could issue those ration rights that would have gone into the Reserve directly to ration recipients within the State.

Section 570.11(c) as proposed in the December 7 notice, which would have allowed for the separate rationing of leaded and unleaded gasoline and gasohol, has been eliminated. Many commenters pointed out that a bifurcated rationing plan would be excessively complicated and expensive. We agree. However, if further analysis of this issue during pre-implementation should reveal that a single rationing system would exacerbate fuel-switching or would have other environmentally harmful effects, we will consider an amendment to adopt the more complicated system. Further comments are invited on this issue.

It should be noted that this plan deals only with the rationing of gasoline. Gasohol, which typically is a blend of 90 percent unleaded gasoline and 10 percent ethyl alcohol, will be subject to rationing only to the extent of its gasoline content. Therefore, the purchase of a 90/10 blend of gasohol will require only nine-tenths as many ration rights as the purchase of the same volume of pure gasoline. (See discussion below of § 570.43(e)).

2. § *570.12 Disposition of Government Ration Checks.* Section 570.12 has been adopted as proposed. Government ration checks will be exchangeable for ration coupons at designated issuance points (see discussion below). Additionally, a Government ration check will be transferable by endorsement to any individual or firm, by deposit in a ration rights account or by endorsement to a supplier when purchasing gasoline, provided the supplier is willing to accept the check rather than coupons.

3. § *570.13 Ration Rights.* This section also has been adopted as

proposed in the notice of proposed rulemaking. Under § 570.13(a), ration coupons will entitle the bearer to purchase a specified quantity of gasoline. It was proposed that ration coupons would be issued primarily in five gallon amounts. Commenters raised two principal objections to this proposal. First, many of the comments argued that five-gallon coupons will be unfair to owners of motorcycles and mopeds which generally have gas tanks substantially smaller than five gallons, resulting in forfeited gallonage. The other major concern was that a motorist could not fill his car gasoline tank with, say, 12 gallons of gas without giving up coupons worth 15 gallons. These problems could be avoided by issuing one-gallon coupons, but it would significantly increase the number of coupons to be printed and circulated. The points raised by the commenters are valid, however, and DOE will continue to study the issue during pre-implementation. We invite additional comments or suggestions from the public on this question.

Ration coupons which were printed in early 1974 with the designation "one unit" also may be utilized. If they are used, DOE will announce, by advance notice published in the Federal Register and other publications, the gallon amount for which each such coupon would be redeemable.

Ration coupons will have a series designation and the DOE will publish an advance notice of the effective date for each coupon series designation. A coupon would not be valid until such date, but once a coupon becomes valid, it would remain valid for the duration of gasoline rationing. However, it may become necessary periodically to require old coupons to be redeemed for newer ones to avoid having too many series valid at one time or to counteract counterfeiting activities. Thus, the regulations allow for limitations to be placed on the continuing validity of coupons and other indicia of ration rights, such as Government ration checks.

A ration check likely will provide ration rights for more than one month, with the probable ration period to be three months. So as not to create an immediate imbalance in the first month of the period between the supply of gasoline and the number of ration rights issued, the ration check will entitle the bearer to several series of coupons. Using the example of a three month ration period, the check will entitle the bearer to coupons for months A, B and C. During month A, only A coupons may be used. B and C coupons would not yet be valid. During month B, both A and B coupons would be valid. In month C, all three series would be valid and would remain valid for the duration of gasoline rationing (unless a limitation is imposed as described above). Therefore, when an endorsee of a Government ration check (such as a retail station operator who agrees to accept Government ration checks in lieu of coupons) turns it in for coupons, he will receive more than one series designation, some of which may not yet be valid.

4. § *570.14 Mandatory Transfers of Ration Allotments.* The regulations provide in § 570.14 that DOE may, in order to prevent windfalls to the lessor of a registered vehicle receiving ration allotments, require such lessor to transfer such ration allotments to the lessee of such vehicle according to terms and conditions to be established by DOE. This authority is provided only as a precaution. It is expected that the transfer of ration rights from lessor to lessee will become routine as part of the lease agreement.

The preamble to the proposed regulations noted that there is no reference to the length of time of the lease so DOE would not be precluded from requiring transfer of coupons for short term rental vehicles if DOE should determine that is necessary. Several rental car companies commented that mandatory transfer of coupons would not be justifiable for short-term rentals since the rental company usually receives its cars back with partially empty tanks, which it then refills. We agree that the rental of a day, or a few days or perhaps a week should not require transfer of coupons. However, there is a period when rentals become sufficiently long to warrant such transfers on the same theory as a lease. Therefore, § 570.14 will enable DOE to monitor rental and lease operations and mandate transfers where necessary or appropriate to prevent windfalls.

C. Computation of Reserves and Allotments

The methodology for computing the allotments of ration rights to registrants of motor vehicles has been modified from the December 7 notice as a result of deducting supplemental allotments for the agriculture priority from the national supply of ration rights as opposed to subtracting from each State's supply of ration rights. The reasons for this change in the method of allotment calculation are explained below in subsection (b) of section (2). Also, the final regulations provide that a limitation may be placed on the number of allotments a person or household may receive (discussed below). The issue of whether ration rights allotments should be on the basis of registered vehicles or drivers' licenses also is discussed in a later section of this preamble.

1. § *570.21 Definitions.* Section 570.21 provides definitions for terms used in the computations that will determine the State and National Ration Reserves and the allotments to registrants and other ration recipients for each ration period. Each term will be discussed at the point at which it is introduced into the computation.

2. § *570.22 Calculations.* The basic method of calculating allotments of ration rights is unchanged from the proposal. The modifications that have been made result from shifting the deduction of priority allotments of ration rights for agriculture from each State's share of ration rights to the national total of ration rights (before allotment among the States). To accommodate this change, it is necessary not only to specify that supplemental allotments for agriculture come "off the top," but it also is necessary to subtract agricultural usage from all of the base period gasoline use figures so that they reflect only non-agricultural consumption data in determining each State's proportional share of ration rights.

Thus, for each ration period, DOE will project the available supply of gasoline and, based on this projection, will determine the national total number of ration rights (NTR) to be distributed. The computation of allotments then will be made as follows.

(a) *National Net Base Period Use (NNBPU).* For the base period, the national net base period use of gasoline (NNBPU) is computed by subtracting from the national gross base period use (NGBPU) the national base period use of gasoline for agriculture (NBPUA).

$$NNBPU = NGBPYU - NBPUA$$

This simply is subtraction of base period agricultural use from total national gasoline consumption.

(b) *National Net Number of Rights (NNR).* Some commenters suggested that certain supplemental allotments, like those for priority activities, should not be subtracted from the State net rights (SNR), but instead should be subtracted from the national total number of rights (NTR) in determining the national net rights (NNR). DOE has adopted this recommended approach for the supplemental allotments to be provided for agriculture (AG), which under the plan is a priority activity.

In the December 7 proposed rule, all supplemental allotments would have been subtracted from each State's allotment of ration rights, including the supplemental allotments for priority

activities. We noted then that "the effect of this is that the greater the number of supplemental allotments made for these special classes of end-users in a State, the lesser the number of rights available to ordinary motorists and other end-users." We have concluded that such an inequitable result is not required by EPCA. To the contrary, it would conflict with the intent of Congress as reflected in the Conference Report on EECA which states that coupons must be "distributed in a manner which results in motorists in each State incurring the same percentage reduction in gasoline. . . ." S. Rep. No. 96-366, 96th Cong., 1st Sess. 29 (1979).

Subsection 203(a)(3)(A) specifically references the "end-user rights specified in paragraph (1)." Paragraph (1), in turn, refers to end-user rights being ordered in priorities among *classes of end-users*. Accordingly, we believe that the language in subsection 203(a)(3) that the degree of shortfall "from the base period use" be equally shared among the various States refers to the base period use by each class of end-user separately considered. This reading is consistent with the Conference Report because it ensures that ordinary motorists, as well as other classes of end-users, in each State will bear the same percentage reduction from base period gasoline use.

The focus of this issue is gasoline use for agriculture, a priority activity, which constitutes a significant portion of gasoline use in some States. By way of illustration, during certain calendar quarters gasoline consumption for farming in several farm States ranges from 15 to 50 percent of total consumption. Additional amounts of gasoline are used in these States for distribution and processing of agricultural products. In other jurisdictions, gasoline use for agriculture is much less significant. If, as proposed in the notice of proposed rulemaking, the supplemental allotments for agriculture were deducted from each State's distribution of the total available ration rights, and assuming that the agriculture priority class is provided 90 percent of its base period gasoline use, then in a 20 percent shortfall the average non-farm motorist in a State with 50 percent base period agricultural use would receive about 68 percent of his base period use. This is to be compared with 78 percent of base period use for the average motorist in a State where agriculture consumed only 10 percent of the base period supply of gasoline.

In order to cure this disparity and assure that the average motorist class of end-user in a State with substantial gasoline use for agriculture does not suffer a disproportionate burden of the shortfall, we have made an adjustment to the calculation formula. Under this adjustment, supplemental allotments for the agriculture priority are taken from the national supply of ration rights before calculating each State's allotment, rather than being taken from each State's allotment. The effect is that agriculture receives exactly the same amount as it would have had its ration rights been taken from the State's allotment, but the ordinary motorist class of end-user will not suffer a disproportionate burden in a highly agricultural State. Such an adjustment is not necessary with respect to other priorities because there is no evidence that gasoline usage by any other priority class of end-user will disproportionately affect in any material way the gasoline available to the ordinary motorist class of end-user. Thus, under the plan, each class of end-user within a State will share the shortfall equally (as measured against historical use) with the corresponding class of end-user in other States.

The national net number of rights, which is the total of all ration rights, to be distributed proportionally among the States, therefore will be computed by subtracting from the national total number of rights (NTR) the National Ration Reserve (NRR) and the supplemental allotments for agriculture (AG) which are determined pursuant to Subpart D of the regulations.

$$NNR = NTR - NRR - AG$$

(c) *State Net Base Period Use (SNBPU).* For each ration period, the State net base period use of gasoline (SNBPU) for any State is computed by subtracting from the State gross base period use (SGBPU) the State base period use of gasoline for agriculture.

$$SNBPU = SGBPU - SBPUA$$

This is the same calculation done on a State-by-State basis as was done for national consumption is subsection (a).

(d) *State Total Rights (STR).* Section 104 of the EECA requires that ration rights "be distributed on a State-to-State basis that results in the degree of shortfall from the base period use being equally shared among the various States, considering the most recent base period use data available." This requirement means that the net amount of ration rights distributed to ration recipients in any State will depend in part on the historical use of gasoline in that State *vis-a-vis* other States.

The regulations provide for this historical use factor by separately calculating each State's share of the NNR. To determine a given State's allotment, the NNR will be multiplied by the ratio of the State net base period gasoline use (SNBPU) to national net base period gasoline use (NNBPU).

$$STR = \frac{SNBPU}{NNBPU}$$

The State and national *net* base period figures used in this calculation already have been adjusted to subtract gasoline used for agriculture. As explained above, the proportion of State to national net use provides the truest reflection of historical consumption as a class by non-farm motorists within each State.

(e) *State net rights (SNR).* The State net rights (SNR) for each State is computed by subtracting from the State total rights (STR) the number of rights in the State Ration Reserve (SRR). As is more fully explained in a later section, the size of the State Ration Reserve will be subject to two variables. First, as noted, the total number of ration rights available to a State will vary among States depending upon each State's historical use. Thus, even if the percentage to be reserved as a SRR were the same for each State, the number of rights reserved will vary. Second, the regulations give DOE the authority to vary from State to State the percentage of such rights to be reserved as a SRR.

$$SNR = STR - SRR$$

(f) *State basic rights (SBR).* After a percentage of the ration rights available to a State has been reserved for the State Ration Reserve, the remaining State net rights (SNR) will be distributed to ration recipients. The first calculation will be to subtract from the SNR the total amount of ration rights to be alloted within each State to priority class activities (except for the priority allotments for agriculture which already were subtracted in determining the national net number of rights (NNR)), business firms and others as supplemental allotments (SA). As more fully explained in a following section on supplemental allotments, DOE will designate firms to receive supplemental allotments as a percentage of base period gasoline use. The remaining rights, which are the amount to be distributed to all vehicle registrants on a per-vehicle basis, are the State basic rights (SBR).

$$SBR = SNR - SA$$

(g) *State basic allotment.* Once the supplemental allotments for firms, priority activities and other designated persons have been deducted, the supply of ration rights remaining (the SBR) will be allotted to registrants.

As proposed in the notice of proposed rulemaking, under the Standby Gasoline Rationing Plan the basic eligibility for ration allotments will be determined by vehicle registration records maintained in the individual States' departments of motor vehicle (DMV's). Prior to any decision to implement gasoline rationing, DOE will attempt to develop and maintain a national vehicle registration file. This file will contain all of the vehicle registration records provided by the States from their own motor vehicle registration files, but revised and in the proper format to meet the requirements of the rationing plan.

The national vehicle registration file will be updated periodically from information provided by the States and other sources as appropriate. Where duplicate registrations are found for a single vehicle, such as will commonly occur when a used vehicle is sold, DOE will use only the most current registration.

Records in the file will be grouped according to vehicle type. Each record will contain a vehicle category identifier from which DOE will establish the correct allotment index. Registered vehicles which are not eligible for ration rights, such as trailers, will be excluded from the file.

The individual or firm named on the registration record (the registrant) maintained in the national vehicle registration file will be eligible for an allotment of ration rights if the corresponding registered vehicle is gasoline-powered, and was either already registered on a specified date prior to the effective date of the rationing program or is a new car purchased during the rationing program. The actual cut-off date for vehicle registrations will be determined by DOE when rationing is implemented. By imposing a vehicle registration cut-off date for all but newly purchased vehicles, the chances for registrations of "junked" or fictitious vehicles will be significantly reduced. Under certain circumstances, DOE may permit vehicles with lapsed registrations to become eligible for ration allotments, if it can be demonstrated that these vehicles are operable and are not being registered for the principal purpose of receiving ration rights.

We proposed in the December 7 notice of proposed rulemaking to establish different allotments for different types of vehicles. Indices would be keyed to the passenger automobile which would be assigned an index value of 1.0. Larger vehicles, such as trucks, would have a higher index; smaller vehicles, such as motorcycles, would have a lower index. The higher the index, the greater the allotment of ration rights. Several commenters were concerned that these indices would not fairly reflect vehicles used intensively for business purposes.

As is more fully explained in a later section on supplemental allotments, it is DOE's intention to provide vehicles used for business purposes with supplemental ration allotments based upon historic use of gasoline. As a result, the allotment index diminishes in significance since few large trucks, etc. are used extensively for non-business related transportation. DOE therefore intends to establish an index of 1.0 for all vehicles, except motorcycles and mopeds which would receive a lower index, one-fourth of an allotment for motorcycles and one-tenth of an allotment for mopeds. Any persons who suffer an extraordinary hardship as a result of the 1.0 index for all vehicles will be able to seek additional ration rights from the State Ration Reserve.

Many commenters urged that motorcycles and mopeds be provided with the same allotments as passenger cars to reward use of the more fuel efficient two-wheeled vehicles. We have not been persuaded by this argument. First, many people may be tempted by such a proposal to buy a relatively inexpensive moped to receive an extra allotment of coupons for their car. Second, owners of motorcycles and mopeds would not benefit by being able to drive more because of their increased allotments. Our analysis shows that allotments for motorcycles and mopeds which are in amounts less then allotments for automobiles still would allow the more fuel efficient motorcycles and mopeds to be driven significantly more than the average mileage for such vehicles. Therefore, full allotments more likely would result in only a monetary windfall since the excess coupons would be sold on the exchange market. Motorcycles and mopeds therefore will receive an allotment index less than 1.0.

All vehicles (except motorcycles and mopeds) will have the same index number and therefore will receive the same ration allotment (in a given State), regardless of fuel efficiency. This will give a significant advantage to fuel efficient vehicles.

No allotment index will be provided for "dealer plate" registrations since these registrations are not issued to specific vehicles. Trailers and other non-powered vehicles registered with State DMV's will not receive an allotment index. Diesel-powered vehicles also will not receive an allotment index, as diesel fuel will not be subject to rationing under this plan. No allotment index will be provided for any non-registered vehicle.

Once the allotment indices have been established for all eligible vehicles, the State basic allotment for vehicles in each State can be computed. The sum of all vehicles in the State in a given vehicle classification (VC) will be multiplied by the allotment index (AI) for that classification to yield a classification vehicle point (CVP).

$$CVP = VC \times AI$$

The sum of the CVP's for all vehicle classifications will equal the total vehicle points (TVP) in the State.

$$TVP = CVP_1 + CVP_2 + CVP_n$$

A State basic allotment (SBA) will be computed by dividing the State basic rights (SBR) by the total vehicle points (TVP) in the State.

$$SBA = \frac{SBR}{TVP}$$

For example, assume the total vehicle points in a State equals three million, and the State basic rights for a three month ration period totals 360 million gallons. The State basic allotment will be determined as follows:

$$\frac{360{,}000{,}000\ (SBR)}{3{,}000{,}000\ (TVP)} = 120\ \text{gallons (SBA)}$$

(h) *Distributed basic allotment (DBA).* Once the State basic allotment is calculated for each State, the number of ration rights, in gallons, distributed to the registrant of a given vehicle for a ration period will equal the State basic allotment (SBA) multiplied by the allotment index calculated by DOE for that vehicle. This distributed basic allotment (DBA) will be rounded by DOE, where necessary.

$$DBA = SBA \times AI$$

In the calculation example used in subsection (e), the SBA was 120 gallons for a three month ration period. A passenger vehicle in this example, with an allotment index of 1.0, will receive 120 gallons in ration coupons. A motorcycle with an allotment index of 0.25 will receive 30 gallons in ration coupons for that same ration period.

(i) *Length of the ration period.* The length of each ration period is expected to be three months. However, § 570.22(g) provides DOE with the flexibility to modify the length of the ration period.

3. § *570.23 Ration Rights Purchases and Sales.* In addition to distributing ration rights in accordance with the calculations described in section 2 above, DOE proposed the authority in § 570.23 to issue and distribute (by auction, sale, etc.) additional rights, or

alternatively to purchase ration rights. Some commenters agreed with the concept as proposed because it provided DOE with necessary flexibility to oversee the exchange market, which is an integral part of the rationing plan. But, a number of commenters urged DOE not to adopt this proposal because of the potential impact on the exchange market. It was argued that the free market system should not be interfered with and that such a buy/sell program is administratively unworkable. These commenters offered no alternative, however, to adjust the number of ration rights issued to the actual gasoline supply.

Since the supply of gasoline for a ration period will have to be projected several months in advance, it is likely that the actual gasoline supply will either exceed or fall short of the projected supply, possibly by a wide margin. In such a case, to reconcile the number of ration rights with the actual supply of gasoline, DOE needs authority to buy or sell ration rights.

DOE also might find, once rationing is implemented, that the ration rights market is not operating satisfactorily to transfer ration rights. In such an event we might find it necessary to sell additional ration coupons, provided that it shall not result in the issuance of more total ration rights than the estimated actual supply of gasoline.

Section 570.23 provides DOE with the requisite authority to buy or sell ration rights. Subsection (a) authorizes DOE to sell ration rights where necessary (1) to establish a market for ration rights; (2) to equilibrate the number of ration rights issued with the actual supply of gasoline, or (3) for such other purposes to assure that adequate ration rights are available to carry out the purposes of the Standby Gasoline Rationing Plan. This latter provision is reflective of EECA sec. 104, which amends EPCA sec. 203(a), requiring that adequate end-user rights be available to carry out EPCA's purposes for a gasoline rationing plan. The total number of ration rights distributed by DOE cannot exceed the estimated actual supply of gasoline.

Subsection (b) of § 570.23 authorizes DOE, to the extent appropriations are available, to purchase ration rights to (1) equilibrate the number of ration rights issued with the actual supply of gasoline, or (2) otherwise carry out the same purposes as subsection (a).

In addition, § 570.23(c) provides that DOE may take such other actions as may be necessary to equilibrate the number of ration rights issued with the actual supply of gasoline, including making more or less ration rights available in the next ration period by adjusting as necessary the "national total number of ration rights" (NTR) used in § 570.22. DOE also may opt to use this method to equilibrate the issued ration rights with the supply of gasoline even if funds are available to purchase coupons under § 570.23(b). Section 570.23(c) has been modified slightly from the proposal so as to make this possibility clear.

The issue of purchases and sales of ration rights by DOE to equilibrate the market is very complex and will be the subject of intensive study and analysis during the pre-implementation period. We specifically encourage further comments from the public on this issue.

4. § *570.24 Limitation on Distribution of Ration Rights.* One of the recurring comments on the issue of whether ration coupons should be allotted to licensed drivers or registered vehicles was that the per vehicle system disproportionately favors persons who already own more cars or who can afford to purchase additional cars. Another popular comment was that people will buy several "junkers" in order to receive extra ration rights.

In response to these comments, DOE has incorporated a new § 570.24 in the final regulations which provides authority to limit the number of allotments distributed to any person or household. As a matter of policy, it is desirable to impose a reasonable limit on the total number of allotments given to persons or households that have several registered vehicles, not all of which are used intensively. DOE has not yet arrived at a practical mechanism that would accomplish that objective, so the plan does not provide for any specific limitation. During pre-implementation, however, an equitable and enforceable means of imposing a limitation on allotments will be developed.

The allotment limitation would not be intended to preclude the distribution to a person or members of a household of additional ration rights granted from the State Ration Reserve. Thus a person or household with a *bona fide* need for more than the prescribed limit of allotments would have the opportunity to recoup lost allotments from the State Ration Reserve. Section 570.24(b) provides that ration rights that would be distributed to a person or members of a household but for the limitation in subsection (a) will go to the State Ration Reserve so that the State would not in any way lose ration rights as a result of the limitation.

For purposes of this section, household is defined in § 570.24(c) as persons related by blood or marriage who live together in a single residence.

D. Supplemental Allotments

1. § *570.31 Priority Class Activities.* This section has been changed significantly from the proposal in the December 7 notice. Priority class firms still will receive supplemental allotments equal in amount to a percentage of their base period gasoline consumption, such percentage to be determined by DOE at the time rationing is implemented, less any allotments already received under the provisions of the regulations relating to per-vehicle distribution. Thus, a priority firm will receive allotments like all other firms and individuals on the basis of its vehicle ownership. To the extent such allotments are less than the firm's base period use multiplied by the percentage of base period use allowed for such priority firms, the firm may receive supplemental allotments to make up the difference.

It is our intention that priority class firms will receive a percentage of base period usage generally greater than that received by other firms receiving supplemental allotments under Subpart D, but in most cases will likely receive less than 100 percent of their base period usage, since even high priority firms can cut back on gasoline use in a severe shortage without seriously affecting the performance of their priority activities. However, § 570.31(a) permits DOE to provide for greater than 100 percent of base period usage for any priority class activity if such an adjustment proves necessary. This may be required, for example, to allow mass public transportation to accommodate increased demand during an energy supply emergency.

All of the priority activities which were included in the proposed rule have been retained in the final rule. More comments were received on the priority issue than any other. A broad range of firms and activities sought to be added to the list of priorities, including, for example, United Parcel Service (UPS), courier companies, armored car companies, home health care, hospital employees, rental cars, search and rescue activities, airline ground support vehicles, private security firms, newspaper circulation activities, gas and electric utilities, clergy and the agricultural production and distribution industry.

DOE has added some of these firms and activities to the list of priority activities eligible to receive supplemental allotments. Search and rescue activities and utilities services have been added to the definition of emergency services. The definition of telecommunications services also has

been expanded. The priority activities now encompassed by these definitional changes are discussed above in the section by section analysis of § 570.2.

Short-term vehicle rental has been added to the list of priority activities in § 570.31. This includes both rental of passenger vehicles and trucks. During a gasoline supply shortfall, people will rely upon forms of transportation for travel other than their car, for example airplanes and trains. When they reach the airport or train station, rental vehicles often are the only means of reaching their ultimate destinations.

The priority classifications will provide the rental company only with additional ration rights needed to refill a vehicle with gasoline once it has been returned by the customer. A customer who fills the vehicle with gasoline himself will have to provide his own coupons. Rental companies will not be provided with additional ration rights to provide gasoline to customers during the rental term.

The priority also is limited to short-term rentals as distinguished from leases, which are on longer duration. DOE will provide further guidance during pre-implementation as to which firms qualify for the priority classifications.

Priority status also has been provided to for hire mail and small parcel transportation and delivery, which includes firms such as United Parcel Service, couriers and armored couriers. Mail and small parcel transportation and delivery must be the principal activity of the firm, thereby excluding firms which transport primarily large parcels, such as furniture, and only a few small parcels of the size handled by, for example, the U.S. Postal Service.

Many commenters urged the adoption of this priority since their business was dependent upon timely pick-up and delivery of commercial documents and materials and equipment. Commenters included industrial and manufacturing firms, pharmaceutical companies, financial institutions and a variety of other business concerns. It was argued that many businesses and individuals would suffer if services by transport and delivery service companies were severely curtailed. In addition, during gasoline shortages more firms will rely upon the more efficient transport service companies rather than using their own vehicles, thereby conserving gasoline.

The priority classification is limited to *for hire* mail and small parcel transportation firms. Therefore, a company which has its own trucks for mail and parcel transportation would not be included. However, since all firms will be provided with supplemental allotments equal to a percentage of historical gasoline use to be prescribed by DOE, the discrepancy in allotments between priority and non-priority firms likely will not be large.

Newspaper distribution has been added as a priority activity. It was determined that in an energy emergency situation severe enough to require rationing, newspapers would play a vital role in disseminating current information to the public. In addition, the public will need to be informed on the operation of the gasoline rationing plan itself. The priority for newspapers is limited to newspaper distribution, and does not include newsgathering, advertising sales or other administrative activities. The definition of newspapers included within the priority will be determined in a rulemaking during pre-implementation.

Also included as a priority activity in § 570.31 is agriculture, defined in § 570.2 as having the same meaning as agricultural production in 10 CFR Part 211, and related distribution of agricultural products. We determined in response to numerous comments that agriculture is an essential activity, and further that distribution of agricultural products to consumers also is required so that shortages and spoilage of products can be avoided. Commercial fishing is included within this definition.

Firms which are not designated as priority firms still will receive allotments according to base period gasoline use. Extra ration rights will be obtainable on the exchange market so that firms may elect to purchase additional gasoline. And, in addition, State Ration Reserves will be available to provide for hardship and other cases.

The fact that certain activities have not been included for priority treatment in this plan is not conclusive. The regulations provide that DOE will be able to designate other persons or firms as priority classes. This provision will permit us to include other essential public services as priority class firms if such additions prove necessary.

We also anticipate that it will be necessary to further define and clarify the scope of activities included within emergency services either before or at the time rationing is implemented.

Section 570.31 of the final regulations makes it clear that a firm will receive priority class treatment only with respect to its activities attributable to a priority classification. In applying for supplemental allotments for priority class activities, firms engaged in priority and non-priority activities will be required to report total gasoline consumption for the base period, as well as that portion of total base period consumption attributable to a priority class activity, and the number and types of vehicles engaged in a priority class activity.

2. § *570.32 Commercial Firm Allotments.* In the December 7 notice we stated that it was our intention to use the authority of this section to provide supplemental allotments to most business firms on a basis which reflects historical use of gasoline. We did note, however, that since the information on base period use for each firm may not be available to DOE at the beginning of rationing, we would issue ration rights based on vehicle registrations in the initial ration period, and switch to a base period system as soon as practicable.

A significant percentage of the commenters urged DOE to implement a percentage of base period system for firms at the beginning of rationing. They argued that a per vehicle allotment could provide them with as little as 25 percent of their monthly gasoline needs. When asked during the public hearings whether they would be willing to report regularly to DOE on their use of gasoline before rationing is implemented, all firms responded affirmatively, if it meant they could receive supplemental allotments at the initiation of gasoline rationing.

In light of all the comments, we have decided to establish procedures so that any firm may receive supplemental allotments at the beginning of rationing so as to raise the value of their total allotment (including ration rights received for registered vehicles) to a designated percentage of historical gasoline use. Of course, DOE only can establish the mechanism for firms to report gasoline use data, and it will be incumbent upon each firm to report the data to DOE. Any firm which does not report historical use data will be provided with per vehicle allotments until such time as DOE can receive and process the data necessary to issue supplemental allotments to that firm.

Many commenters were concerned whether the regulations would provide supplemental allotments not only to businesses which owned vehicles but to persons who used their own cars for business, whether self-employed or working for a firm which reimburses the individual for his vehicle use. Some examples are salesmen, real estate agents, doctors and lawyers. To the extent that a vehicle is used for business purposes as determined by DOE, it would be entitled to supplemental allotments based on historical usage of gasoline for the business activity. Generally, if the mileage driven and gasoline used would be deductible as a

business expense for Federal income tax purposes, it would be eligible for supplemental allotments. DOE will establish procedures during pre-implementation for determining business use of vehicles.

We specifically asked for comments on the question of whether business should receive a higher ration level than individuals. Most businesses which commented supported this concept, agreeing that individuals can conserve by eliminating discretionary driving. We will continue to assess this issue and we specifically encourage additional comment.

3. § *570.33 Other Supplemental Allotments.* Since all business and commercial firms now can apply to receive supplemental allotments under new § 570.32(a), proposed section 570.33, which provided supplemental allotments for off-highway vehicles, has been eliminated from the final rule. Any persons who are not business or commercial firms and which own off-highway vehicles still may apply for supplemental allotments under new § 570.33, "Other Supplemental Allotments". This section provides that DOE will establish criteria so that any person or class of persons, including eligible individuals (defined in § 570.2) may apply to DOE for supplemental allotments. This general provision allows DOE to provide for any persons not otherwise provided for under other sections of the regulations but who have significant levels of gasoline use.

4. § *570.34 Application Procedures.* The regulations in § 570.34 provide that DOE will establish forms and procedures for supplemental allotment applications. In addition, establishing and carrying out procedures for determining firms' supplemental allotments prior to implementation of rationing will substantially increase preimplementation costs. In order to offset such increased costs, DOE is authorized by § 570.34 to collect a fee from persons requesting supplemental allotments to cover the cost of processing their applications.

5. *Precedence of Delivery.* Section 570.36 of the proposed regulations established the right of precedence of delivery for priority class firms which were supplied by a supplier during the base period. This section has been eliminated from the final rule because it in effect created a dual priority class in that priority firms with a base period supplier would have received supply in precedence to a firm which did not have a base period supplier.

E. Purchase of Gasoline

1. § *570.41 Retail Purchases of Gasoline.* The gasoline purchase provisions of the Standby Gasoline Rationing Plan have been modified from the proposal, although the fundamental concepts governing purchase of gasoline are essentially the same as proposed.

This section now provides that no supplier may sell gasoline at a retail sales outlet (the definition of which was discussed earlier) without obtaining from the purchaser at the time of sale ration rights equal to the amount of gasoline purchased. A limited exception to the requirement of ration rights transfer at the time of sale may be provided in regulations issued pursuant to § 570.42 for certain purchasers. This basic principal is the same as was proposed in the December 7 notice although it is more straightforward. This provision applies only to purchases from a retail pump located at, for example, gasoline stations and marinas.

We have eliminated the provision in the proposal permitting a retailer to sell gasoline without receiving a coupon and to cover that transaction by purchasing a coupon within a specified time period. It was determined that the potential for abuse was too great if a retailer was not required to demand from its retail customers a coupon at the time of sale.

2. § *570.42 Other Purchases of Gasoline.* Subsection (a) of this section governs purchasers of gasoline not governed by § 570.41, i.e. those who do not purchase gasoline at retail sales outlets. These purchasers, including wholesale purchaser-consumers and bulk purchasers, also are required to provide ration rights to their suppliers equal on a gallon basis to the amount of gasoline sold, but when these purchases are made at other than a retail sales outlet, there is no requirement that the ration rights be supplied at the time of sale. Similarly, suppliers may not receive resupply of gasoline from their suppliers without providing to the suppliers a redemption check or redeemed ration rights equal on a gallon basis to the amount of gasoline transferred, again, not necessarily at the time of transfer. These two substantive requirements of § 570.42(a) and the requirements on purchasers at retail sales outlets in § 570.41 govern all gasoline purchase transactions in a simpler and more straightforward method than in the proposal.

In the proposed regulations, suppliers, bulk purchasers and wholesale purchaser-consumers were required to transfer to their suppliers ration rights or redeemed ration rights, as applicable, by the close of the first business day following the date of sale or transfer of gasoline. The purpose of this provision was to prevent a purchaser who was short on redeemed ration rights or ration rights from having additional time to, for example, sell some of the new gasoline shipment so as to acquire enough redeemed rights. Many persons commented that this one-day provision was unworkable. Companies and governmental units have internal administrative requirements which make issuance of a ration check or redemption check within one day very difficult. Also, some retailers commented that often they do not know how much gasoline was delivered by a supplier until they receive and invoice.

In response to these comments, we have deleted the one day requirement. Instead, we have provided in § 570.42(b) that we will establish by rule the terms and conditions by which suppliers, bulk purchasers and wholesale purchaser-consumers, and such other classes of end-user as designated by DOE, shall transfer ration rights. In developing such a rule, we will consider factors such as the need to limit fraud and abuse, administrative ease, and consistency with standard business practices governing payments for gasoline.

3. § *570.43 Other Gasoline Purchase Provisions.* Section 570.43(a) specifies that ration coupons of a given series designation cannot be used for the purchase of gasoline prior to their effective date.

Section 570.43(b) of the regulations provides that unredeemed ration rights are freely transferable. This provision constitutes the authority for a ration rights exchange market, which should promote a more efficient use of available gasoline. We do not anticipate regulating the ration rights market through price controls or any other mechanism. However, in order to prevent abuses in the market that might arise, § 570.43(b) gives DOE authority to regulate the market if necessary. Furthermore, as noted in earlier sections, DOE will be authorized by the proposed regulations to buy and sell coupons.

Sections 570.43 (c) and (d) are intended to protect the rights of purchasers and sellers of gasoline. Section 570.43(c) prohibits any supplier from requiring any purchaser to purchase ration rights from any firm including itself as a condition of transferring gasoline. Section 570.43(d) prohibits any seller of gasoline from discriminating against any purchaser offering valid ration coupons at the time of sale, by, for example, selling gasoline only to regular customers. A supplier will be allowed to accept a Government

ration check for the purchase of gasoline, but will not be required to do so. A supplier also will be permitted to accept a ration check drawn on a ration rights account, but, as in ordinary commercial transactions, the supplier/payee would incur the risk that such a check is invalid, and, if it is, his recourse would be against the purchaser/payor.

A new subsection (e) has been added to § 570.43 which provides that a purchaser of gasohol or similar blends of gasoline and non-petroleum products only need transfer to its supplier ration rights or redeemed ration rights, as applicable, equal in amount to the gasoline component. Thus, a retail/purchaser of 11.1 gallons of gasohol which is 90 percent gasoline only needs to provide 10 gallons worth of ration rights. Suppliers would compute transfers of redeemed ration rights to their suppliers similarly.

4. § *570.44 Supplier Disposition of Ration Rights and Ration Checks.* Section 570.44(a) requires suppliers (including retailers) which receive unredeemed ration coupons in exchange for the sale of gasoline to "redeem" such coupons by indelibly marking them with the supplier's name, its redemption account number, if any, and the legend "redeemed." Similarly, suppliers will be required to redeem all unredeemed ration checks received.

5. § *570.45 Principal Suppliers' Obligations to DOE.* Under § 570.45, refiners and importers, defined as principal suppliers, will be required to submit periodically a report to DOE certifying the volume of gasoline sold during the reporting period and to submit a redemption check equal on a gallon basis to the volume of gasoline sold during the reporting period. In this manner, the distribution system will be "cleared," and DOE will be able to ensure that the volume of gasoline sold is in balance with the number of ration rights that have been issued.

6. § *570.46 Redemption Advances.* Section § 570.46 provides that each supplier other than a principal supplier will receive an initial redemption advance under a formula that will be established by DOE and published prior to the implementation of rationing. This provision will enable suppliers to obtain initial deliveries at the commencement of rationing before they have accumulated sufficient ration rights. Also, since a retailer cannot accumulate redeemed ration rights for resupply in excess of the sum of gasoline he has to sell at the beginning of rationing plus any redemption advance, this section will allow additional redemption advances to enable a supplier to obtain additional gasoline as more supplies become available.

Several commenters provided suggested formulas for determining redemption advances, but the final regulations do not incorporate a specific formula. We will continue to analyze the comments during pre-implementation and work with retailers and their representatives to assess whether any of the proposed formulas may be workable.

Many comments from retailers and jobbers expressed concern about losses of gasoline, and thereby ration rights to be used for resupply, due to spillage, evaporation and shrinkage. A spillage loss could be very small or an entire truckload. A new § 570.46(d) will allow DOE to make redemption advances to account for such losses. However, so as not to unbalance the system by having in circulation too many redeemed ration rights, DOE will establish criteria for the determination of such advances so that the total of redeemed ration rights does not exceed the total amount of gasoline sold by principal suppliers.

7. § *570.47 Inventory Changes.* Section 570.47 requires each supplier to measure his inventory at the beginning and end of the rationing program, or at such other times as designated by DOE. DOE also will require suppliers to repay their initial redemption advance. Section 570.47 provides that each supplier (including retailers) account for inventory drawdown at the end of the rationing program by submitting to DOE a redemption check or redeemed ration rights equal on a gallon basis to the amount of inventory drawdown, less a specified amount for losses due to spillage and evaporation.

F. Allocation of Gasoline

1. § *570.51 Relationship to Parts 210 and 211.* The proposed regulations were based upon continuation of gasoline allocation controls during rationing. Many commenters, particularly refiners, suggested that the gasoline rationing program would operate more efficiently if gasoline allocation regulations were discontinued. They were concerned that the allocation regulations in 10 CFR Part 211 may not respond to demand shifts that might occur during a supply shortfall severe enough to require rationing. In addition, the surplus product rules were said to be cumbersome, perhaps leaving retailers with extra redeemed ration rights and no gasoline available for purchase.

Also, it is possible that by the time rationing ever is implemented, the allocation regulations no longer may be in effect or may be significantly modified. As was noted in an earlier section of this preamble, the Energy Secretary's authority to continue in effect some or all of the gasoline allocation controls in 10 CFR Parts 210 and 211 is not dependent upon this regulation. Gasoline allocation authority derives from the Emergency Petroleum Allocation Act (Pub. L. 93–159, EPAA), and pursuant to sec. 18 of that Act such controls are now discretionary.

Thus, the Standby Gasoline Rationing Plan regulations have been designed so that they may function concurrently with or independent of the gasoline allocation regulations. Section 570.2, discussed above, does provide, however, that in the event any provisions of these regulations are inconsistent with any provisions of Part 210 or 211 that would be in effect when the Plan is implemented, the provisions of the Plan shall control.

Section 570.51 provides that if § 211.103 of 10 CFR Part 211 is in effect, § 211.103(b) shall not apply when Part 570 is in effect. Section 211.103(b) lists those priority activities which receive 100 percent of base period use *not* subject to an allocation fraction. In the absence of § 211.103(b), the activities listed in § 211.103(b) will be covered by § 211.103(c) and will receive 100 percent of base period use subject to an allocation fraction. Authority is provided in § 570.51(a) for firms that receive supplemental allotments or with priority classification under the rationing regulations to receive different allocation levels under the allocation regulations commensurate with their ration allotments.

If the provisions of 10 CFR Part 211 are not in effect during rationing, transfer of ration rights by gasoline users and redeemed ration rights by suppliers will be the sole determinant of resupply.

Section 570.51(b) is essentially the same as proposed and imposes an important limitation on allocation rights. A firm's allocation rights under the allocation system will be limited by its ability to exchange ration rights or redeemed ration rights, as applicable, at the time of purchase. Thus, although a supplier will have the obligation to distribute product under a uniform allocation fraction to all of its customers, its obligation to supply any particular firm would be reduced if that firm does not have adequate ration rights or redemption rights to exchange for the gasoline.

The State set-aside program was an effective tool to relieve the effects of shortages during the past summer. It therefore is our intention to retain the State set-aside program if allocation controls are in effect during rationing. A

State's authority to redirect product should complement its authority under the State Ration Reserve to provide additional coupons to alleviate hardships. Most commenters concurred in the decision to retain the State set-aside.

To prevent abuses and predatory acts by suppliers, § 570.51(c) provides that the Secretary of Energy may prohibit a supplier from increasing above a specified level the amount of gasoline sold to a purchaser or class of purchasers where such supplier owns, operates or otherwise controls such purchasers. If allocation controls are not in effect, the Secretary of Energy could use this provision to prevent a supplier from increasing the market share of its company-owned and operated retail stations at the expense of independent retailers. By way of illustration, jobbers could be required to maintain, to the extent practicable, their base period proportion of supplies to the class of independent retailers, although no supply obligation would be established for each purchaser in that class. Thus if a jobber sold 40 percent of its supplies to independents in the base period, it would be required to sell a similar proportion during rationing, though not necessarily to the same purchasers.

G. Ration Banking

1. § *570.61 Coupon Issurance Points and Participating Banks.* This section is unchanged from the proposal, except that proposed § 570.61(a) has been eliminated because it was superfluous. DOE will authorize a variety of financial institutions and other firms to act as coupon issuance points or participating banks. Coupon issuance points (CIP's) will exchange ration coupons for ration checks. Participating banks (which may or may not also be coupon issuance points) will accept applications for and establish ration rights accounts and redemption accounts. Holders of Government ration checks can exchange such checks for ration coupons at coupon issuance points. Ration recipients will receive Government ration checks through the mail generally on a quarterly basis. The ration coupons received for each Government ration check will bear a separate series designator so that they will not become effective until the first day of the ration period or periods applicable to that Government ration check. Coupons also will become effective separately for each month in the ration period so that, for example, the entire period's allotment cannot be used in the first month. It is our intention that subject to terms and conditions to be established by DOE, coupon issuance points will be required to accept Government ration checks presented by the payee in exchange for ration coupons.

During the pre-implementation period, we will explore the feasibility of expanding the number of coupon issuance points to include such organizations as commercial banks and savings and loan associations, major employers, credit unions, Post Offices, State and local governmental agency offices, and major retail establishments such as supermarkets and department stores.

2. § *570.62 Ration Rights Accounts.* Section 570.62 provides that any firm or individual may open a ration rights account at a participating bank. We will have authority under the regulations to establish such terms and conditions governing the operation and maintenance of ration rights accounts as are deemed to be necessary. We also may establish a schedule of allowable fees which can be collected by ration banks to defray their costs of providing services in connection with the rationing program. We also will have authority to issue forms and instructions for the opening of such accounts.

Ration rights accounts will operate in much the same manner as monetary checking accounts. Holders of ration rights accounts will be able to deposit ration coupons and ration checks in their account and write ration checks drawn against their accounts. Section 570.62(b) provides that no individual or firm can issue a ration check drawn upon a ration rights account in which there are insufficient ration rights to cover that ration check and other outstanding ration checks drawn on the account. It is intended that rules analogous to those governing normal commercial practices will govern in determining which party bears the burden of loss with respect to overdrawn ration checks. Fraud or forgery in the issuance of a ration check will in addition to being a violation of other applicable Federal or State law, be a violation of the rationing regulations and subject to the penalties for willful violation. Specific rules governing ration rights accounts will be issued for public comment during the pre-implementation period.

3. § *570.63 Redemption Accounts.* Redemption accounts will be used by suppliers for the deposit of ration rights they have received and redeemed for gasoline sales to end-users, and for the deposit of redemption checks they have received for gasoline sales, if any, to other suppliers. Suppliers also will deposit initial redemption advances in their redemption accounts.

Section 570.63(a) allows suppliers, including retailers, to open a redemption account at any participating bank. Section 570.63(b) permits DOE to require some or all suppliers to open and maintain redemption accounts.

Participating banks will service redemption accounts in the same manner as ration rights accounts. DOE will establish forms and instructions for the opening of such accounts. Redemption account holders will be prohibited under § 570.63(d) from writing a redemption check drawn upon an account in which there are insufficient deposits to cover that redemption check and other outstanding redemption checks drawn on that account. Because redemption checks represent deposits of redeemed ration rights, § 570.63(e) provides that redemption checks will not be valid for deposit in a ration rights account. Since redemption accounts and redemption checks are intended for use solely by suppliers, as a further safeguard against misuse § 570.63(e) provides that redemption checks will not be valid for the purchase of gasoline by wholesale purchaser-consumers, bulk purchasers and other ultimate consumers.

A new subsection (f) has been added which provides that DOE may impose limitations on the sale or transfer of redeemed ration rights if necessary to prevent fraud or abuse. Such a limitation may be necessary to prevent suppliers from shifting redemption amounts to circumvent these regulations or to gain a competitive advantage.

4. § *570.64 Restrictions on Endorsements.* As proposed, § 570.64 will permit DOE to establish restrictions on endorsements of ration checks (including Government ration checks) and redemption checks.

H. National Ration Reserve

Section 570.71 provides that the National Ration Reserve will be used to meet national disaster relief or other national emergency needs or for any other purpose which DOE may deem necessary. Additionally, in order to establish a market for the sale of ration rights, § 570.71 provides that DOE may auction some ration rights from the National Ration Reserve to the public. DOE will provide allotments from the National Ration Reserve to Canadian and Mexican firms that drive vehicles across the border for the purpose of doing business in the United States.

I. State Ration Reserves

1. § *570.81 State Ration Reserves.* As was proposed in the December 7 notice, DOE will establish for each State a percentage of that State's total number

of ration rights (which will be determined in the manner described in Part C of the preamble) as a State Ration Reserve (SRR). The ration rights in the SRR will be used to meet hardship needs of persons in the State and to provide for the mobility needs of the handicapped.

We proposed in § 570.81(b) to use five percent in the initial ration period as the amount of State total number of ration rights to be reserved for the SRR. There was little opposition to this approach in the public comments so we are adopting five percent as a minimum level for the SRR. A State can apply to DOE at any time to reduce or increase the amount of ration rights to be included in the SRR. A State which elects to have a larger or smaller SRR will not gain or lose ration rights. The difference will be included in the number of ration rights available for distribution generally to registrants, firms and others within that State.

DOE is providing flexibility to States in determining the size of their SRR since some States may be unwilling or unable to assume the additional paperwork and administrative costs of a large SRR. However, judging by the positive reactions we have received from the States, we expect that many States will assume an active role in administering the SRR since it will be the most effective tool for responding to the unique needs of persons within the State. Generally, States will be given broad discretion and flexibility in the disposition of the SRR.

A new subsection (d) has been added to § 570.81 prohibiting any State from selling or otherwise transferring for consideration ration rights provided to such States as a State Ration Reserve. Ration rights are to be distributed by the States free of charge. However, the prohibition on sales is not intended to preclude sales specifically authorized by DOE pursuant to § 570.82(i).

As noted above, § 570.5 provides DOE with authority to reimburse the States for the costs of operating the SRR and otherwise implementing the rationing plan.

2. § *570.82 Establishment of State Rationing Offices and Local Boards.* Section 203(d)(2) of the EPCA, as amended, prescribes that any rationing plan must set forth:

> (A) criteria for delegation of the President's functions, in whole or part, under this Act with respect to such rationing contingency plan to officers or local boards (of balanced composition reflecting the community as a whole) of States or political subdivisions thereof; and
>
> (B) procedures for petitioning for receipt of such delegation.

In accordance with this requirement, DOE has provided for delegation of the President's authority in a manner which substantially involves States in the planning effort for gasoline rationing. Subsection (b) provides that, within 60 days after DOE establishes appropriate procedures, States may submit to DOE plans to receive delegations of authority and to administer the SRR. The plans must include such information as DOE may request, but specifically must include the following: (i) How the State proposes to establish a State Rationing Office and local boards to meet hardship needs and to provide for the mobility needs of the handicapped; (ii) Efforts to be undertaken during the effective period of the Standby Gasoline Rationing Plan to meet the needs of those persons in suburban and rural areas, particularly mid-sized cities, small towns and rural communities not adequately served by any public transportation system; (iii) The percentage of the State total number of ration rights requested by the State to be reserved as a State Ration Reserve; and (iv) Procedures to prohibit recipients of hardship allotments from selling or otherwise transferring for consideration ration rights received as part of such allotments. This last provision has been added so that only persons with *bona fide* needs for additional gasoline will apply for hardship allotments, and those who are seeking extra coupons solely for the purpose of selling them for money will be discouraged.

DOE will review the State plans, and if a plan is approved, DOE will delegate appropriate authority to administer the SRR allotted to that State and will inform the State of the percentage of the SRR.

In an effort to encourage States to begin their planning efforts early, § 570.81(d) provides that no SRR will be reserved for States which do not have an approved plan.

The ration rights for the SRR will be distributed by DOE to the States by transmitting a Government ration check. State Rationing Offices will be required to report to DOE each month regarding administration of the SRR.

A State Rationing Office can redelegate its authorities to local rationing boards, provided the local boards are of balanced composition reflecting the community as a whole. Many commenters from local governments and citizens groups were concerned that the States will not actively solicit the cooperation of local governments. It is our expectation that the States will strive to work with local governments in administering the State Ration Reserve. We also expect that consumer groups will be represented on State and local boards.

No State will be allowed to issue a ration check drawn upon a ration rights account if there are insufficient ration rights to cover that ration check and other outstanding ration checks drawn on that account.

DOE can authorize the States to sell to the public a portion of the ration rights from the SRR to increase the availability of ration rights.

Section 570.82(j) authorizes DOE to establish procedures whereby all or a portion of the ration rights allotted to a SRR may be distributed by DOE, or by DOE in accordance with instructions provided by the State. Certain States may not have the capability to administer a SRR, or may have accumulated a large surplus of ration rights. In such circumstances, the State may request DOE not to reserve any of the State total number of ration rights for the SRR in the next ration period and to distribute those ration rights directly to persons in the State.

3. § *570.83 Hardship Applications and Guidelines.* As required by EPCA sec. 203(a)(2)(A), § 570.83(a) directs State Rationing Offices, in their administration of the SRR, to consider the mobility needs of the handicapped. Further, State Rationing Offices will be required to consider the hardship needs of other individuals and firms, such as low-income, long distance commuters, migrant workers, persons engaged in household moves, and other recurring or one-time hardship needs. States will also be required to consider the needs of persons in suburban and rural areas, particularly mid-sized cities, small towns and rural communities not adequately served by any public transportation system.

It should be emphasized that firms as well as individuals may apply to States for hardship allotments. Furthermore, firms and persons experiencing hardship would not be precluded from seeking relief from the State Ration Reserve notwithstanding that they have applied for or received supplemental allotments directly from DOE.

VI. Discussion of Other Comments

A. Allotments Based on Registered Vehicles Versus Drivers' Licenses

The issue of whether allotments to individuals ought to be determined on the basis of drivers' licenses or registered vehicles was the subject of many comments. The final regulations adopted the approach of using vehicle registrations.

Section 102 of the Emergency Energy Conservation Act of 1979 requires the

President to report to Congress on a number of issues related to rationing, including the drivers' license versus vehicle registration issue. This report will be submitted to Congress simultaneously with the Standby Gasoline Rationing Plan and is attached to this notice of final rulemaking as Appendix A. Our reasoning for adopting vehicle registrations as the method to allot ration rights is explained fully therein.

Several consumer and other groups advocated a broader based distribution of ration rights to all persons over 18 years of age, or perhaps to registered voters. The practical problems of implementing such a system are even more serious than the problems of using drivers' licenses as the basis of ration allotments. They would also require massive transfers of income, since initial distribution would bear little correlation to the use of gasoline.

B. Other Gasoline Uses

The final regulations do not include specific provisions for allotments to a number of non-commercial gasoline uses. Examples are motorized marine craft used for recreation, snowmobiles and gasoline-powered generators. Persons are not precluded from diverting ration coupons received for other vehicles to buying gasoline for these purposes, or from purchasing coupons on the exchange market. It is our intention that any further assistance for such persons would have to come from the State Ration Reserve.

C. Diesel Fuel Rationing

Section 203 of the EPCA requires the submission to Congress of a rationing plan not just for gasoline but also for "diesel fuel used in motor vehicles." In the December 7 notice, we requested comment on the problems of implementing a diesel fuel rationing plan, and particularly on the problem of the interchangeability of diesel fuel with home heating oil. Commenters generally agreed that fuel interchangeability was a serious problem.

We will continue to evaluate the comments received, and we request further comment on the issues concerning diesel fuel rationing. We currently anticipate that we will address further the issue of a diesel fuel rationing plan following submission of this gasoline rationing plan to Congress.

VII. Procedures for Promulgating the Standby Gasoline Rationing Plan Rule

Section 203(a) of the EPCA, as amended, requires the President to prescribe the rationing plan by rule. In section 4 of Executive Order 11912 (41 FR 15825, April 15, 1976), as amended by Executive Order 12038 (43 FR 4957, February 7, 1978) the President has delegated to the Secretary of Energy only the responsibility to develop for the President's consideration such a rationing plan. As a result, the authority to prescribe the rule remains with the President. Publication of this final rule by DOE is being performed as a ministerial function at the direction of the President.

VIII. Comment Procedures

Written comment on the issues identified in this preamble or on any other aspect of this rationing plan should be submitted by 4:30 p.m. on July 15, 1980, to the address indicated in the "Addresses" section of this preamble and should be identified on the outside envelope and on the document with the designation: "Standby Gasoline Rationing Plan." Fifteen copies should be submitted.

Any information submitted which you consider to be confidential must be so identified and submitted in writing, one copy only. We reserve the right to determine the confidential status of the information and to treat it according to our determination.

IX. Regulatory Analysis

The requirement in sec. 201(f) of the EPCA that a rationing contingency plan must be accompanied by an evaluation of its potential economic impacts was eliminated by an amendment to that section in EECA sec. 103(c). An economic analysis was prepared for the final contingency rationing rule issued in February 1979, and this analysis will be updated and modified so as to provide a useful discussion of the new plan's economic impacts. Copies of the February 1979 analysis are available at the DOE Freedom of Information Reading Room, GA-152, Forrestal Building, 1000 Independence Ave., S.W., Washington, D.C.

The President has not delegated to DOE the authority to issue the Standby Gasoline Rationing Plan rule. This rule is being published as a ministerial duty by the DOE at the direction of the President. As a result, the authority to issue the rule remains with the President and the provisions of Executive Order 12044, "Improving Government Regulations" (43 FR 12661, March 24, 1978), regarding a regulatory analysis, are not applicable to this rule.

EECA sec. 102 requires a report to Congress on many issues related to the development of a rationing plan. This report, which will be submitted to Congress simultaneously with this plan, is attached to this rule as Appendix A. This explanatory material will be useful in understanding the final Standby Gasoline Rationing Plan.

X. Environmental Report

As more fully explained in Part VII above, the authority to issue this rule has not been delegated to DOE and thus remains with the President. The provisions of the National Environmental Policy Act (NEPA, 32 U.S.C. 4321 *et seq.*) do not apply to actions taken by the President. As a result, no environmental analysis in accordance with NEPA is required for this rule.

DOE did prepare an environmental report for the rationing plan issued in February 1979. Since the fundamental rationing concepts which could be considered to have an environmental impact have not been changed substantially from that plan, its analysis still is useful. In the Conference Report on EECA (125 Cong. Rec. H9142, H9150 (Oct. 12, 1979)), Congress also stated its belief that the existing environmental report is adequate for the new plan. The environmental report is available for public review in the DOE Freedom of Information Reading Room, GA-152, Forrestal Building, 1000 Independence Ave., S.W., Washington, D.C.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, 15 U.S.C. 751 et seq., as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, 15 U.S.C. 787 et seq., Pub. L. 93-275, as amended, Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, and Pub. L. 95-91; Energy Policy and Conservation Act, 42 U.S.C. 6201 et seq., Pub. L. 94-163, as amended, Pub. L. 94-385, Pub. L. 95-70, and Pub. L. 96-102; Department of Energy Organization Act, 42 U.S.C. 7101 et seq., Pub. L. 95-91; EO 11790, 39 FR 23185; EO 12009, 42 FR 46267; EO 11912; Emergency Energy Conservation Act of 1979, Pub. L. 96-102; Executive Order 11912 (41 FR 15825, April 15, 1976), as amended by Executive Order 12038 (43 FR 4957, February 7, 1978))

In consideration of the foregoing, Chapter II, Title 10 of the Code of Federal Regulations, is amended to add a new Part 570, as set forth below, unless disapproved by Congress in accordance with the procedures specified in sections 201 and 552 of the Energy Policy and Conservation Act (Pub. L. 94-163), said Part 570 to become effective only as provided in section 201 of that Act.

Issued pursuant to the express direction of the President of the United

States, in Washington, D.C., June 12, 1980.

Hazel R. Rollins,

Administrator, Economic Regulatory Administration.

Chapter II, Title 10 of the *Code of Federal Regulations* is amended to add a new Part 570, to read as follows:

PART 570—STANDBY GASOLINE RATIONING PLAN REGULATIONS

Subpart A—General Provisions

Sec.
570.1 Scope.
570.2 General definitions.
570.3 Penalties and violations.
570.4 Reporting requirements.
570.5 User fees and reimbursement for costs.
570.6 Authority to contract or delegate.
570.7 Authority to issue regulations, rules, orders and guidelines.

Subpart B—Ration Rights: General Provisions

570.11 Distribution of ration rights.
570.12 Disposition of Government ration checks.
570.13 Ration rights.
570.14 Mandatory transfers of ration allotments.

Subpart C—Computation of Reserves and Allotments

570.21 Definitions.
570.22 Calculations.
570.23 Ration rights purchases and sales.
570.24 Limitation on distribution of ration rights.

Subpart D—Supplemental Allotments

570.31 Priority class activities.
570.32 Commercial firm allotments.
570.33 Other supplemental allotments.
570.34 Application procedures.

Subpart E—Purchase of Gasoline

570.41 Purchases of gasoline at retail sales outlets.
570.42 Other purchases of gasoline.
570.43 Other gasoline purchase provisions.
570.44 Supplier disposition of ration rights and ration checks.
570.45 Principal suppliers' obligations to DOE.
570.46 Redemption advances.
570.47 Inventory changes.

Subpart F—Allocation of Gasoline

570.51 Relationship to Parts 210 and 211.

Subpart G—Ration Banking

570.61 Coupon issuance points and participating banks.
570.62 Ration rights accounts.
570.63 Redemption accounts.
570.64 Restrictions on endorsements.

Subpart H—National Ration Reserve

570.71 National Ration Reserve.

Subpart I—State Ration Reserves

570.81 State Ration Reserves.
570.82 Establishment of State Rationing Offices and local boards.
Sec.
570.83 Hardship applications and guidelines.

Appendix A

Authority: Emergency Petroleum Allocation Act of 1973, 15 U.S.C. 751 et seq., Pub. L. 93–159, as amended, Pub. L. 93–511, Pub. L. 94–99, Pub. L. 94–133, Pub. L. 94–163, and Pub. L. 94–385; Federal Energy Administration Act of 1974, 15 U.S.C. 787 et seq., Pub. L. 93–275, as amended, Pub. L. 94–332, Pub. L. 94–385, Pub. L. 95–70, and Pub. L. 95–91; Energy Policy and Conservation Act, 42 U.S.C. 6201 et seq., Pub. L. 94–163, as amended, Pub. L. 94–385, Pub. L. 95–70 and Pub. L. 96–102; Department of Energy Organization Act, 42 U.S.C. 7101 et seq., Pub. L. 95–91; EO 11790, 39 FR 23185; EO 12009, 42 FR 46267; EO 11912; Emergency Energy Conservation Act of 1979, Pub. L. 96–102; Executive Order 11912 (41 FR 15825, April 15, 1976), as amended by Executive Order 12038 (43 FR 4957, February 7, 1978).

Subpart A—General Provisions

§ 570.1 Scope.

(a) This Part applies, in all or such parts of the United States as shall be specified by DOE, to the distribution of gasoline refined in or imported into the United States. DOE may exempt any region of the United States from the application of this Part if it finds that such exemption would provide for more equitable and efficient distribution of gasoline.

(b) *Effective date.* These regulations shall become effective severally or *in toto* on a date or dates to be specified and published by DOE, subject to the provisions of sec. 201(d) of the Energy Policy and Conservation Act (Pub. L. 94–163, EPCA), as amended by the Emergency Energy Conservation Act of 1979 (Pub. L. 96–102).

(c) *Relationship to other Parts.* The provisions of Part 205 of this Chapter shall be applicable to this Part, except as modified by the Secretary of Energy by rulemaking to reflect the specialized needs of gasoline rationing. Such provisions of Parts 210, 211 and 212 of this Chapter as are in effect at the time this Part is in effect shall apply to this Part unless otherwise specified by DOE. In the event any provisions of this Part or any regulations adopted to implement this Part are inconsistent with any provisions of any other Part of this Chapter, the provisions of this Part or the regulations adopted to implement this Part shall control.

(d) *Title.* This Part shall be entitled the Standby Gasoline Rationing Plan.

§ 570.2 General definitions.

For purposes of this Part—

"Agriculture" means agricultural production as defined in 10 CFR Part 211, and related distribution of agricultural products.

"Allotment" means the value, in gallons of gasoline, of the ration rights issued to a ration recipient.

"Base period" means a period in the base year corresponding to the current calendar month or quarter, or current ration period, as appropriate.

"Base year" means the period designated by DOE as the most recent 12 calendar month period for which accurate and reliable gasoline use data are available.

"Bulk purchaser" means bulk purchaser as that term is defined in § 211.102 of 10 CFR Part 211.

"DOE" means the Department of Energy or the Secretary of Energy.

"Eligible individual" means a natural person designated by DOE as eligible to receive ration rights on the same basis as a registrant of a specified vehicle classification.

"Emergency services" means law enforcement, fire fighting, United States Postal Service, snow removal, emergency medical services, search and rescue activities, telecommunications services and utilities services.

"Energy production" means energy production as that term is defined in § 211.51 of Part 211 of this Chapter.

"Firm" means any association, company, corporation, estate, individual, joint-venture, partnership, or sole proprietorship, or any other entity however organized, including charitable, educational, or other eleemosynary institutions, and the Federal Government including corporations, departments, Federal agencies, and other instrumentalities, and State and local governments. The DOE may, in regulations and orders issued under this Part, treat as a firm:

(a) A parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls, (b) a parent and its consolidated entities, (c) an unconsolidated entity or (d) any part of a firm.

"Gasoline" means motor gasoline as defined in § 211.51 of Part 211 of this Chapter excluding, however, aviation fuels as defined in § 211.142 of Part 211 of this Chapter.

"Government ration check" means a ration check issued by DOE to a ration recipient.

"Governor" means the chief executive officer of a State.

"National Ration Reserve" means the ration rights reserved by DOE each ration period pursuant to subpart H of this Part.

"Person" means any individual, corporation, partnership, association or any other organized group and includes any agency of the United States Government or any other government.

"Principal supplier" means a supplier which refines gasoline in or imports gasoline into the United States.

"Public passenger transportation" means (a) facilities and services for surface public transportation whether publicly or privately owned, including water, rail, bus and van transportation, and taxicabs; and (b) bus and van transportation of pupils to and from school.

"Ration check" means a negotiable document issued pursuant to the authority of this Part, other than a ration coupon or redemption check, evidencing the right to purchase specified volumes of gasoline.

"Ration coupon" means a coupon issued by DOE entitling the bearer to purchase a specified volume of gasoline.

"Ration period" means that period of time for which DOE calculates the projected available supply of gasoline and determines ration right allotments for ration recipients.

"Ration recipient" means a registrant, eligible individual, firm or other person allotted ration rights under the provisions of this Part.

"Ration rights" means ration coupons and ration checks or any other documents authorized by this Part that shall be evidence of or establish rights to purchase specified volumes of gasoline.

"Ration rights account" means an account opened pursuant to the provisions of § 570.62 of this Part for the deposit and withdrawal of ration rights.

"Redeemed ration rights" means ration rights accepted by a supplier in exchange for the sale of gasoline, and cancelled by that supplier pursuant to § 570.44 of this Part.

"Redemption account" means an account opened by a supplier pursuant to the provisions of § 570.63 of this Part for the deposit of ration rights received and redeemed in exchange for the sale of gasoline, and for the deposit of redemption checks received from other suppliers in exchange for the sale of gasoline.

"Redemption check" means a check drawn on a redemption account by a supplier who is the holder of that account.

"Registrant" means the person or persons with the most recent valid vehicle registration for a vehicle which has been determined by DOE as eligible for an allotment.

"Retail sales outlet" means a site on which a supplier maintains an on-going business of selling gasoline to end-users into other than a gasoline storage tank at a fixed location.

"Sanitation services" means the collection and disposal for the public of solid wastes, whether by public or private entities, and the maintenance, operation and repair of liquid purification and waste facilities. Sanitation services also includes the provision of water supply services by public utilities, whether privately or publicly owned or operated.

"Secretary" or "Secretary of Energy" means the Secretary of Energy or his delegate.

"State" means any one of the fifty States, the District of Columbia, Puerto Rico or any territory or possession of the United States.

"State Rationing Office" means the office established or designated by each State to carry out the authorities delegated to that office by DOE pursuant to Subpart I of this Part.

"State Ration Reserves" means the ration rights provided to the State Rationing Offices by DOE for distribution within the States.

"Supplemental allotment" means the allotment distributed to a firm, priority class activity or other person pursuant to Subpart D of this Part.

"Supplier" means any firm or any part or subsidiary of any firm, other than the Department of Defense, that supplies, sells, transfers or otherwise furnishes (as by consignment) gasoline to wholesale purchasers or end-users. Suppliers include, but are not limited to, refiners, importers, resellers, jobbers, and retailers.

"Telecommunications services" means the repair, operation and maintenance of voice, data, telegraph, video and similar communication services for the public by a communications common carrier or by a firm providing the same service in direct competition with a communications common carrier, excluding sales and routine administrative activities.

"United States" means the fifty States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

"Utilities services" means the repair, operation and maintenance of electric and gas services for the public by a public utility, excluding sales and routine administrative services.

"Wholesale purchaser" means a wholesale purchaser-reseller or wholesale purchaser-consumer, or both.

"Wholesale purchaser-consumer" means any firm that is an ultimate consumer which, as part of its normal business practices, purchases or obtains gasoline from a supplier and receives delivery of that product into a storage tank substantially under the control of that firm at a fixed location and which either (a) purchased or obtained more than 20,000 gallons of gasoline for its own use in agricultural production in the base year, or (b) purchased or obtained more than 84,000 gallons of gasoline in the base year. Firms engaged in short-term vehicle rental, and similar firms as determined by DOE, shall be deemed to be wholesale purchaser-consumers for purposes of this Part.

"Wholesale purchaser-reseller" means any firm which purchases, receives through transfer, or otherwise obtains (as by consignment) gasoline and resells or otherwise transfers it to other purchasers without substantially changing its form.

§ 570.3 Penalties and violations.

(a) Any person who violates any provision of these regulations or any order or rule issued pursuant thereto shall be subject to the penalties as set forth in section 5 of the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93–159), in sections 524 and 525 of the Energy Policy and Conservation Act (Pub. L. 94–163), and in Subpart P of Part 205 of this Chapter.

(b) Any firm having custody, care or control of ration coupons, Government ration checks or other ration rights shall at all times, in receiving, storing, transmitting, or otherwise handling ration rights, take all reasonable precautions necessary to avoid acceptance, transfer, negotiation, or use of spurious, altered, or counterfeit ration coupons, Government ration checks or other ration rights, and to avoid any unauthorized transfer, negotiation, or use of ration coupons, Government ration checks or other ration rights. Such firms shall also safeguard ration coupons, Government ration checks or other ration rights from theft, embezzlement, loss, damage, or unauthorized destruction.

(c) No person shall, with intent to defraud, falsely make, forge, counterfeit, or alter any ration check, ration coupon or other ration right or redemption check.

(d) No person shall, with intent to defraud, pass, utter, publish, or sell, or attempt to pass, utter, publish, or sell, or bring into the United States or keep in possession or conceal any falsely made, forged, counterfeited, or altered ration check, ration coupon or other ration right or redemption check.

(e) No person shall buy, sell, exchange, transfer, receive, or deliver any false, forged, counterfeit, or altered ration check, ration coupon or other ration right or redemption check, with the intent that the same be passed, published, or used as true and genuine.

(f) A ration right or any other evidence of right prepared by or on behalf of the United States for use in

connection with a rationing contingency plan shall be considered to be an obligation or other security of the United States for purposes of Title 18, United States Code.

§ 570.4 Reporting requirements.

DOE shall require the filing of such information or reports as it deems necessary to administer the Standby Gasoline Rationing Plan.

§ 570.5 User fees and reimbursement for costs.

(a) DOE may impose a uniform fee on each gallon of gasoline sold during the period for which these regulations are in effect solely to defray the expenses of administering and operating the Standby Gasoline Rationing Plan.

(b) DOE shall establish procedures to provide for reimbursement of some or all administrative and related costs incurred by coupon issuance points, State and local governments and such other firms and governmental units as shall be called upon to implement the Standby Gasoline Rationing Plan.

§ 570.6 Authority to contract or delegate.

DOE may delegate to any other governmental agency at the Federal, State or local level all or any part of its functions under this Part and may contract for goods or services necessary to implement this Part.

§ 570.7 Authority to issue regulations, rules, orders, and guidelines.

DOE may issue such additional regulations, rules, orders, and guidelines, and may make such adjustments, as are necessary to administer and implement the provisions of these regulations. Such regulations, rules, orders, guidelines and adjustments shall be issued in accordance with applicable procedural requirements and, to the extent possible, only after an adequate opportunity for public comment.

Subpart B—Ration Rights: General Provisions

§ 570.11 Distribution of ration rights.

(a) Ration rights will be issued in the form of Government ration checks distributed to ration recipients. DOE in its discretion also may deposit ration rights directly into ration rights accounts, or may otherwise provide for the distribution of allotments determined in accordance with the provisions of Subpart C.

(b) DOE may establish procedures whereby all or a portion of the ration rights allotted to a State Ration Reserve may be distributed by DOE in accordance with instructions provided by the State Rationing Office in that State, or by DOE without such instructions if it determines that a State is not administering its State Ration Reserve in accordance with a State plan approved under § 570.82 of this Part.

§ 570.12 Disposition of Government ration checks.

Government ration checks may be disposed of as follows: (a) Government ration checks may be exchanged for ration coupons at coupon issuance points pursuant to Subpart G of this Part.

(b) Government ration checks may be desposited in a ration rights account and may be subsequently withdrawn as ration rights pursuant to § 570.62 of this Part.

(c) Government ration checks may be surrendered to a supplier when purchasing gasoline.

(d) Government ration checks may be transferred or sold to any individual or firm.

§ 570.13 Ration rights.

(a) *Value of ration coupons.* A ration coupon entitles the bearer to purchase the number of gallons indicated on the face of the coupon, or such other amount as shall be determined and announced by DOE.

(b) *Validity of ration coupons.* Unless declared invalid by DOE or redeemed pursuant to § 570.44, ration coupons of a given series designation shall be valid from a date specified in an Order published by DOE through the end of the Standby Gasoline Rationing Plan.

(c) *Validity of ration rights.* DOE may establish limitations on the period of time for which any ration right issued under the authority of this Part shall remain valid.

§ 570.14 Mandatory transfers of ration allotments.

DOE may, in order to prevent windfalls to the lessor of a registered vehicle receiving ration allotments, require such lessor to transfer such ration allotments to the lessee of such vehicle, according to terms and conditions established by DOE.

Subpart C—Computation of Reserves and Allotments

§ 570.21 Definitions.

The following symbols have the following meanings:

Symbol	Meaning
NGBPU	The total of gasoline consumption in the United States during the base period.
NBPUA	The total of gasoline consumption in the United States during the base period for agriculture.
NNBPU	The total of gasoline consumption in the United States during the base period excluding gasoline used for agriculture.
NTR	The total number of ration rights to be distributed within the United States during a ration period.
NNR	The number of ration rights available for distribution within the States.
NRR	The number of ration rights to be reserved for use in the National Ration Reserve for the ration period.
AG	The total number of ration rights allotted for agriculture priority activities.
SGBPU	The total of gasoline consumption in a State during the base period.
SBPUA	The total of gasoline consumption in a State during the base period for agriculture.
SNBPU	The total of gasoline consumption in a State during the base period excluding gasoline used for agriculture.
STR	The total number of ration rights available to each State for the ration period.
SNR	The net number of ration rights available to a State for distribution as basic and supplemental allotments.
SRR	The number of ration rights distributed to the States for the State Ration Reserves for the ration period.
SA	The projected number of supplemental allotments in a State to priority class activities and other persons or firms for the ration period.
SBR	The number of ration rights in a State available for distribution as basic allotments.
VC	Vehicle classification(s) to be established by DOE for all vehicles designated by DOE as eligible to receive allotments.
AI	The allotment index, which expresses the value of the allotment for any vehicle in a given vehicle classification in relation to the allotment for private automobiles (the allotment index for private automobiles will be 1.0).
CVP	The classification vehicle point, which is the sum of all vehicles in a given vehicle classficiation, multiplied by the allotment index for that vehicle classification.
TVP	The total vehicle points, which is the sum of the classification vehicle points (CVP's) for all vehicle classifications.
SBA	The State basic allotment for each private automobile or other vehicle with an allotment index (AI) of 1.0.
DBA	The distributed basic allotment, which is the number of ration rights in gallons allotted for a given type of vehicle.

§ 570.22 Calculations.

For each ration period, DOE shall project the available supply of gasoline and, based on this projection, shall determine the national total number of ration rights (NTR) to be distributed. The computation of allotments shall be made as follows:

(a) *National Net Base Period Use (NNBPU).* The national net base period use of gasoline (NNBPU) is computed by subtracting from the national gross base period use (NGBPU) the national base period use of gasoline for agriculture (NBPUA).

$$NNBPU = NGBPU - NBPUA$$

(b) *National Net Number of Rights (NNR).* The national net number of rights (NNR) is computed by subtracting from the national total number of rights (NTR) the National Ration Reserve (NRR) and the total allotments for agriculture (AG) determined pursuant to Subpart D.

$$NNR = NTR - NRR - AG$$

(c) *State Net Base Period Use (SNBPU).* The State net base period use

of gasoline (SNBPU) for any State is computed by subtracting from the State gross base period use (SGBPU) the State base period use of gasoline for agriculture (SBPUA).

$$SNBPU = SGBPU - SBPUA$$

(d) *State Total Rights (STR).* The total number of ration rights available to each State (STR) is determined by multiplying the national net rights (NNR) by the ratio of State net base period gasoline use (SNBPU) to national net base period gasoline use (NNBPU).

$$STR = NNR \times \frac{SNBPU}{NNBPU}$$

(e) *State Net Rights (SNR).* The net number of rights in a State, available for distribution as basic and supplemental allotments, is computed by subtracting from the State total rights (STR) the number of rights in the State Ration Reserve (SRR).

$$SNR = STR - SRR$$

(f) *State Basic Rights (SBR).* The number of rights in a State available for distribution as basic allotments (SBR) is computed by deducting from the State net rights (SNR) the projected number of supplemental allotments (SA) to be distributed as provided in Subpart D.

$$SBR = SNR - SA$$

(g) *State Basic Allotment (SBA).* The State basic allotment is computed as follows:

(1) The sum of all vehicles registered in the State in a given vehicle classification (VC) is multiplied by the allotment index (AI) for that classification to yield a classification vehicle point (CVP).

$$CVP = VC \times AI$$

(2) The sum of the CVP's for all vehicle classifications equals the total vehicle points (TVP).

$$TVP = CVP_1 + CVP_2 + CVP_n$$

where n = the number of classifications.

(3) The State basic allotment (SBA) equals the State basic rights (SBR) divided by the total vehicle points (TVP) within the State

$$SBA = \frac{SBR}{TVP}$$

(h) *Distributed Basic Allotment (DBA).* For each State, the value of ration rights in gallons distributed to the registrant of a given vehicle for a ration period equals the State basic allotment (SBA) multiplied by the allotment index (AI) for that vehicle, such product to be rounded by DOE if necessary.

$$DBA = SBA \times AI$$

(i) *Length of the ration period.* The length of each ration period shall be three months or such other period as DOE may prescribe.

§ 570.23 Ration rights purchases and sales.

(a) DOE is authorized to issue and distribute by auction, sale or such other means as determined by DOE, additional ration rights where necessary:

(1) To establish a market for ration rights;

(2) To equilibrate the number of ration rights issued with the estimated actual supply of gasoline, or

(3) For such other purposes as DOE may determine to be appropriate to assure that adequate ration rights are available to carry out the purposes of the Standby Gasoline Rationing Plan, provided that DOE shall not issue or distribute more ration rights in total than the estimated actual supply of gasoline.

(b) To the extent that funds are appropriated, DOE is authorized to purchase ration rights where necessary:

(1) To equilibrate the number of ration rights issued with the actual supply of gasoline; or

(2) To carry out the purposes of subsection (a).

(c) DOE may take such other actions as may be necessary to equilibrate the number of ration rights issued with the estimated actual supply of gasoline, including making adjustments to the national total number of ration rights (NTR) in the next ration period pursuant to § 570.22.

§ 570.24 Limitation on distribution of ration rights.

(a) DOE may establish a limit on the number of ration rights issued to any person or household. This limitation shall not preclude the distribution to a person or to members of a household of additional ration rights granted from the State Ration Reserve.

(b) Ration rights that would be distributed to a person or to members of a household but for a limitation imposed in subsection (a) shall be distributed to the State Ration Reserve of the State from which such distribution would be made.

(c) For purposes of this section, household means persons related by blood or marriage who live together in a single residence.

Subpart D—Supplemental Allotments

§ 570.31 Priority class activities.

(a) A firm with respect to its activities in any of the following classifications may apply to DOE for a supplemental allotment equal to the difference between the firm's per vehicle allotments determined pursuant to Subpart C and a percentage of such firm's consumption of gasoline attributable to its priority activities during the base period, such percentage to be determined by DOE for each firm or classification of priority activity:

(1) Emergency services;

(2) Sanitation services;

(3) Public passenger transportation;

(4) Energy production;

(5) The Department of Defense, with respect to its activities directly related to the maintenance of national security;

(6) For hire mail and small parcel transportation and delivery;

(7) Agriculture;

(8) Short-term vehicle rental; and

(9) Newspaper distribution.

(b) DOE may designate other activities as priority class activities, and firms engaged in such activities shall be eligible to apply for a supplemental allotment pursuant to paragraphs (a) and (c) of this section.

(c) Any firm applying for a supplemental allotment as a priority class activity shall submit an application to DOE according to forms and procedures to be established by DOE. In addition to reporting its total gasoline consumption for the base period, a firm applying for a supplemental allotment for a priority class activity shall report that portion of its total base period gasoline consumption attributable to a priority class activity, and the number and types of vehicles engaged in a priority class activity, and such other information as DOE may require.

(d) Notwithstanding any other provision of this Part, the supplemental allotments for agriculture priority activities issued pursuant to paragraph (a) of this section shall, for purposes of ration rights calculations in § 570.22, be included as ration rights allotted for agriculture (AG) in computing allotments of ration rights in § 570.22(b), and shall not be included as supplemental allotments (SA) in the computations in § 570.22(f).

§ 570.32 Commercial firm allotments.

A firm engaged in commerce or business, as determined by DOE, will receive supplemental allotments equal to the difference between the firm's per vehicle allotments determined pursuant to Subpart C and a percentage of such firm's consumption of gasoline during the base period, such percentage to be determined by DOE.

§ 570.33 Other supplemental allotments.

DOE may designate other classes of persons, including eligible individuals, to receive supplemental allotments in

accordance with criteria to be established by DOE.

§ 570.34 Application procedures.

A firm or other person applying for a supplemental allotment shall submit an application to DOE according to forms and procedures to be established by DOE. Such application shall be accompanied by the payment of a fee in an amount to be determined by DOE to be necessary to cover the costs of processing the application.

Subpart E—Purchase of Gasoline

§ 570.41 Purchases of gasoline at retail sales outlets.

Except as otherwise provided in regulations adopted pursuant to § 570.42, no supplier may sell or otherwise transfer gasoline at a retail sales outlet without obtaining from the purchaser at the time of sale or transfer ration rights equal on a gallon basis to the amount of gasoline transferred.

§ 570.42 Other purchases of gasoline.

(a) No supplier (including a wholesale purchaser-reseller) may receive gasoline from a supplier without providing to the supplier a redemption check or redeemed ration rights equal on a gallon basis to the amount of gasoline transferred. No wholesale purchaser-consumer or bulk purchaser may receive gasoline from a supplier without providing to the supplier ration rights equal on a gallon basis to the amount of gasoline transferred.

(b) DOE shall establish by regulation the terms and conditions by which suppliers, bulk purchasers, wholesale purchaser-consumers and such other classes of end-users as designated by DOE, shall transfer to their suppliers (including retailers) ration rights or redeemed ration rights, as appropriate, taking into account:

(1) Limitation of fraud and abuse;

(2) Consistency with standard business practices governing payments for gasoline; and

(3) Administrative ease.

§ 570.43 Other gasoline purchase provisions.

(a) No purchaser may tender, and no supplier may accept ration coupons of a given series designation in exchange for gasoline prior to the date for which such series designation has been declared valid by DOE pursuant to § 570.13(b) of this Part.

(b) Subject to the provisions of § 570.64 of Subpart G of this Part, and subject to such regulations as DOE may develop, unredeemed ration rights may be freely transferred for or without consideration.

(c) No supplier (including a retailer) shall require any purchaser to purchase ration rights from any firm (including itself) as a condition of transferring gasoline.

(d) No supplier (including a retailer) shall discriminate against any purchaser offering valid ration coupons as evidence of entitlement to purchase gasoline if such coupons are tendered by a customer at the time of sale. A supplier may accept ration checks, including Government ration checks, from a customer as evidence of entitlement to purchase gasoline, but if there are insufficient ration rights in the ration rights account on which the ration check (other than a Government ration check) is drawn, the payee shall be liable for the deficiency, with recourse against the payor.

(e) A supplier of gasohol and similar blends of gasoline and non-petroleum products shall require a purchaser to transfer ration rights or redeemed ration rights, as applicable, only for that portion of the gasohol or similar blend which is gasoline.

§ 570.44 Supplier disposition of ration rights and ration checks.

A supplier (including a retailer) which receives ration coupons or ration checks (including Government ration checks) in exchange for gasoline shall at the time of exchange redeem all such coupons or checks by indelibly marking them with the supplier's name, its redemption account number, if any, and the legend "redeemed." No supplier shall sell or otherwise transfer gasoline for consumption to a purchaser in exchange for ration coupons that have previously been redeemed.

§ 570.45 Principal suppliers' obligations to DOE.

Each principal supplier shall file with DOE in such form and for such period as shall be designated by DOE, a report certifying the volume of gasoline sold during the reporting period, and shall submit with such report a redemption check equal on a gallon basis to the volume of gasoline sold during the reporting period.

§ 570.46 Redemption advances.

(a) Suppliers shall be entitled to receive an initial redemption advance according to a formula to be established and published by DOE. Such formula shall take into account the needs, if any, of suppliers located in remote areas subject to infrequent or irregular delivery schedules and suppliers in areas subject to highly seasonal demand.

(b) DOE may provide for such additional redemption advances as it deems necessary.

(c) DOE shall require suppliers receiving redemption advances to repay such advances to DOE according to terms and conditions established and published by DOE.

(d) DOE shall make such redemption advances as are deemed necessary and appropriate to compensate suppliers for losses due to spillage, evaporation and shrinkage. DOE shall establish criteria for the determination of such advances so that the total of redeemed ration rights does not exceed the total amount of gasoline sold by principal suppliers.

§ 570.47 Inventory changes.

(a) Each supplier (including a retailer) shall report, according to forms and instructions to be issued by DOE, its inventory of gasoline measured on the first day of rationing before any sales of gasoline are made, measured at the end of the rationing program and measured at intervals to be specified by DOE.

(b) Any supplier (including a retailer) whose inventory at the close of the rationing program or at such other intervals as designated by DOE is less than its inventory measured on the first day of rationing may be required to submit a redemption check or redeemed ration rights to DOE equal on a gallon basis to the amount of inventory drawdown, less an amount to be specified by DOE for losses due to spillage, evaporation and shrinkage.

Subpart F—Allocation of Gasoline

§ 570.51 Relationship to Parts 210 and 211.

(a) If the provisions of § 211.103 of 10 CFR Part 211 are in effect, § 211.103(b) shall not apply when this Part is in effect. DOE may change the allocation levels for firms receiving supplemental allotments or with priority classification.

(b) If the provisions of 10 CFR Part 211 are in effect at the time this Part is in effect, each purchaser's right to receive product shall be limited by the requirements under § 570.42 of this Part to provide either ration rights or redeemed ration rights to its supplier, as applicable.

(c) If the provisions of Part 211 are not in effect at the time this Part is in effect, the Secretary of Energy may prohibit a supplier from increasing above a specified level the amount of gasoline sold or otherwise transferred to a purchaser or class of purchasers, where such supplier owns, operates or otherwise controls such purchaser(s).

Subpart G—Ration Banking

§ 570.61 Coupon issuance points and participating banks.

(a) Subject to terms and procedures to be established by DOE, DOE may authorize certain firms and institutions to act as (1) coupon issuance points to issue ration coupons in exchange for ration checks, and (2) participating banks to provide ration rights accounts and redemption accounts.

(b) Coupon issuance points and participating banks shall maintain such records and issue such reports as may be required from time to time by DOE.

§ 570.62 Ration rights accounts.

(a) Any firm or individual may establish a ration rights account. DOE may by order and notice establish a minimum initial deposit, allowable fees, and other forms, procedures, terms and conditions governing the operation and maintenance of ration rights accounts.

(b) No individual or firm shall issue a ration check for which no ration rights account has been established or drawn upon a ration rights account in which there are insufficient ration rights to cover that ration check and other outstanding ration checks drawn on that account.

§ 570.63 Redemption accounts.

(a) Pursuant to procedures to be established by DOE, suppliers, including retailers, may open redemption accounts at participating banks for the deposit of initial redemption advances, if any, redeemed ration rights, and redemption checks.

(b) DOE may require some or all suppliers to open and maintain redemption accounts.

(c) The opening of a redemption account and the receipt of deposits therefor shall be made at participating banks according to forms and procedures to be established by DOE.

(d) No individual or firm shall issue a redemption check for which no redemption account has been established or drawn upon a redemption account in which there are insufficient deposits to cover that redemption check and other outstanding redemption checks drawn on that account.

(e) Redemption checks shall not be valid for deposit in a ration rights account, nor shall redemption checks be valid for the purchase of gasoline by a wholesale purchaser-consumer, bulk purchaser or other ultimate consumer.

(f) DOE may impose limitations on the sale or transfer of redeemed ration rights if such a limitation is deemed to be necessary to prevent fraud or abuse.

§ 570.64 Restrictions on endorsements.

DOE may establish limitations on the endorsements of ration checks and redemption checks.

Subpart H—National Ration Reserve

§ 570.71 National Ration Reserve.

(a) The National Ration Reserve shall be used by DOE to meet national disaster relief or other national emergency needs, to provide ration rights for sale to the public in order to establish a market for ration rights, to provide allotments to meet the needs of Canadian and Mexican firms, or for any other purpose at the discretion of DOE.

(b) For each ration period, DOE shall determine a percentage of the national total number of ration rights for which ration rights shall be reserved by DOE for the National Ration Reserve.

Subpart I—State Ration Reserves

§ 570.81 State Ration Reserves.

(a) For each ration period, DOE shall establish for each State which has been delegated authority pursuant to § 570.82, a percentage of that State's total number of ration rights (STR, as determined in Subpart C) for which ration rights shall be reserved by DOE for that State as a State Ration Reserve to meet the needs and hardships of end-users.

(b) For the initial ration period the State Ration Reserve shall be a minimum of five percent of the State total number of ration rights. A State may apply to DOE at any time to reduce or increase the amount of ration rights to be included in the State Ration Reserve.

(c) For each subsequent ration period, the State Ration Reserve allotment shall be determined by DOE after consultation with each State.

(d) Except as provided in § 570.82(i), no State may sell or otherwise transfer for consideration ration rights provided to such State as a State Ration Reserve.

§ 570.82 Establishment of State Rationing Offices and local boards.

(a) As soon as practicable after the Standby Gasoline Rationing Plan is approved by Congress in accordance with EPCA sec. 201(d), DOE will establish procedures for delegation of functions under this Part to a State Rationing Office and to officers or local boards (of balanced composition reflecting the community as a whole) of a State or political subdivision thereof.

(b) Within 60 days after DOE establishes procedures under paragraph (a), each State may submit to DOE a plan to receive a delegation of authority from DOE and to administer the State Ration Reserve. The State plans shall include such information as DOE may request, including the following: (1) How the State proposes to establish a State Rationing Office and local boards to meet hardship needs and to provide for the mobility needs of the handicapped; (2) Efforts to be undertaken during the effective period of the Standby Gasoline Rationing Plan to meet the needs of those persons in suburban and rural areas, particularly mid-sized cities, small towns and rural communities not adequately served by any public transportation system; (3) the percentage of the State total number of ration rights requested by the State as a State Ration Reserve; and (4) procedures to prohibit recipients of hardship allotments from selling or otherwise transferring for consideration ration rights received as part of such allotments.

(c) DOE shall review the State plan submitted under subsection (b), and if approved DOE shall delegate appropriate authority to administer the State Ration Reserve allotted by DOE to that State. DOE also shall inform the State of the percentage of the State total number of ration rights to be allotted as a State Ration Reserve.

(d) Any State which does not have a State plan approved under paragraph (c) shall not be provided any ration rights for a State Ration Reserve.

(e) The State Ration Reserves will be distributed by DOE to the State Rationing Offices by transmitting a Government ration check to each State.

(f) Each month the State Rationing Office shall report to DOE with respect to the preceding month: (1) The number of hardship petitions received by category of hardship alleged, (2) The disposition made of hardship applications, (3) The amount of ration rights issued from the State's Ration Reserve, and (4) Such other information as DOE shall require.

(g) The State Rationing Office may redelegate the authority given to it by DOE to local rationing boards, provided they meet the balanced composition criteria set forth in paragraph (a).

(h) No State shall issue a ration check drawn upon a ration rights account if there are insufficient ration rights to cover that ration check and other outstanding ration checks drawn on that ration rights account.

(i) DOE may authorize the States to sell to the public a portion of the ration rights from the State Ration Reserves in order to establish a market for the sale of ration rights.

(j) DOE may establish procedures whereby all or a portion of the ration rights allotted to a State Ration Reserve may be distributed by DOE, or by DOE

in accordance with instructions provided by the State Rationing Office in that State.

§ 570.83 Hardship applications and guidelines.

(a) Hardship applications will be received by the State Rationing Office or its delegate for review and determination. In its administration of the State Ration Reserve, a State Rationing Office or its delegate shall consider the mobility needs of handicapped persons. In addition, the State Rationing Office or its delegate shall consider the hardship needs of other individuals and firms, such as low-income, long-distance commuters, migrant workers, persons engaged in household moves, and other recurring or one-time hardship needs, and the needs of persons in suburban and rural areas, particularly mid-sized cities, small towns and rural communities not adequately served by any public transportation system.

(b) For purposes of this section, the term "handicapped person" means any individual who, by reason of disease, injury, age, congenital malfunction, or other incapacity or disability, is unable without special facilities, planning or design to utilize mass transportation vehicles, facilities and services and who has a substantial impediment to mobility.

Appendix A—Progress Report to Congress on the Standby Motor Fuel Rationing Plans

Table of Contents

1. Introduction

1.1 Legislative Requirement for This Report
1.2 Organization of This Report

2. Summary and Description of the Rationing Plan

2.1 Principal Features of the Plan
2.2 Differences Between This Plan and the Plan Transmitted to the Congress on March 1, 1979
2.3 Limitations of Rationing
2.4 Rationing and the Price Level

3. Mechanisms for Meeting Gasoline Needs

3.1 Basic Allotments for Individuals
3.2 Allotments for Firms
3.3 Hardship Allotments
3.4 The Ration Rights Market
Appendix A to Part 3: The Use of Voter Registration Files as a Basis for Distributing Ration Allotments
Appendix B to Part 3: Projected Operating Procedures of Local Rationing Boards

4. The Ration Rights Market

4.1 Why Ration Rights Have Value
4.2 Gains From a Ration Rights Market
4.3 The Estimated Coupon Price

5. Economic Impacts of Rationing

5.1 Effects of Rationing on the Average Motorist
5.2 Effects on Different Income Groups
5.3 Suburban and Rural Areas
Appendix to Part 5: Drivers' Licenses: Alternative Basis for Ration Entitlements

6. Measures To Establish a Rationing System

6.1 Measures Taken to Date
6.2 Phases of Rationing System Development
6.3 Preimplementation
6.4 Readiness Maintenance
6.5 Mobilization and Operation of Rationing
6.6 Cost of Mobilization, and Operations
6.7 Diesel Fuel Rationing

List of Exhibits

3–1 Coefficients of correlation between annual vehicle-miles of travel by a household and selected household characteristics
3–2 Annual vehicle-miles of travel per household by trip purpose and automobile ownership
3–3 Proposed local rationing board organizational structure
5–1 How far you can drive in one year with a ration allotment of 42 gallons
5–2 Savings (+) or costs (−) of ration coupon transactions based on miles driven and fuel efficiency
5–3 Projected average household annual net value of allotment sales (purchases)
5–4 Number of motor vehicles owned and miles driven by households, Fall 1974
5–5 Vehicles, adults, and gasoline use relative to the national average for households at different income levels
5–6 Ratio to national average of vehicles, adults, and gasoline use for households at different income levels
5–7 Average household annual net value of allotment sales (purchases)
6–1 Rationing plan preimplementation cost estimates
6–2 Rationing program cost estimates for mobilization and operations

1. Introduction

1.1 Legislative Requirement for This Report

This report is prepared in response to the requirements of the Emergency Energy Conservation Act of 1979 (Pub. L. 96–102, EECA). Section 102 of EECA, entitled "Report on Plan Development," calls for the following information to be transmitted to the jurisdictional committees of Congress:

- A description of the measures taken after the enactment of EECA to establish a rationing system.
- The costs of these measures.
- A description of the additional measures that remain to be taken in establishing a rationing system.
- A timetable for the completion of these additional measures.
- An estimate of the costs of these additional measures.

Part (b) of Section 102 of EECA further calls for a discussion of five specific issues, as follows:

(1) The extent to which ration coupons would be distributed to each end user of gasoline on the basis of such end user's needs.[1]

(2) An analysis of having ration rights granted on the basis of individuals licensed to operate motor vehicles on the public roads and highways.

(3) The extent to which the rationing system would meet the needs and hardships of end-users by the use of local boards.

(4) How the rationing system complies with the objective of providing for the mobility needs of handicapped persons.

(5) The steps to be taken to provide adequate allotments for the needs of those in suburban and rural areas, particularly those not adequately served by any public transportation system.

1.2 Organization of This Report

Part 2 of this report summarizes the standby gasoline rationing plan; describes the differences between this plan and the one that was transmitted by the President to the Congress on March 1, 1979; and cites some problems inherent in rationing gasoline.

Part 3 describes the mechanisms contained in the plan for meeting the gasoline needs of end users: the basic allotments for individuals, basic allotments for firms, hardship allotments, and the ration rights market.

Part 4 contains a discussion of the ration rights market, an analysis of the gains that result from permitting the exchange of coupons, and an estimate of what the price of a coupon would be in a 20 percent shortfall.

Part 5 examines the economic impacts of the plan: how rationing would affect the average motorist in a 20 percent shortfall, how the plan would affect households in different income groups, and how rural, suburban and urban households would fare under rationing. The appendix to Part 5 contains an analysis of the alternative of issuing allotments to all licensed drivers and compares this alternative with the allotment mechanism based on motor vehicles.

Part 6 provides a description of the measures taken to date, since the enactment of the EECA, to develop a gasoline rationing system, and the costs

[1] Regarding this issue, the Conference Report on EECA (H. Rept. No. 96–516) provides the following statement at page 30:

"* * * this requirement is general in nature, and its intent is to * * * consider the varying needs of classes of end-users, to the maximum extent practicable.

The plan itself, of course, cannot reflect all such needs. State set-asides and local boards can provide more individualized relief for hardships and needs."

of these measures. Part 6 also includes a discussion of the measures necessary to bring the system to a satisfactory state of readiness, the estimated costs of these measures, and a timetable for their completion. Part 6 concludes with a brief discussion of diesel fuel rationing; its inherent problems and the resultant need to address it separately from gasoline rationing.

2. Summary and Description of the Rationing Plan

2.1 Principal Features of the Plan

This section summarizes the guiding concepts and operational principles of the plan, which is designed to carry out, to the maximum extent possible, the statutory mandate of EPCA, including the dual objective to distribute ration rights among the states on the basis of historical use and to provide equitable distribution among all classes of end-users. A rationing program under this plan would work in the following manner.

2.1.1 Individual Entitlements

- Individuals with validly registered motor vehicles would be eligible for a ration allotment for each such vehicle.
- It is DOE's intention to limit the number of vehicle-based ration allotments to which a person or household would be entitled.
- In general, the total value of ration rights, in gallons of gasoline, issued to classes of end users within each state would be determined on a state-by-state based that would take into account historical use of gasoline by those classes of end users in that state. Each class of end user within a state would share a shortfall equally (as measured against historical use) with the corresponding class of end users in other states, and the basic individual ration allotment would vary from state to state as a reflection of differences in historical gasoline consumption among the states.
- Local rationing offices under the jurisdiction of local boards would provide supplemental allotments to hardship applicants.

2.1.2 Provision for the Handicapped

- Responsibility for providing supplemental allotments that take into account the mobility needs of the handicapped would be delegated to the states and, in turn, to local offices by each state.
- Procedures and guidelines that would provide for the needs of the handicapped would be developed prior to the start of rationing in consulatation with appropriate Federal, state and local governmental agencies and organizations representing the handicapped.

2.1.3 Business Entitlements

- In addition to allotments based upon vehicle ownership, supplemental allotments would be issued to businesses that would be reflective of their historical use of gasoline.

2.1.4 Priority Activities

- Supplemental allotments equal to a relatively high percentage of base period use would be provided to businesses, units of government, and other organizations that merit priority status by providing essential public services.
- Priority activities currently identified in the plan are:

(1) Emergency services, which include law enforcement, fire fighting, emergency medical services, snow removal, telecommunications services, utilities services, search and rescue operations, and the U.S. Postal Service.

(2) Sanitation services.

(3) Public passenger transportation, including taxicabs.

(4) The Department of Defense, with respect to its activities directly related to the maintenance of national security.

(5) Agricultural production, processing, and distribution.

(6) For-hire mail and small parcel transportation and delivery.

(7) Energy production.

(8) Short term vehicle rental.

(9) Newspaper distribution.

With the exception of item (5) (agriculture) allotments for these priority activities within each state will be deducted from the total allotments made to each state on the basis of its historical use. Agriculture allotments will be deducted from the total allotments available nationally before distribution is made to the individual states. This treatment of agriculture will not affect the size of the total allotments for agriculture but will avoid distortions in the allotments to other categories of end users that might otherwise be caused because of the size of the agricultural priority cagetory.

2.1.5 Reserves

- State Ration Reserves would be established in each state for use by state and local offices in issuing hardship allotments. States would have considerable discretion in the use of their ration reserves, subject to general DOE standards and guidelines.
- The responsibilities of state and local governments for the distribution of allotments would increase commensurate with their capability and willingness, and the percentage of the state's allotments set aside for the reserve could be increased accordingly.
- DOE would establish a national ration reserve to meet national disaster needs and to provide allotments to Canadian and Mexican firms that use their vehicles to do business in the U.S.

2.1.6 Issuance of Ration Allotments

- Ration allotments would be issued in the form of government ration checks, which could be exchanged for ration coupons at designated coupon issuance points. Checks would be issued in advance of each ration period, with the allotment amount printed on the check.

2.1.7 Coupons

- DOE would enlist the participation of a variety of qualified organizations as coupon issuance points. These organizations would be supplied with coupons by DOE and would serve as ration check "cashing" points for recipients of government ration checks.
- Different series of coupons would be distributed. DOE would establish for each series the date at which it becomes valid. Coupons would be valid until used, or until the end of the rationing program.

2.1.8 Ration Banking

- Individuals and organizations that use large quantities of gasoline could open ration banking accounts at participating ration banks.
- Account holders could deposit valid coupons or ration checks to their accounts and write ration checks against their accounts.
- Gasoline suppliers would open redemption accounts at ration banks. Suppliers would deposit in these accounts cancelled ration coupons and ration checks (or redemption checks, where applicable) received for the sale of gasoline. Suppliers would write redemption checks on these accounts to cover the purchase of gasoline.

2.1.9 Ration Rights Market

- DOE would permit the sale or transfer of ration rights. DOE would impose no price or other controls on this market except as may be necessary to prevent abuse or to prevent those activities deemed disruptive of the rationing program.
- DOE would provide for the dissemination of information on the prices and availability of ration rights in the market.

- DOE would have the authority to buy or sell ration rights in order to maintain an ongoing balance between the number of ration rights outstanding and the supply of gasoline and to ensure the availability of ration rights where needed.

2.2 Differences Between This Plan and the Plan Transmitted to the Congress on March 1, 1979

The major differences that the new plan incorporates are:

1. Provides for the distribution of ration rights among the states on the basis of gasoline use in the most recent base period.[1]

2. Provides for the issuance of allotments based on historic use to firms. In the earlier plan, most firms would have received allotments based solely on motor vehicle ownership.

3. Expands the priority category to include agricultural production and distribution and commercial fishing.

4. Further expands the priority category to include taxicabs and rental vehicles; telecommunications activities; utilities services; for-hire mail and small parcel transportation and delivery; search and rescue activities; energy production; and newspaper distribution.

5. Provides DOE with the authority, subject to available appropriations, to buy and sell ration rights whenever necessary to effect an equilibrium between the number of issued ration rights and the actual supply of gasoline.

6. Provides for an expanded state role in administering hardship allotments and addressing imbalances within each state.

2.3 Limitations of Rationing

Based on comments that DOE has received from the public, many people appear to believe that rationing is a panacea—a simple and equitable way to curtail gasoline use. In fact, many commenters have proposed that rationing be implemented now as a long-term measure to help conserve fuel.

On the basis of our own analysis, we believe that the high cost and the complexity of rationing make it ill-suited for use except in response to a severe petroleum supply interruption. Even in such a situation, the imposition of rationing would be a massive and extremely complex undertaking. It would involve, in effect, creating an entirely new currency, complete with checking accounts.

2.3.1 Inconvenience

Rationing would cause considerable inconvenience:

- to firms, in applying for their ration allotments;
- to both individuals and firms, in obtaining and using their allotments;
- to the petroleum industry, in receiving, handling, and transferring ration rights.

2.3.2 Abuse

There would be powerful incentives for individuals to profit from rationing by unlawful means. In a 20 percent shortfall, the ration rights distributed each quarter would be worth roughly $40 billion. Strenuous efforts would be required to keep fraud and abuse within tolerable bounds and to preserve the integrity of the system.

2.3.3 Errors

The operation of massive and relatively untested data systems would likely result in many errors being made. For example, DOE estimates that, for the first rationing quarter, as many as 10 million motorists might receive ration allotments to which they were not entitled and as many as 15 million individuals might fail to receive allotments to which they were entitled.

2.3.4 Other Considerations

Other difficulties inherent in a standby gasoline rationing plan are its high cost (see Part 6) and the large Federal bureaucracy that would be required to run the system.

In the light of these problems and costs, DOE has concluded that rationing can be justified only as a response to a severe gasoline shortage—and even then only if a better alternative cannot be identified.

2.4 Rationing and the Price Level

In evaluating rationing as an emergency measure, it should be kept in mind that the usefulness of the measure is predicated on the existence of a volumetric shortage at the prevailing price. If demand were to exceed supply at the prevailing price, then rationing would be a relatively equitable and efficient way to equilibrate the market. If during the shortfall, however, the world price of crude were to rise to a level that would push the price of gasoline at the pump up to its new equilibrium level, then there would be no shortage. In such a case, ration rights would have no value and rationing would serve no purpose.

3. Mechanisms for Meeting Gasoline Needs

This part of the report discusses the four mechanisms contained in the rationing plan for meeting the gasoline needs of end users:

(a) A basic per vehicle allotment for individual motorists.

(b) An allotment for firms that is a percentage of gasoline use in a recent base period.

(c) Hardship allotments for individuals and, in some cases, also for firms.

(d) The ration rights market, which allows any individual or firm to purchase additional ration rights at a market determined price.

3.1 Basic Allotments for Individuals

The costs of a gasoline shortfall would be borne principally by those who use gasoline: the more gasoline used, the higher the cost. Those who use little or no gasoline would incur some indirect costs, for example, costs arising from the higher prices of producing goods and providing services directly related to the shortfall, but these would be small compared to the direct costs borne by motorists. Accordingly, if a ration rights distribution system is intended to provide an equitable sharing of the burden of the shortfall, it should be based on the distribution of rights according to the cost incurred, in other words, according to essential fuel use.

Households vary tremendously in their driving habits, according to their particular circumstances and preferences. Even households at the same income level and in the same geographical area may use widely differing amounts of gasoline based on such factors as number of workers, commuting distances, availability of public transportation, proximity to shopping, and medical needs.

Given this individual variation in fuel consumption, and given the difficulty of determining, for each household, the ease with which driving can be curtailed, DOE has decided to:

(a) Distribute entitlements according to a rough indicator of gasoline use,

(b) Rely on the ration rights market to transfer coupons among households in response to relative demands, and

(c) Give state and local rationing offices the responsibility for awarding additional allotments to those who would otherwise experience severe hardship.

The two principal alternatives upon which to base allotments for personal (non-business) use are motor vehicle ownership and possession of a driver's license.[1] Neither is entirely satisfactory as an indicator of gasoline use. However, analysis conducted to date establishes that the number of motor vehicles owned by a household is a

[1] This provision was incorporated by amendment in the March 1, 1979, plan.

[1] A third alternative—voter registration files—is discussed briefly in Appendix A to Part 3.

better indicator of the annual mileage driven by the household, and thus of the household's fuel use. This is shown in Exhibit 3–1, which presents coefficients of correlation between annual vehicle miles of travel (AVMT) and several other variables. The number of automobiles has the highest correlation with AVMT.

Available data also indicate that fuel use increases roughly in proportion with the number of vehicles owned. Annual mileage driven by a two-car household is slightly more than double that driven by a one-car household; and households with three or more cars drive nearly three times as much as single-car households. This is shown in Exhibit 3–2. The data in Exhibit 3–2 also show that both households with two automobiles and those with three or more automobiles do a larger proportion of their driving for commuting and related business than is the case for one-car households.

For these reasons, an allotment system that is based on motor vehicles owned would distribute entitlements in approximate accordance with normal fuel use. The basic allotment should meet the essential driving needs of most households. For a household whose essential fuel needs exceed its basic allotment, the mechanisms described in Sections 3.3 and 3.4 below, hardship allotments and the ration rights market, provide for obtaining additional coupons.

Exhibit 3–1

Coefficients of correlation between annual vehicle miles of travel by a household and selected household characteristics:

Number of Drivers	.54
Number of Persons	.23
Number of Automobiles	.66
Household Income	.49
Number of Workers	.44

Source: Robert Gorman, Draft Report—"Fuel Rationing and the Determinants of Annual Household Vehicle Travel," Federal Highway Administration, Department of Transportation, 1979.

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Exhibit 3-2

ANNUAL VEHICLE-MILES OF TRAVEL PER HOUSEHOLD
BY TRIP PURPOSE AND AUTOMOBILE OWNERSHIP

Trip Purpose	Car(s) per Household						All Households	
	One		Two		Three or More			
	Miles	%/Total	Miles	%/Total	Miles	%/Total	Miles	%/Total
Earning a living								
Home-to-work	3,307	31.8	7,466	34.9	11,020	36.8	4,183	33.7
Related business	736	7.1	1,905	8.9	2,224	7.4	983	7.9
Subtotal	4,043	38.9	9,371	43.8	13,244	44.2	5,166	41.6
Family business								
Shopping	857	8.2	1,572	7.3	1,548	5.2	929	7.5
Medical and dental	206	2.0	308	1.4	326	1.1	202	1.6
Other	1,178	11.3	2,126	9.9	2,644	8.8	1,270	10.2
Subtotal	2,241	21.5	4,006	18.7	4,518	15.1	2,401	19.3
Civic, educational and religious	420	4.0	1,223	5.7	1,485	4.9	612	4.9
Social and recreational								
Visiting friends and relatives	1,500	14.4	2,288	10.7	2,491	8.3	1,497	12.0
Pleasure rides	348	3.3	555	2.6	763	2.5	381	3.1
Vacations	230	2.2	622	2.9	649	2.2	320	2.6
Other	1,513	14.5	3,053	14.3	6,493	21.7	1,896	15.3
Subtotal	3,591	34.5	6,518	30.5	10,396	34.7	4,094	33.0
Other and unknown	111	1.1	287	1.3	331	1.1	150	1.2
All purposes	10,406	100.0	21,405	100.0	29,974	100.0	12,423	100.0

Source: Data from unpublished tables T-5 and H-18 from the Nationwide Personal Transportation Survey conducted by the Bureau of the Census for the Federal Highway Administration, 1969-70.

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3.2 Allotments for Firms

There is a wide range of variation in the intensity with which businesses use their vehicles and in the opportunities for them to reduce fuel use without incurring significant costs. Consequently, ration allotments based on motor vehicles owned would be grossly inadequate for a large number of businesses, requiring them to make extensive purchases of coupons.

Accordingly, the rationing plan would provide allotments for firms as a percentage of each firm's base period consumption of gasoline. This allotment method would minimize disruption to the economy, since it more closely approximates the fuel requirements of businesses as evidenced by their historical consumption. Therefore, each firm would be eligible for a supplemental allotment which, together with the basic vehicle allotment, would provide a specified percentage of its base period use. Firms which use their vehicles less intensively than the average may not qualify for a supplemental allotment, whereas other firms may qualify for significant supplemental allotments. A firm would apply for a supplemental allotment by submitting an application indicating the amount of gasoline purchased during a designated base period. To facilitate processing these applications, firms would be encouraged to develop this information in advance, as a readiness contingency measure, so that supplemental allotments could be issued at the beginning of implementation. There would be a fee charged to cover the cost of base period data collection and processing.

The percentage of base period use to be applied during rationing would depend on such factors as the severity of the shortfall and the nature of the firm's activities. Because nearly all gasoline users can conserve fuel in an emergency, even priority users would in most cases receive allotments below 100 percent of base period use. An exception to this policy might be made for public transportation, whose ridership would be expected to increase greatly during a gasoline shortage.

3.3 Hardship Allotments

Because no centrally administered rationing system can accommodate the many diverse requirements of households throughout the U.S., the rationing plan would give local boards an important role in meeting special individual needs. DOE believes that individual hardship decisions can be made more fairly and efficiently at the local level, close to the individual motorist. States would be given administrative jurisdiction over the local board system, and would have considerable flexibility in the way the boards operate, subject to broad DOE guidelines.

Many classes of applicants would be eligible for assistance from local boards, including handicapped persons, low-income, long-distance commuters, migrant workers, and others whose circumstances meet the qualifying criteria established by each state and approved by DOE.

Applicants would present specific requests for assistance to the local boards, and would be granted supplemental ration rights allotments tailored to their particular needs.

3.3.1 State Ration Reserve

For each ration period, a percentage of each state's total number of ration rights would be set aside as a State Ration Reserve (SRR). The SRR would be used to meet the hardship needs of persons in the state and to provide for the mobility needs of the handicapped.

The SRR would intially be equal to a minimum of five percent of the state total number of ration rights. However, a state could apply to DOE to increase or reduce the percentage of ration rights to be included in the SRR, subject to DOE approval. Although some states may be unwilling or unable to assume the additional administrative costs of a large SRR, many states can be expected to assume an active role in administering the SRR and will use it as an effective tool for responding to the needs of citizens within the state.

3.3.2 Establishment of State Rationing Offices and Local Boards

After the Standby Gasoline Rationing Plan is approved by Congress, DOE will establish procedures for delegation of functions to a State Rationing Office and to officers or local boards (of balanced composition reflecting the community as a whole) of a state or political subdivision thereof. Within 60 days after DOE establishes these procedures, states may submit to DOE plans to receive delegations of authority and to administer the SRR. Submission of state plans and their approval by DOE will be prerequisites to receiving the ration rights for the SRR. The plans must include: (1) How the state proposes to establish a State Rationing Office and local boards to meet hardship needs and to provide for the mobility needs of the handicapped; (2) Efforts to be undertaken during the implementation of the rationing plan to meet the needs of those persons in suburban and rural areas, particularly mid-sized cities, small towns and rural communities not adequately served by any public transportation system; (3) The percentage of the state total number of ration rights requested by the state to be reserved as the SRR; and (4) Procedures to prohibit recipients of hardship allotments from selling ration rights received as part of such allotments. This procedure has been adopted because states and their political subdivisions are best able to meet the hardship needs of citizens during an emergency.

States will have broad discretionary authorities in determining how the SRR will be distributed among local boards within the state. If hardship is concentrated in rural areas, for example, a state can distribute to local boards in such areas a greater share of the SRR.

3.3.3 Hardship Applications and Guidelines

DOE will, in consultation with states, develop general guidelines regarding eligibility for hardship allotments. It is expected that hardship allotments will be limited to those whose essential driving needs exceed their allotments of ration rights and, in addition, whose incomes are inadequate to allow them to purchase the additional rights. Examples of those who might qualify for hardship allotments are:

- Individuals who, because of a handicap or the absence of alternative means of transportation, must use their automobiles to commute to work, whose ration allotments are insufficient to provide fuel for this commuting, and whose incomes are inadequate to permit the purchase of coupons in the ration rights market.
- Individuals who need to drive extensive distances to obtain necessary medical care, for themselves or for other persons, and who cannot reasonably be expected, because of income limitations, to purchase the needed coupons.
- Low-income migrant workers traveling to and from work sites.

Hardship allotments will not be provided to sustain discretionary driving or for the use of those individuals with sufficient incomes to enable them to purchase coupons on the ration rights market.

State Ration Offices and local boards will be given considerable flexibility in interpreting the criteria for the determination of hardship eligibility and in determining whether to grant hardship allotments in specific cases. It is DOE's view that such flexibility is necessary to permit adequate consideration to differences in need between states, and among jurisdictions within particular states.

Appendix B to Part 3 contains a discussion of projected operating procedures for local boards.

3.3.4 Mobility Needs of the Handicapped

This section provides an overview of how the rationing plan provides for the mobility needs of handicapped persons.

Local boards will be required to give careful consideration to providing for the essential gasoline needs of the handicapped. States must provide specific criteria to local boards for evaluating these needs, and DOE approval of state rationing plans will be contingent upon review and approval of these criteria. DOE will also work with Federal, state and local agencies and organizations representing the handicapped in developing policy guidelines for supplemental allotments to handicapped persons.

Local boards will be expected to provide for adequate representation of the interests of handicapped individuals on their staffs and on their volunteer panels. Additionally, local boards will be expected to implement procedures for the expedited handling of applications from mobility-impaired persons. These procedures would include:

- The development of special application forms;
- Permitting proxies to appear personally before a local board on behalf of handicapped individuals;
- Measures to ensure unimpeded access to local boards;
- Special appeal procedures for the handicapped.

3.4 The Ration Rights Market

The preceding sections have described the allotment mechanisms in the rationing plan that are designed to meet the needs of most individuals and firms. While these steps cannot assure that all firms and individuals will receive sufficient ration rights to purchase gasoline for their essential travel, it does provide for the majority of gasoline end users in a systematic way, with minimal administrative requirements.

Another element that will help reduce the inconvenience of rationing, and greatly increase the efficiency with which gasoline is used, is the provision to allow coupons to be transferable. It is expected that those recipients who can get by with less than their full allotment will sell coupons to firms or individuals that wish to purchase additional rights. Thus, free market forces will permit an adjustment of ration rights on mutually agreeable terms with minimal need for Federal intervention. This is explained more fully in Part 4.

Appendix A to Part 3—The Use of Voter Registration Files as a Basis for Distributing Ration Allotments

Consideration was given to the possibility of distributing ration allotments to all registered voters, based on voter registration files. On the basis of a preliminary analysis, this alternative was rejected for the following reasons:

- Approximately one-third of all adults are not registered.
- Registration is handled by 13,000 local election jurisdictions, which would make it exceptionally difficult to compile a national file.
- The registration procedures differ among states and, to a large extent, among jurisdictions within each state. Approximately half of the states leave procedures up to the local jurisdictions.
- One state has no voter registration files.
- Most registration files are manual systems, with little or no computerization.
- It is considered difficult to prevent multiple registration in many states; accordingly, there would be substantial opportunities for an individual to obtain more than one allotment.

Appendix B to Part 3—Projected Operating Procedures of Local Rationing Boards

This section provides an overview of how a local rationing board might function under a rationing plan. Guidelines for specific operating procedures would be developed during the period, following congressional approval of the plan, during which the plan is brought to a state of readiness.

Each state must develop and submit as part of its state rationing plan, a proposed methodology for the creation of a system of local rationing boards for distribution of the SRR. These boards should be geographically dispersed throughout the state to ensure that all residents have reasonable access to a local board. Exhibit 3–3 illustrates a possible organizational structure for local boards.

Major functions of a local board should include:

- Verification of information contained in hardship applications;
- Approval or disapproval of hardship applications, based on eligibility criteria provided by the state rationing office (SRO);
- Informing applicants of board decisions and dispensing hardship allotments to approved applicants;
- Receipt and review of requests for reconsideration of initial board decisions;
- Preparation of periodic reports on all rationing activities for submission to the SRO.

Local rationing boards will receive and process applications for hardship allotments by individuals and firms. Policy and procedural guidelines will be developed by DOE, in consultation with the states and applicable Federal agencies, for use by the local boards in reviewing hardship applications. Local board officials will use these guidelines to make decisions on the validity of the hardship application, and will dispense a hardship allotment to applicants accordingly.

These procedural guidelines should clearly establish specific eligibility criteria and limitations of awards to be made for each hardship category. The guidelines should also contain rules for the periodic disbursement of additional allotments to applicants with recurring hardships (e.g., long-distance, low-income commuters or low-income, handicapped individuals). The guidelines should be sufficiently explicit to allow clerical review and approval of routine hardship requests.

The State Ration Reserve is intended principally to provide relief to *individual* gasoline consumers, although some requests for hardship allotments by firms may be approved.

Any negative decision made on a hardship application will be reviewed in the event that the applicant files a request for reconsideration. The initial review will be conducted by a volunteer panel (Exhibit 3–3), created for this purpose, at the local board. Appeals of decisions made by the volunteer panel should be directed to the State Rationing Offices.

Volunteer panel members will be selected according to procedures developed by each state and included in the state rationing plan submitted to DOE. A key requirement for the panel is that its members represent the community as a whole, with members chosen to represent citizen groups and interests in the area to be served. Specific procedural guidelines and assistance in adjudicating cases will be provided by the SRO.

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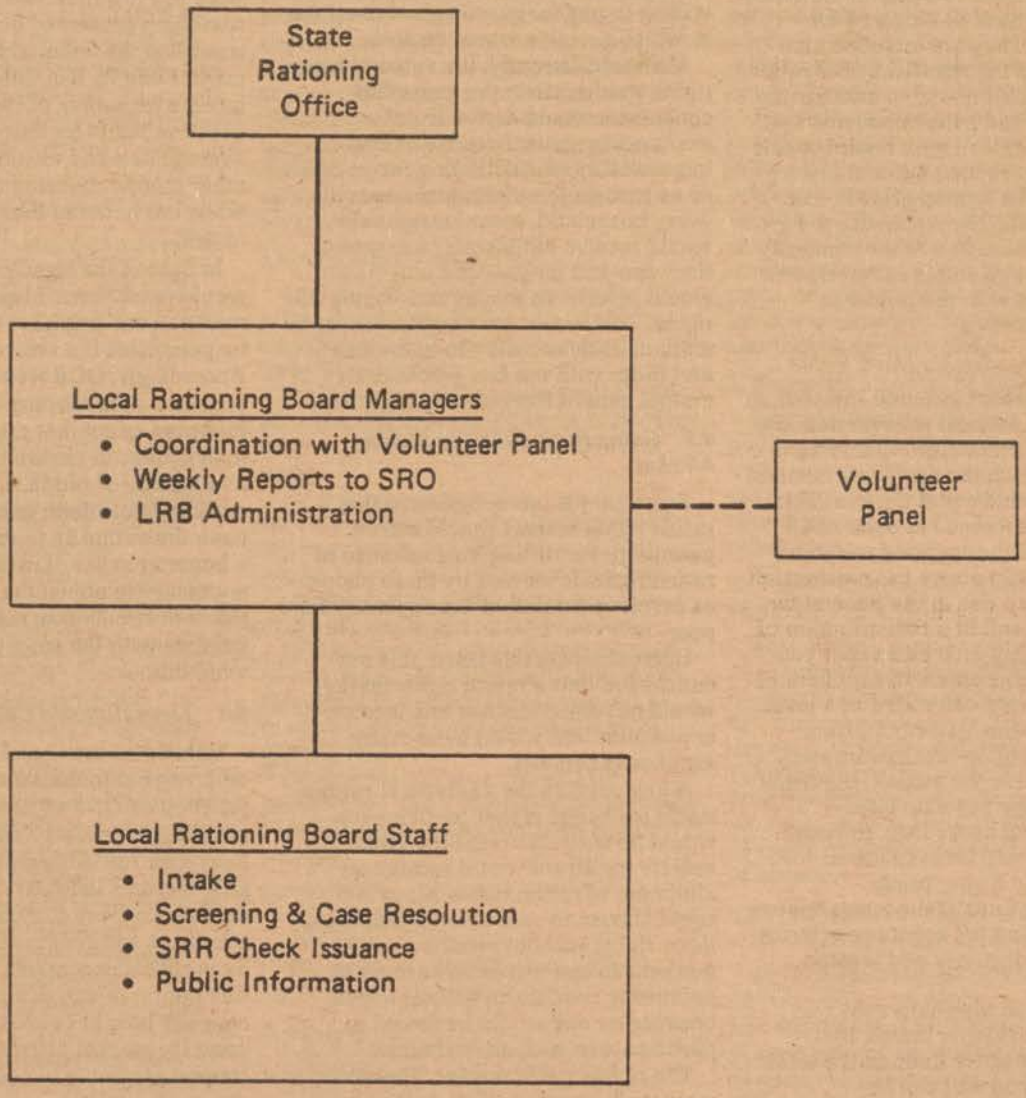
EXHIBIT 3-3. PROPOSED LOCAL RATIONING BOARD ORGANIZATIONAL STRUCTURE



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4. The Ration Rights Market

An essential feature of the Standby Gasoline Rationing Plan is the use of market forces to ensure a high degree of flexibility and to increase the efficiency with which gasoline would be used during a serious supply shortage. Sections 4.1 and 4.2 discuss the rationale and implications of having a ration rights market. They are included here both to explain the significance of ration rights transferability and to address the congressional and public concerns that have been expressed with regard to this transferability. Section 4.3 contains a projection of the coupon price in a 20 percent shortfall. The Appendix to Part 4 contains a discussion of the similarity between rationing with a ration rights market and tax with the proceeds rebated to motorists.

4.1 Why Ration Rights Have Value

With a 20 percent gasoline shortfall, in the absence of Federal intervention, the market price for gasoline would rise to the point at which the aggregate demand for gasoline would equal the available supply. As is discussed in Section 4.3 below, the equilibrium price would be very substantially above the preshortfall price. This sharp rise in the price at the pump would result in a redistribution of income of roughly $160 billion per year from gasoline consumers to suppliers.

If the price were controlled at a level substantially below the equilibrium level, and if no other mechanism were employed to clear the market, the result would be lengthy gasoline lines—probably several hours long. In some cases queuing may be even more unpleasant than higher prices. Moreover, long lines at the pump impose a massive cost on the economy in terms of reduced productivity and wasted time.

Rationing is an alternative to queuing[1] and to higher prices. By placing a quantitative limit on the total number of gallons that can be purchased, rationing balances demand with available supply at a price below the free market level.

It is commonly believed that rationing distributes gasoline supplies. This is not the case. What rationing does do is distribute *rights to purchase gasoline* at the controlled price. Because the price of gasoline would be maintained below the market clearing level, these rights would have value. The value of a coupon would equal the difference between the equilibrium price of gasoline and a controlled price (or, in the absence of controls, at a price that would nevertheless be below the free market price). That is, the amount that motorists would pay for a one-gallon coupon is the difference between what they would be willing to pay for gasoline and the price at which gasoline would be sold.

Viewed differently, the value of ration rights would reflect the gains that consumers would derive from exchanging rights. Because of the impossibility of distributing ration rights so as to meet the individual needs of every household, some households would receive allotments in excess of their demand for gasoline and others would receive an inadequate supply of rights. This would create pressure for a market, as those with too many rights and those with too few would derive mutual benefit from transferring them.

4.2 Gains From a Ration Rights Market

Some people have suggested that a ration rights market should not be permitted. Permitting the exchange of ration rights is viewed by these people as favoring the rich at the expense of the poor.

Upon studying this issue, it is our conclusion that a ration rights market would not disadvantage low-income households and would have many significant benefits.

A key point in the analysis of ration rights exchange is that participation would be entirely voluntary. Each vehicle registrant would receive an allotment of ration rights. Motorists could choose to use, save, or dispose of these rights without recourse to the market. No one would be harmed by permitting coupons to be exchanged because no one would be forced to participate in such an exchange.

The ration rights market, like other markets for goods and sevices, would provide substantial economic benefit. The opportunity to sell rights would provide a strong economic incentive for conservation. Motorists would have an incentive to cut back their driving in order to supplement their income by selling unused ration rights. Those whose demands exceeded their allotments could supplement their allotments by purchasing additional coupons. While the market price of these rights might be high, giving motorists this option is surely better than the alternative of either setting an arbitrary limit on the number of miles one could drive or resorting solely to a lengthy appeals mechanism involving endless queues and layers of costly and ponderous bureaucracy.

One of the criticisms of the March 1, 1979, rationing plan was that by allowing the transfer of ration rights, wealthy families would get all the gasoline they wanted while the poor were left to suffer. Based on the reasoning presented above, especially regarding the voluntary nature of the market and its benefits in producing income for sellers of rights, the purchase of ration rights by those with above-average demand would be welcomed by other groups choosing to sell rights, while not harming those that chose not to sell.

In light of the significant benefits that would result from a legal ration rights market, such a market should not only be permitted, but actively encouraged. Accordingly, DOE would make provisions for keeping the public informed on market prices and for taking steps to ensure the widespread availability of ration rights at the market-determined price. DOE would have the authority to enter the market as a buyer or seller of ration rights if necessary to adjust the number of ration rights in circulation, maintaining a balance with the supply of gasoline available.

4.3 The Estimated Coupon Price

Vehicle owners have three choices with respect to their coupon allotment. (1) They can use all of their coupons to obtain gasoline. (2) They can use less than their full allotment to obtain gasoline and sell the remainder in the market. (3) They can use all of their allotment and obtain still more gasoline by purchasing coupons in the market. The option selected, and the number of coupons bought or sold, will depend upon the market price of coupons. The coupon market is in equilibrium when the number of coupons offered for sale is equal to the number that others wish to buy at the prevailing price.

4.3.1 Calculation of the Coupon Price

The remainder of this section is devoted to the development of the quantitative projection of the price of a ration right in a hypothetical 20 percent shortfall. The approach is based on the premise that the price of a one-gallon coupon (P_c) will equal the difference between (a) the market price of gasoline that would prevail during the shortfall if there were no price controls (P_m) and (b) the controlled price at the pump,

[1] Although queuing would be greatly reduced under rationing, it might not be eliminated entirely. Some queuing might result if motorists try to use a disproportionate share of their coupons early in the ration period or if there are lags in transferring gasoline from areas with a surplus to those with a shortage.

including any taxes and fees, that would obtain under rationing (P_g):[2]

$P_c = P_m - P_g$

The market clearing price during the shortfall is the price at which demand would be cut back sufficiently to equal the available supply. Designating as P_p the pre-shortfall price of gasoline, R as the ratio of gasoline supply during the shortfall to the pre-shortfall supply, and E as the elasticity of demand for gasoline, the shortfall market clearing price (P_m) can be expressed:

$P_m = P_p R^{(1/E)}$

4.3.1.1 Elasticity of Demand

The elasticity of demand at a point on a demand curve is defined as the rate of percentage change in demand divided by the rate of percentage change in the real price. As it is a ratio of two percentages, the elasticity is a pure number, that is, it has no units of measurement.

Two points should be noted. First, the elasticity relates changes in demand to real price changes, that is, changes that have been corrected for any general inflationary effect. Second, the relationship is taken net of changes in income and other factors that might be expected to affect demand.

Estimation of the elasticity of demand for any product is subject to a wide margin of error. Estimates of the gasoline demand elasticity range from −0.1 to −0.4. DOE has examined these estimates and has concluded that the most likely value, with respect to short-run changes in demand in response to small changes in price, is in the range of −0.15 to −0.2. An elasticity of −0.2 has been used generally in DOE's short term projections, although the more conservative estimate of −0.15 was used by DOE in examining the conservation potential of a 10 cent per gallon gasoline fee.

Estimates of the demand elasticity for gasoline are based on data compiled for recent years. They are valid only for real prices that have been observed during this period. The data provide only a limited basis for extrapolating beyond the range of the observed data, for example, for relating demand to a price that is far in excess of the current price. Economic theory, however, does suggest that the elasticity will be higher (in absolute terms) at a higher price. With respect to the much higher price that would be necessary to clear the market for gasoline in a 20 percent shortfall, we believe that the relevant elasticity is greater (in absolute terms) than −0.20, and is probably equal to about −0.25. This figure is used in the computations in the remainder of this report. However, for comparison, we also present some calculations based on an elasticity of −0.15, which we think is at the low end of the reasonable range of estimates given the large price increases that are likely to occur. To illustrate the difference between the two elasticities, a doubling of the price would reduce demand by 10 percent with an elasticity of −0.15 and by 16 percent with an elasticity of −0.25.

4.3.1.2 The Coupon Price

In calculating what the price of a ration coupon would be in a 20 percent shortfall, the following assumptions have been made:

(1) The price at the pump prior to the shortfall (P_p) is assumed to be $1.20. This price is assumed to be an equilibrium price.

(2) It is also assumed, for simplicity, that the world price of petroleum does not rise during the shortfall and that product price controls are maintained, so that the price at the pump remains $1.20, exclusive of any fees imposed.

(3) To cover the administrative costs of rationing, it is further assumed that a three cent per gallon fee is imposed at the pump, raising the controlled price (P_c) to $1.23.

(4) The elasticity of demand for gasoline is −0.25. The equation for the shortfall market-clearing price can be written:

$P_m = P_p R^{(1/E)}$
$= \$1.20\ (0.8)^{(-4)}$
$= \$2.93$

The market value of a one-gallon coupon (P_r) is then given by:

$P_r = P_m - P_c$
$= \$2.93 - \$1.23$
$= \$1.70$

If the retail gasoline price were higher than $1.20, say $1.50, when the shortfall occurred, and if this higher price were also an equilibrium price, then the new equilibrium price during the shortfall and the coupon price would both be higher as well. It should be borne in mind that any increase in the price of gasoline above the present price would lead to a further reduction in demand. Consequently the shortfall would be measured relative to a level of gasoline consumption that would already be below the present level. A 20 percent shortfall, given a demand elasticity of −0.25, can be expected to raise the price by 144 percent, regardless of what price initially obtains. If the pre-shortfall price were $1.50, and if demand had adjusted to this price, then the equilibrium price with a 20 percent shortfall would be $3.66 and the per gallon coupon price would be $2.13. Similarly if the pre-shortfall price were $1.75, the shortfall coupon price would be $2.49.

The world price of crude might rise substantially *during* (possibly as a result of) the shortfall. This would increase the price of gasoline at the pump and would *lower* the value of a coupon.

The calculations presented above are based on a demand elasticity of −0.25. If the elasticity were −0.15, the price would have to increase by 343 percent to reduce demand by 20 percent in a shortfall. This would imply a per gallon coupon price of $4.09 if the pre-shortfall price were $1.20, $5.12 if the pre-shortfall price were $1.50, and $5.98 if the pre-shortfall price were $1.75.

5. Economic Impacts of Rationing

Part 5 illustrates the way the rationing plan would affect the average motorist, and discusses how these effects might vary according to a motorist's income class and residence in urban or non-urban areas.

5.1 Effects of Rationing on the Average Motorist

This section shows how many gallons of gasoline an average motorist would be able to purchase with a basic ration allotment, how many miles could be driven with such an allotment, in vehicles of varying fuel efficiency, and how much money an average motorist would have to spend for additional coupons or would receive from the sale of coupons.

5.1.1 Gallons of Gasoline Obtainable with a Typical Ration Allotment

In 1978, the average private passenger car was driven 10,046 miles per year at a fuel efficiency of 14.06 miles per gallon of gasoline, for an annual total of 715 gallons of gasoline consumed, or 60 gallons per month.[1] Total gasoline consumption in the United States in 1978 was 112.4 billion gallons, of which firms (including governments and nonprofit organizations) consumed about 33 percent,[2] or 37.09 billion gallons.

As a result of increases in the price of gasoline since 1977, consumption in 1980 is projected to decline to 105 billion gallons. But, because 1978 is the latest year for which complete data are available, our illustrative calculations will be based on gasoline consumption in that year.

[2] If a decision were made not to impose controls on the price of gasoline, this price and the price of coupons would be jointly determined in the market. The price of gasoline would then be higher than the pre-shortfall price and the price of coupons correspondingly lower.

[1] U.S. Federal Highway Administration, *Highway Statistics 1978*, Table VM-1.

[2] U.S. Federal Highway Administration estimate based on 1977 gasoline use data.

Assuming an overall shortfall in gasoline supplies of 20 percent, the number of gallons available for each private passenger vehicle under the rationing program is computed as follows:

- 112.4 billion gallons is used as the normal U.S. total consumption.
- Subtracting 20 percent of the above amount, leaves 89.9 billion gallons per year available in the shortage.
- Five percent of this amount, or 4.5 billion gallons, would be set aside for the State Ration Reserve and approximately one percent, or 0.9 billion gallons, would be set aside for the National Ration Reserve, leaving 84.5 billion gallons available for distribution.

Next we must deduct allotments to businesses and other organizations, including governments. Based on DOE's priority classes in the rationing plan, we estimate that approximately 15 percent of total business use, or 5.56 billion gallons per year, is used for priority activities, principally for agricultural production, and the remainder, 31.53 billion gallons, is used for other business and governmental purposes.

These are the base period usage figures from which ration allotments for firms would be calculated. For illustrative purposes we have assumed that in a 20 percent shortfall, priority firms would receive 90 percent of base period use and all other firms would receive 80 percent of base period use. The allotments to firms in the above example would then be equal to .90 times 5.56 billion gallons (annual base period use by priority firms) plus .8 times 31.53 billion gallons (annual base period use by non-priority firms), for a total allotment to all firms of 30.23 billion gallons per year.

Deducting this amount from the shortfall supply, we get 54.27 billion gallons per year available under rationing for household use. The nationwide average allotment per private passenger vehicle can then be obtained by dividing this total by 107 million privately owned automobiles in the U.S.,[3] and by dividing the result by 12 to convert from annual to monthly allotments. This yields a figure of 42.27 gallons per private passenger vehicle per month, which is equal to 70 percent of normal average monthly use. For convenience, we shall round this to 42 gallons per month.

This number needs to be qualified in several important ways. First, it is principally for personal use; persons using their privately owned vehicles in their businesses would be eligible for supplemental allotments for such business use. Second, it is only an average; the allotment level for a specific motorist would be higher or lower than this amount depending on whether historical gasoline consumption in the motorist's state was above or below the national average. Third, it refers solely to the basic allotment and takes no account of hardship allotments that might be provided from the State Ration Reserve. Fourth, because of opportunities to purchase additional coupons, no motorist would be confined to the gasoline obtainable with the basic allotment.

5.1.2 Miles That Can Be Driven with the Average Allotment

Exhibit 5–1 shows the number of miles that could be driven annually with an allotment of 42 gallons per month for vehicles of varying fuel efficiency. As shown in the exhibit, the fuel efficiency of a vehicle makes a major difference in the mileage that could be driven with a typical ration allotment without purchasing additional ration rights. Although a car that gets 10 miles per gallon could be driven only 5,040 miles per year with a 42 gallon per month allotment, a more fuel efficient car that obtains 30 miles per gallon could be driven 15,120 miles with the same allotment, considerably more than the average annual mileage driven in normal times.

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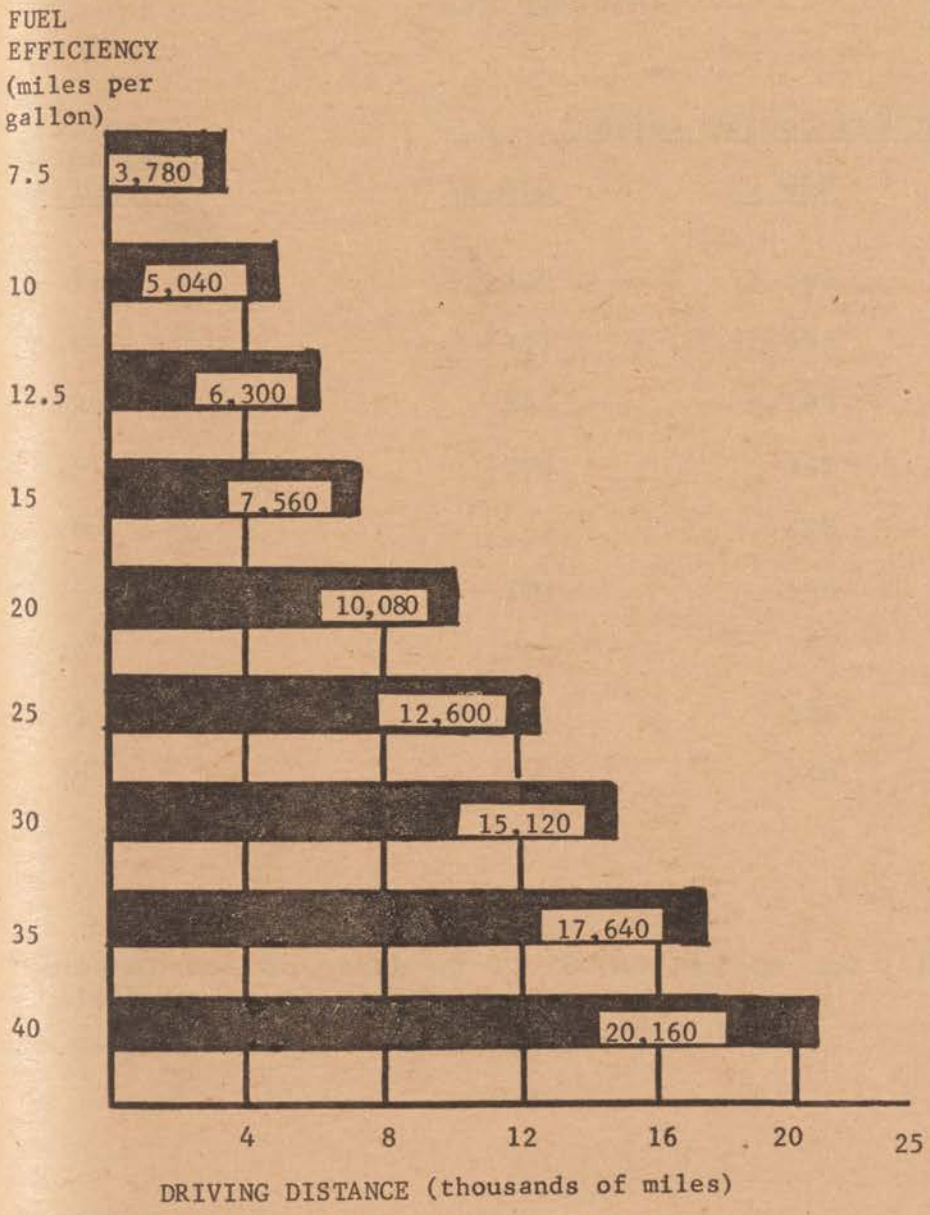
[3] Based on U.S. Federal Highway Administration vehicle data for 1978.

EXHIBIT 5-1

HOW FAR YOU CAN DRIVE IN ONE YEAR
WITH A RATION ALLOTMENT OF
42 GALLONS



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5.1.3 The Dollar Value of Fuel Efficiency

Another way to illustrate the significance of vehicle fuel efficiency during the rationing program is to show how much money a motorist driving a specified number of miles per month would have to spend to purchase additional ration rights or would be able to obtain by selling excess coupons.

Using $1.70 per gallon as the projected value of ration rights, as discussed in Part 4, Exhibit 5–2 shows the savings from coupon sales or cost of coupon purchases associated with driving 10, 15, and 20 thousand miles per year in vehicles with fuel efficiencies ranging from 7.5 to 40 miles per gallon.

5.2 Effects on Different Income Groups

DOE has received comments from some members of Congress and from the public presenting the view that a rationing plan based on motor vehicles would benefit high income households at the expense of households with lower incomes. This concern is based on the assumption that high income households own more vehicles than lower income households, but do not have a commensurately higher need for gasoline.

In response to this concern, we have examined data on vehicle ownership and gasoline use for households grouped according to income level. The information has been obtained from a data file created for the Energy Information Administration and described in Service Report SR/EUA/79–18, *Impact of Gasoline Rationing Plans on Households of Different Income and Location.*

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Exhibit 5-2

SAVINGS (+) OR COSTS (-)
OF RATION COUPON TRANSACTIONS
BASED ON MILES DRIVEN AND FUEL EFFICIENCY*

(in dollars)

Fuel Efficiency (miles per gallon)	Miles Driven Per Year		
	10,000	15,000	20,000
7.5	-1,410	-2,543	-3,677
10	-843	-1,693	-2,543
12.5	-503	-1,183	-1,863
15	-276	-843	-1,409
20	7	-418	-843
25	177	-163	-503
30	290	7	-276
35	371	128	-115
40	432	219	7

* Assumes coupon price of $1.70 per gallon and a basic monthly allotment of 42 gallons.

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To examine the effects that rationing would have on households at different income levels, the following assumptions were made:

- The per vehicle allotment would equal 70 percent of normal average per vehicle fuel use, or 42 gallons per month. This figure was derived in Section 5.1.
- The average household in each income group would reduce its fuel consumption by 30 percent, to 42 gallons per month, so that fuel use by households as a whole would equal total allotments received by all households.
- Households with excess coupons would sell them to households whose allotments were insufficient.
- The selling price of a coupon would be $1.70 per gallon.

Column 2 of Exhibit 5–3 presents the figures on the annual net value of allotment sales (purchases) for the average household in each income group. Households with annual incomes below $10,000 would have extra coupons to sell, thereby increasing their income. This income increment amounts to $163 per annum for the average household in the lowest income group. Households with higher incomes, on the other hand, would be net purchasers of coupons. Expenditures would amount to $65 per annum for the average household in the $15,000 to $20,000 income group and would exceed $150 per annum for households with incomes between $20,000 and $30,000.

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Exhibit 5-3

PROJECTED AVERAGE HOUSEHOLD ANNUAL NET VALUE OF ALLOTMENT SALES (PURCHASES)

Household Disposable Income	Allotment Sales (purchases)
(1977 dollars)	(1980 dollars)
Under 5,000	163
5,000 - 9,999	97
10,000 - 14,999	(39)
15,000 - 19,999	(65)
20,000 - 24,999	(154)
25,000 - 29,999	(158)
30,000 or more	(97)

Source: Department of Energy, Energy Information Administration, Service Report SR/EUA/79-18, Impact of Gasoline Rationing Plans on Households of Different Income and Location, November 1979.

BILLING CODE 6450-01-C

These figures indicate that lower income families would likely gain net income under a vehicle based plan.

The Appendix to Part 5 examines the alternative of distributing ration allotments to all licensed drivers and compares the income distributive effects of such a plan with the vehicle plan. The analysis shows that households with incomes below $10,000 would obtain a greater benefit from a plan that distributed allotments to all licensed drivers than from one that distributed allotments to motor vehicle owners. However, the vehicle based plan would provide allotments more nearly in accordance with need.

5.3 Suburban and Rural Areas

Several members of Congress have expressed concern for the greater fuel needs of rural and suburban motorists, relative to urban motorists, both because of the longer distances typically driven by those in rural and suburban areas and because these areas generally have less extensive public transportation than do urban areas.

In response to this concern, we have examined data on fuel use for households by area of residence and have analyzed how the average household in each area would fare under the rationing plan.

Exhibit 5–4, column 1, presents data on annual vehicle miles driven per household, by place of residence, for 1974. Column 2 presents information on household ownership of motor vehicles. Column 3 contains information on miles traveled per vehicle owned.

Suburban and rural households do tend to drive considerably more on average than urban households, as shown in Exhibit 5–4, column 1. However, this additional driving does not represent a more intensive use of vehicle, but rather the operation of a larger number of vehicles, as shown in columns 2 and 3 in the Exhibit. Miles traveled *per vehicle* is surprisingly constant among the three groups of households.

The vehicle based allotment mechanism in the Standby Gasoline Rationing Plan is well suited to these observed average vehicle use patterns. The plan would distribute ration rights on the basis of registered motor vehicles. Consequently, the average suburban household, with 39 percent more motor vehicles than the average urban household, would receive an allotment that is 39 percent greater. This would provide for the greater fuel needs of suburban residents. Similarly, the typical rural households would receive a 34 percent greater allotment than the typical urban household, enough to cover the greater mileage driven. Accordingly, the plan would appear to treat both rural and suburban households fairly. In this regard, it should be noted that if allotments were distributed instead to all licensed drivers, those in rural and suburban areas would fare less well than under the present plan.

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Exhibit 5-4

NUMBER OF MOTOR VEHICLES OWNED AND MILES DRIVEN BY HOUSEHOLDS, FALL 1974

Household Characteristics	(1) Number of miles driven per household (in thousands)	(2) Number of motor vehicles per household	(3) Number of miles driven per motor vehicle (in thousands)
RESIDENCE			
Central Cities	13.5	1.14	11.9
Suburban Rings	18.7	1.59	11.8
Outside Metropolitan Areas	17.9	1.53	11.7
ALL HOUSEHOLDS	16.8	1.43	11.8

Source: U.S. Department of Commerce, Bureau of the Census, Selected Data from the 1973 and 1974 Surveys of Purchases and Ownership, Washington, D.C., July 1976 (Revised).

BILLING CODE 6450-01-C

We recognize that the averages presented in Exhibit 5–4 conceal significant differences in driving patterns from one area to another and that, in some states or regions, households may receive allotments that depart substantially from their normal gasoline use. The plan provides the following two additional mechanism that may help address the needs of rural and suburban motorists.

5.3.1 Equal Sharing of Shortfall

The plan would distribute allotments among states so as to ensure that the states share equitably the burden of the shortfall. Thus the total number of ration rights available to each state would be in proportion to the state's normal fuel consumption. Consequently a state that is predominantly rural and that, for this reason, uses additional gasoline, would receive a larger share of the total number of ration rights.

5.3.2 State Ration Reserve

States will have considerable discretion in the administration of their reserves of ration rights set aside for local board issuance. If a state finds a large number of hardship cases in suburban and rural areas (possibly because of the lack of adequate public transportation) the state may transfer a larger share of its reserve to local boards in these areas.

Appendix to Part 5—Drivers' Licenses: Alternative Basis for Ration Entitlements

A great deal of attention has been paid to the relative merits of basing ration entitlements on motor vehicle ownership and on possession of a driver's license. Both options have merit and both have flaws. In the plan that has been transmitted to the Congress for review, we have based allotments for personal use, as opposed to commercial or governmental use, on motor vehicle ownership and not on drivers' licenses. It is our carefully considered judgment that structuring the plan in this way is, on balance, more equitable and leads to a rationing system that is more sound. We acknowledge, however, that different views of equity might lead to different conclusions regarding how to structure the allotments mechanism.

In this appendix, we examine the approach of issuing allotments to all licensed drivers, and compare this with the issuance of allotments to motor vehicle owners.

An allotment system that distributed allotments to all licensed drivers would provide ration rights to many individuals who do not drive or do so only occasionally. Because rights would be marketable, recipients would in many instances sell their coupons, thereby receiving a windfall gain at the expense of those who use fuel in excess of their allotments.

An entitlement system based on vechicles also treats households in rural and suburban areas more equitably than would a system based on posession of a driver's license. This is supported by the data presented in 5.3 above.

In Section 5.2, we presented data indicating the effect that a vehicle-based rationing plan would have on households at different income levels. Using the same data, we can compare the effects of a plan that would issue allotments to all licensed drivers.

Because the data base does not contain information on the number of licensed drivers per household, we used the number of adults—persons 18 years of age or older—as a proxy for licensed drivers. This appears to be an acceptable procedure, particularly since most of those who are eligible for licenses would be likely to obtain them under a rationing plan that provided entitlements to licensed drivers, because of the market value that an entitlement would have.

We can compare the equity of the two alternatives according to the information shown in Exhibit 5–5 for seven income groups. By looking at the number of vehicles, the number of adults, and the gasoline used per household in each income group, we can see which rationing plan would most closely meet the needs of the average household in each group. In particular, we are able to examine the view that a vehicle based plan would favor the wealthy while a license based plan would be more equitable for the lower income families.

The figures in Exhibit 5–5 show that both the vehicle and license bases for distributing allotments would tend to give larger allotments to families in higher income groups. However, gasoline consumption per household also increases with income. Actually, despite the fact that number of vehicles per household increases with income, so does intensity of vehicle use, as measured by gasoline use per vehicle.

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Exhibit 5-5

VEHICLES, ADULTS, AND GASOLINE USE RELATIVE TO
THE NATIONAL AVERAGE FOR HOUSEHOLDS AT DIFFERENT INCOME LEVELS

Household Disposable Income (1977 dollars)	Vehicles per Household	Adults per Household	Annual Gasoline Use per Household (gallons)	Annual Gasoline Use per Vehicle (gallons)
Under $5,000	0.7	1.4	422	603
$5,000 - $9,999	1.1	1.8	841	764
$10,000 - $14,999	1.5	2.0	1,277	851
$15,000 - $19,999	1.7	2.2	1,503	884
$20,000 - $24,999	2.0	2.4	1,767	884
$25,000 - $29,999	2.1	2.6	1,918	913
$30,000 or more	2.3	2.7	1,955	850
All Households (National Average)	1.4	2.0	1,190	850

Source: EIA Service Report SR/EUA/79-18, Table 8, page 29.

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In Exhibit 5–6, the information in Exhibit 5–5 is expressed as ratios to the national average. The last two columns provide the desired comparison of the two alternative rationing plans. The first of these columns confirms that lower-income households do receive more ration rights under a license-based plan than under a vehicle-based plan. This occurs because relative to the national average, households in these income groups have more adults (0.7 and 0.9 respectively) than vehicles (0.5 and 0.79). However, the last column shows that the vehicle-based plan comes closer to matching historical usage patterns than does the license-based plan for every income class. The reason for this is that, relative to the national average, gasoline use corresponds more closely with number of vehicles than with number of adults for each income group.

Next we made a comparison of the quantitative effect on households with different income levels of a rationing plan based on motor vehicles with one based on drivers' licenses, again using number of adults as a measure of licensed drivers. In making the computations, the following assumptions were made:

- The per vehicle allotment would equal 70 percent of average per vehicle fuel use, under a vehicle plan, or 70 percent of average per adult fuel use, under a plan based on licenses.

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Exhibit 5-6

RATIO TO NATIONAL AVERAGE OF VEHICLES, ADULTS, AND GASOLINE USE FOR HOUSEHOLDS AT DIFFERENT INCOME LEVELS

Household Disposable Income (1977 dollars)	Vehicles	Adults	Annual Gasoline Use	Which plan gives larger allotment?	Which plan gives allotment closest to historical usage?
Under $5,000	0.50	0.70	0.35	licenses	vehicles
$5,000 - $9,999	0.79	0.90	0.71	licenses	vehicles
$10,000 - $14,999	1.07	1.00	1.07	vehicles	vehicles
$15,00 - $19,999	1.21	1.10	1.26	vehicles	vehicles
$20,000 - $24,999	1.43	1.20	1.48	vehicles	vehicles
$25,000 - $29,999	1.50	1.30	1.61	vehicles	vehicles
$30,000 or more	1.64	1.35	1.64	vehicles	vehicles

Source: EIA Service Report SR/EUA/79-18, Table 8, page 29.

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- Each household would reduce its fuel consumption by 30 percent, so that fuel use by households as a whole would equal total allotments received by all households.
- A household with excess allotments would sell them to households whose allotments were insufficient.
- The selling price of an allotment would be $1.70 per gallon.

The results are presented in Exhibit 5–7.

The table shows that under a plan in which allotments are made on the basis of vehicle registrations, the average low income household would receive coupons in excess of its fuel use and would sell these coupons, thereby augmenting its income. The average high income household, on the other hand, would be a net purchaser of coupons.

Exhibit 5–7 also shows the income distributive effects of a rationing plan that would provide entitlements to all licensed drivers. This analysis confirms that providing entitlements to licensed drivers increases the income transfers from households with higher incomes to those with lower incomes. This results principally because vehicle ownership per adult does tend to increase with household income. It should be noted, however, that while lower income households would derive greater benefits from a license-based system, such a system would increase the costs for not only high income households (above $30,000) but also for middle income households (between $10,000 and $30,000).

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Exhibit 5-7

AVERAGE HOUSEHOLD ANNUAL NET VALUE
OF ALLOTMENT SALES (PURCHASES)

Household Disposable Income	Vehicle Based Plan	License Based Plan
(1977 dollars)	(1980 dollars)	(1980 dollars)
Under 5,000	163	460
5,000 - 9,999	97	247
10,000 - 14,999	(39)	(79)
15,000 - 19,999	(65)	(201)
20,000 - 24,999	(154)	(377)
25,000 - 29,999	(158)	(408)
30,000 or more	(97)	(405)

Source: EIA Service Report SR/EUA/79-18.

BILLING CODE 6450-01-C

Thus, our analysis shows that households with income below $10,000 would indeed derive a greater benefit from a license-based plan than a vehicle based plan. But the more significant factor that should be derived from this analysis is that households with incomes below $10,000 would also derive a net benefit from a vehicle-based plan, with much less adverse impact on middle income families. The vehicle based plan would therefore appear to be the preferable option, because it is more likely to provide allotments roughly in proportion to need and would reduce the magnitude of ration rights transfers among households.

6. Measures To Establish a Rationing System

Section 6.1 describes the measures taken to date to establish a system for rationing gasoline. The remainder of Part 6 describes the measures that remain to be taken, a timetable for their completion, and an estimate of their costs.

6.1 Measures Taken to Date

On December 10, 1979, the Department of Energy published in the **Federal Register** a Notice of Proposed Rulemaking and Public Hearings to receive comments on its proposed Standby Gasoline Rationing Plan. The comment period was established for 30 days, closing on January 9, 1980.

In January, the Department conducted a systematic review of the more than 1,500 written comments received and the testimony presented at the public hearings. In the light of this review, the proposed regulations were revised and a final rulemaking was prepared for transmittal to the **Federal Register** for publication, concurrent with the plan's transmittal to the Congress for review.

6.1.1 Costs Incurred to Date

From the date of enactment of the EECA, the following estimated costs were incurred for the development of the standby gasoline rationing plan, including the proposed and final regulations, preparation of this report, conducting the public hearings, and review of the public comments:

Salaries (3 manyears)	$144,000
Consulting services	47,000
Other costs (principally printing)	4,000
Total costs	$195,000

6.2 Phases of Rationing System Development

Measures that remain to be taken for the establishment and operation of a gasoline rationing system can be grouped according to the following time phases:

Phase I. *Preimplementation.* This phase starts with the development of a detailed work plan for the management of the total preimplementation effort and concludes when the rationing system has achieved the targeted state of operational readiness.

Phase II. *Readiness Maintenance.* In this phase the rationing system is maintained in a state of readiness for mobilization into operating status.

Phase III. *Mobilization.* In this phase, which follows the decision to begin rationing, all the necessary steps are taken to have the program in operation on schedule.

Phase IV. *Operation.* In this phase the rationing program starts, operates, and is systematically closed out when rationing is ended.

6.3 Preimplementation

The activities involved in bringing the plan to a state of operational readiness will be subdivided into two consecutive phases. These are: (1) developing and instituting a detailed plan for managing the entire preimplementation effort, and (2) completing the preimplementation tasks.

6.3.1 Management Plan Development

The first element of this phase of the preimplementation effort, which is now in preparation, is a detailed work plan that incorporates the scope of the tasks, the resource requirements and a time schedule. When this work plan is completed, a systems management and integration contract will be awarded. The magnitude, complexity, and interrelatedness of the preimplementation program make it necessary to engage the services of an experienced systems integration contractor. The award of this contract will complete the first phase of the preimplementation effort.

6.3.2 Preimplementation Task Activities

This phase will involve undertaking 16 work packages which address functions specified in the Standby Gasoline Rationing Plan, as follows:

Allotment Planning. Prescribes procedures to allot ration rights to all eligible recipients and to the state and national reserves, during each ration period.

Ration Check Production. Provides for the manufacture of blank ration allotment checks to be available for the distribution of entitlements to ration rights recipients.

National Vehicle Registration File. Undertakes the development of a National Vehicle Registration File that will provide the data base for allotments to eligible recipients.

Ration Check Issuance and Reconciliation. Plans for distribution of government issued ration checks prior to each ration period, and the reconciliation and accounting for government ration checks.

Coupon Production. Plans for manufacture of sufficient coupons to permit efficient operation of the rationing program during each ration period. (Depending on circumstances and the availability of funds [authorized and appropriated] actual coupon printing and storing could begin during this preimplementation phase.)

Coupon Distribution. Establishes distribution procedures to ensure that ration coupons are available in sufficient quantities throughout the Nation to meet the needs of each area.

Ration Banking Operations. Develops systems and procedures for the processing of ration rights through redemption bank accounts after they have been exchanged for gasoline. Does the same for ration bank accounts opened by end users for the deposit and withdrawal of unused ration rights.

Federal Organization. Plans the Federal organization required to direct and manage rationing mobilization and operation, and develops the procedures for program management.

State and Local Roles. Establishes guidelines and procedures for States to administer State Ration Reserves and to operate State Ration Offices and local boards.

Allocation Program Interface. Provides for the rationing program's interface with that portion of the DOE gasoline allocation system as may remain in place during rationing.

Ration Rights Market Operations. Develops procedures for Federal assistance with the exchange of ration rights among individuals and firms, and for possible Federal intervention in the market to prevent abuses and to equilibrate ration rights issued with the available supply of gasoline.

Adjustment and Appeals. Specifies procedures to hear appeals from individuals and organizations and to make necessary adjustments.

Audit and Enforcement. Specifies procedures to ensure compliance with rationing regulations by individuals, firms, commercial banks, the petroleum industry and others.

Management Information Systems. Develops the management information systems not described elsewhere needed to operate the rationing program.

Public Information. Designs a program to inform the public of fuel shortages,

ration system operations and program changes, and to encourage compliance.

Readiness Maintenance. Provides for maintaining and updating systems and procedures while plan is in standby status.

6.3.3 *Role of State and Local Government in Preimplementation*

The current plan calls for a larger state role in administering allotments and addressing imbalances within each state than the previous plan. In order to develop a joint federal/state strategy for the effective implementation of rationing, the Department intends to solicit state participation in the preimplementation effort. The states will be asked to cooperate in the following efforts:

- Developing estimates, guidelines, and procedures for funding of state planning, maintenance, and mobilization efforts in connection with the rationing plan.
- Developing specifications for functions and authorities to be delegated to the states.
- Establishing guidelines for the development of state ration plans.
- Developing guidelines for policies and procedures to be used by State Rationing Offices and local boards.
- Establishing procedures and methods for the secure distribution of ration coupons and establishing procedures for managing ration reserves.
- Preparing model public information materials for distribution by state and local boards.
- Developing procedures for continuing program coordination between DOE and the states.

The Department intends to cooperate with the states in these efforts through the National Governors' Association. The Department also plans to consult and cooperate with organizations representing local governments.

6.3.4 *Preimplementation Schedule and Costs*

Preimplementation planning has already begun and a rationing project office is being formed in DOE to carry out the preimplementation activities. Once the plan has been approved by the Congress, under the procedures established under the Emergency Energy Conservation Act of 1979 (P.L. 96–102), and Congress has appropriated the funds needed to defray the cost of preimplementation, the rationing project office will begin the activities contained in the 16 preimplementation work packages. Preimplementation will be completed as quickly as feasible, consistent with quality workmanship and prudent cost controls. DOE will make every effort to complete preimplementation in 12 months. It cannot be done in less time; it could, however, take longer given the magnitude and complexity of the task and substantial unknowns about the details of the work required, and if contracting procedures cannot be significantly expedited. A firm estimate of the time required to complete preimplementation will not be available until a comprehensive managment plan is developed at the beginning of the preimplementation process.

Because the time to complete the preimplementation tasks cannot be further reduced, the Department is undertaking an indepth analysis of alternative measures, capable of more rapid implementation, to serve as transitional systems to full scale rationing. In addition, the standby conservation plan published in the **Federal Register** on February 17, 1980 proposed a series of measures aimed primarily at reducing gasoline consumption. Following a series of public hearings the Department is now undertaking an intensive regulatory analysis of each of these measures. These measures could also be employed to curtail consumption during the period prior to the start of the rationing program.

Exhibit 6–1 presents the estimated costs of preimplementing the rationing plan.

6.4 *Readiness Maintenance*

Following the completion of the preimplementation tasks, the standby plan will require ongoing maintenance to prevent obsolescence and keep it in a state of useable readiness. Among the readiness maintenance functions there will be such tasks as updating the various data files and information systems, especially the National Vehicle Registration File (NVRF) with additions, changes and deletions reported by states and other sources. There will also be equipment maintenance to perform, contracts to review and update, and demonstration projects to carry out.

Preliminary DOE estimates of the annual cost that would be incurred to keep the plan in readiness status range between $25 and $39 million.[1]

6.5 *Mobilization and Operation of Rationing*

The mobilization phase is the interval from the time activation of the rationing plan has been authorized until the actual start of rationing. It is DOE's objective to be able to put the plan into operation within 90 days from the date activation has been authorized.

Following rationing plan mobilization, the operations phase covers the day-to-day administration of the standby gasoline rationing program as described in Part 2, above.

6.6 *Cost of Mobilization, and Operations*

Exhibit 6–2 presents DOE estimates of the following costs: [1]

- Mobilization: the costs that would be incurred during the three-month period in which the plan were being activated.
- Operations: the quarterly cost that would be incurred for operating the plan following mobilization.

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[1] These estimates are preliminary at this stage. Firmer estimates will become available when the preimplementation phase is completed.

Exhibit 6-1

RATIONING PLAN PREIMPLEMENTATION COST ESTIMATES
(1980 dollars)

	Estimated Costs
Allotment Planning	$ 7,209,000 [1]
Ration Check Production	$ 4,200,000
Ration Check Issuance and Reconciliation, and National Vehicle Registration File	$ 21,000,000
Coupon Production	$ 18,000,000 [2]
Coupon Distribution	$ 500,000
Banking Operations	$ 600,000
Federal Organization	$ 200,000
State and Local Roles/Functions	$ 10,874,000
Allocation Program Interface	$ 300,000
Ration Rights Market Operations	$ 700,000
Adjustment and Appeals	$ 200,000
Audit and Enforcement	$ 400,000
Management Information Systems	$ 5,315,000
Public Information	$ 4,700,000 [3]
Program Management and Systems Integration Contractor	$ 7,002,000
Program Readiness and Maintenance	$ 300,000
Alternative Systems Design Concept Proposals [4]	$ 1,500,000
Management Reserve	$ 20,000,000
TOTAL	$103,000,000

1/ Cost may be offset by requiring firms to pay application fees.
2/ Assumes printing 5.0 billion new coupons.
3/ Assumes free advertising space in all media.
4/ Consists of analysis of alternative approaches to rationing based on modern computer and telecommunications technology to avoid dependence on coupons and checks.

Exhibit 6-2

RATIONING PROGRAM COST ESTIMATES FOR MOBILIZATION AND OPERATIONS
(in millions of 1980 dollars)

	Mobilization [1]	Quarterly Operations [1]
Allotment Planning	$ 2.3	$ 1.8
Ration Check Production	2.9	4.6
Ration Check Issuance and Reconciliation, and National Vehicle Registration File	23.2	30.0
Coupon Production	17.3 [2]	17.3 [2]
Coupon Distribution	116.5	132.4
Banking Operations	18.3	101.5
Federal Organization	0	0
State and Local Roles/Functions	202.6	134.3
Allocation Program Interface	6.5	0.7
Ration Rights Market Operations	0.1	0.1 [3]
Adjustments and Appeals	53.4	19.3
Audit and Enforcement	8.4	16.8
Management Information Systems	0.9	0.8
Public Information	7.5 [4]	8.8 [4]
Program Management and Systems Integration Contractor	3.9	6.0
TOTAL	$463.8	$474.4

1/ Costs may be offset by requiring firms to pay application fees.

2/ Assumes printing 5.0 billion new coupons.

3/ Does not include funds for government purchases of ration rights, if necessary, in the ration rights market.

4/ Assumes free advertising space in all media.

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6.7 Diesel Fuel Rationing

The legislation requiring the development of a rationing plan specifies its application to "diesel fuel used in motor vehicles" as well as to gasoline. There are, however, such major differences between the supply and product characteristics of diesel fuel and gasoline as to make it impractical to ration them both by the same methods.

In fact, the problems inherent in a rationing system applicable only to "diesel fuel use in motor vehicles" raise serious doubts of its feasibility. By way of illustration, diesel fuel and home heating oils are readily interchangeable, giving rise to a situation that could make compliance with diesel fuel rationing regulations enforceable only at an intolerable cost. Because of this and other problems associated with the rationing of diesel fuel, the Department has devoted its resources to the design and development of a system for rationing gasoline. The Department proposes to conduct a thorough study of the feasibility of diesel fuel rationing after the gasoline rationing plan has been adopted as a standby measure. At the conclusion of this feasibility study, the Department will present its findings in a report to the jurisdictional committees of Congress.

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federal register

Wednesday
June 18, 1980

Part VII

Department of Housing and Urban Development

Office of the Assistant Secretary for Housing—Federal Housing Commission

Tax-Exemption of Obligations of Public Housing Agencies and Related Amendments; GNMA Mortgage-Backed Securities; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 811

[Docket No. R-80-673]

Tax Exemption of Obligations of Public Housing Agencies and Related Amendments; Final Rule

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner (HUD).

ACTION: Final rule.

SUMMARY: Subpart B, Purchase of GNMA Guaranteed Mortgage-backed Securities with Tax-exempt Obligations, is added to Part 811. The new Subpart B will permit the combination of tax-exempt obligations with the full faith and credit guarantee of the United States provided by GNMA mortgage-backed securities in the financing of HUD-insured, Section 8 assisted, housing projects. Methods of processing and standards with respect to interest rates, fees and charges assure that the reduction in interest rates benefits the housing project and reduces the amount of required Section 8 subsidy.

EFFECTIVE DATE: July 28, 1980.

FOR FURTHER INFORMATION CONTACT: Lynda M. Murphy, Director, Office of State Agency and Bond Financed Programs, Department of Housing and Urban Development, Washington, D.C. 20410, (202) 426-7113 (not a toll-free number).

SUPPLEMENTARY INFORMATION: Subpart B regulates the use of tax-exempt obligations in combination with GNMA guaranteed mortgage-backed securities. The mortgage-backed securities are secured by a HUD-insured mortgage on a Section 8 project. Since the GNMA guarantee bears the full faith and credit of the United States as to the certainty and timeliness of payment, the combination provides a high degree of security to investors in these tax-exempt obligations.

Tax-exempt obligations issued by a financing agency are sold to an investor. The proceeds of sale of the obligations are held by a trustee under a trust indenture. As funds are required for construction, the mortgagee (also an MBS-issuer) makes advances under the HUD-insured mortgage using its own funds (see item number six below for coverage of the resulting "negative spread"). The mortgagee then issues GNMA mortgage-backed securities in the form of construction loan certificates (CLCs). The trustee purchases the CLCs from the MBS-issuer with the proceeds of the sale of the obligations. The investor is secured by either the proceeds of the sale of obligations or by GNMA mortgage-backed securities held by the trustee. After final endorsement, a project loan certificate is issued and substituted for outstanding CLCs.

The proposed new Subpart B to 24 CFR Part 811 was published for public comment on June 28, 1979 in the **Federal Register** at 44 FR 37826. Interested parties were given until August 27, 1979 to submit comments on the proposed regulation. Sixteen written comments were received and analyzed during the process of drafting this final regulation. Numerous changes were made in response to these comments. A discussion of the principal changes and of the most significant comments is set forth below.

1. *Percentage of Section 8 Contract Units.* Where obligations are issued pursuant to Section 11(b) of the Act, all dwelling units will be required to be Section 8 contract units. If obligations are issued pursuant to statutory authority other than Section 11(b), the percentage of Section 8 contract units will be not less than the minimum required under such other statute, but in no event less than 20 percent.

2. *Standardization.* Because of the extensive federal involvement in this type of financing—through GNMA mortgage-backed securities, HUD mortgage insurance, Section 8 housing assistance and federal tax exemption—a standardized approach has been taken to provide the fullest savings and to permit rapid processing of these projects. Accordingly the final regulation prescribes a single pattern for "combination financing" and requires use of HUD-prescribed documents, including the tax-exempt obligation, trust indenture, and loan agreement.

3. *Separate Construction Financing.* We have not accepted the suggestion that there should be separate tax-exempt obligations for construction and permanent financing, because there could be additional tax loss to the Treasury where tax-exempt interim and permanent obligations are outstanding at the same time. Separate interim financing is not necessary since proceeds of the sale of permanent obligations are available to purchase CLCs during the construction period.

4. *Pooling.* Comments suggested that the regulation should permit sale of obligations to create a "pool" of funds from which individual projects would be financed as each reached initial endorsement. A sale in advance of HUD approval of the specific projects presents too many problems of compliance with specific standards of the final regulation (including prolongation of the escrow period and the large accumulation of investment income) to be permitted without adopting a substantially different approach. The final regulation permits more than one project to be financed by a single sale of obligations. However, each project must meet all requirements of Subpart B before obligations may be sold. This packaging of several projects and the possibility of consolidated sales organized by HUD under a competitive bidding approach offer at least a partial solution to the problems of financing smaller projects.

5. *State Agencies.* The Department has not adopted the suggestion that State Agencies (qualified agencies pursuant to 24 CFR 883.203) be subject to different standards than those imposed on other entities that are eligible to issue tax-exempt obligations under this Subpart B. Since all projects financed under this Subpart B are HUD-insured projects, the requirements for HUD review and approval with respect to HUD insurance and Section 8 are the same for all issuers. It would be inconsistent with these program requirements to apply different standards to State Agencies. Currently, coinsured project mortgages are not eligible for this program.

6. *Method of Sale.* The proposed regulation required obligations to be issued under competitive bidding procedures. Comments recommended that negotiated sales also should be permitted and argued in favor of the approach used in Subpart A. We have adopted this suggestion and Section 811.207 permits obligations to be sold under competitive bidding procedures or by a negotiated sale. Any negotiated sale will be subject to a yield ceiling set by the Assistant Secretary for Housing.

7. *Index to be used.* The proposed regulation related the yield ceiling set by the Assistant Secretary to the 20 Bond Index published by the Daily Bond Buyer. There were objections to use of this index and suggestions that other indices be used or that HUD establish its own index. The final rule relates the ceiling to a "nationally known bond index." Initially, the 20 Bond Index will be used as we believe that, of the presently available indices, it is the best suited to our purposes. We will continue to review alternatives and the final regulation permits the Assistant Secretary to change to a different index at a future date. The ceiling that is

established for obligations to be sold under this Subpart B will reflect the price advantage that accompanies the GNMA guarantee.

8. *Debt Service Reserve.* Comments suggested a debt service reserve be permitted to provide added assurance of full and timely payments to purchasers of the obligations. The regulation has been amended to permit a two month debt service reserve. One month's reserve will be funded from proceeds of the sale of the obligations; a second month may be funded from investment income.

9. *Obligation Servicing Fee.* In response to comments that we should provide more flexibility, the regulations permit the HUD field office to review the reasonableness of the fee.

10. *GNMA Required Escrows.* Section 221.762(c) eliminates the 1 percent deduction from insurance benefits upon assignment of a Section 221 mortgage where the funds for the mortgage loan are provided by obligations that are tax-exempt under Section 11(b) of the U.S. Housing Act of 1937. Use of combination financing will entitle the mortgagee to elimination of the 1 percent deduction even though proceeds of the sale of the tax-exempt obligations do not directly fund the mortgage loan. For projects in this category, the GNMA required escrows during construction (4 percent) and for the first three years of project operation (1¾ percent) will each be reduced by 1 percent.

11. *Yield Calculation.* The definition of yield for this Subpart B is based on the method in effect to measure yield for HUD-insured projects under Subpart A. Underwriter's fees and/or discounts, whether included in the mortgage or paid out-of-pocket by the owner, are ignored in calculating yield. The yield limitation is therefore an interest rate limitation.

12. *Negative Spread.* The mortgagee's borrowing at market rates may create a "negative spread" for the 10 to 20 days following an insured advance before a CLC is issued and delivered to the trustee for purchase. Negative spread is a mortgagor's cost which if charged by the mortgagee must be reflected in the mortgagee's certificate.

13. *Section 8 Moderate Rehabilitation.* Moderate rehabilitation projects under 24 CFR Part 882 Subpart D and E are eligible under this Subpart B if the project mortgage is insured under Section 221.

A finding of inapplicability regarding the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this finding of inapplicability will be available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D. C. 20410

This rule is listed in the Department's semi-annual agenda as number H–03–79 of significant rules, published pursuant to Executive Order 12044.

Accordingly, 24 CFR Part 811, Subpart B, is added to read as follows:

PART 811—TAX-EXEMPTION OF OBLIGATIONS OF PUBLIC HOUSING AGENCIES AND RELATED AMENDMENTS

Subpart B—Purchase of GNMA Guaranteed Mortgage-Backed Securities With Tax-Exempt Obligations.

Sec.

811.201 General.
811.202 Definitions.
811.203 Approval of financing agency.
811.204 Financing documents and data.
811.205 Trust indenture, loan agreement and prospectus.
811.206 Amount and maturity of obligations and field office processing.
811.207 Sale of the obligations.
811.208 Approval of the financing, execution of the agreement and initial endorsement.
811.209 Approval of obligations as tax-exempt pursuant to section 11(b).
811.210 Approval where tax exemption is not pursuant to section 11(b).
811.211 Delivery of proceeds and final endorsement.

Authority: Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)).

Subpart B—Purchase of GNMA Guaranteed Mortgage-Backed Securities With Tax-Exempt Obligations

§ 811.201 General.

(a) This Subpart B provides a financing technique that combines tax-exempt obligations with GNMA mortgage-backed securities that are guaranteed by the full faith and credit of the U.S. Government. HUD approval of this financing technique is required whether the authority for tax exemption is based upon Section 11(b) of the Act or upon another Federal statute (see § 811.210(a) herein). The mortgagee of a HUD-insured Section 8 project will make insured advances and then issue mortgage-backed securities in the form of construction loan certificates and, after final closing, in the form of a project loan certificate. The proceeds of the sale of tax-exempt obligations will be used to purchase the mortgage-backed securities. The investor who purchases the obligations will be secured by a combination of escrowed proceeds and construction loan certificates during the construction period, and by project loan certificates as issued and substituted for outstanding construction loan certificates after final endorsement.

(b)(1) Section 11(b) of the act provides that: "Except as provided in section 5(g), obligations, including interest thereon, issued by public housing agencies in connection with low-income housing projects shall be exempt from all taxation now or hereinafter imposed by the United States whether paid by such agencies or by the Secretary. The income derived by such agencies from such projects shall be exempt from all taxation now or hereafter imposed by the United States."

(2) This Subpart B provides for approval by HUD of obligations as tax-exempt pursuant to Section 11(b) and for approval of the use of proceeds of sale of these obligations to purchase mortgage-backed securities.

(c)(1) Where the obligations are issued pursuant to Section 103 of the Internal Revenue Code of 1954, the Federal Relations Act for Puerto Rico or other statute providing for exemption from Federal taxation, there must be full compliance with the applicable statute and any Federal regulations relevant to the determination that the obligations are tax exempt.

(2) This Subpart B provides for approval by HUD of the use of the proceeds of the sale of these obligations to purchase mortgage-backed securities.

(d) Combination financing pursuant to this Subpart B may be used where:

(1) The project is approved by HUD under the applicable Section 8 regulations (24 CFR Parts 880, 881, 882, or 883).

(2) The mortgage is insured under Section 221 of the National Housing Act and the mortgage and the MBS-issuer are eligible under GNMA regulations, 24 CFR Part 390, Subpart A. Instructions pertaining to the issuance of mortgage-backed securities are contained in the Mortgage-Backed Securities Guide, GNMA Handbook 5500.1.

(3) Where tax exemption is obtained under Section 11(b) of the Act, all dwelling units will be Section 8 contract units, except as needed for a resident manager or similar requirement. Where tax exemption is obtained under another statute, the percentage of the dwelling units that are Section 8 contract units will be not less than the minimum required under that statute, but in no event less than 20 percent.

(e) Sale of obligations pursuant to this Subpart B to refund outstanding permanent obligations sold pursuant to

this Subpart B or Subpart A is prohibited.

(f) The financing agency may propose to use a single issuance of obligations to purchase mortgage-backed securities for a number of different projects. The HUD field office will approve issuance of obligations issued to fund a number of different projects if each project has been approved by HUD as meeting all requirements of this Subpart B and HUD processing on each specific project has been completed.

§ 811.202 Definitions.

Act. The United States Housing Act of 1937 (42 U.S.C. 1437, *et. seq.).*

Agreement. An Agreement to enter into Housing Assistance Payments Contract as defined in the applicable Section 8 regulations. The form of agreement will be amended in accordance with this Subpart B.

Annual Contributions Contract (ACC). An Annual Contributions Contract as defined in the applicable Section 8 regulations. The form of ACC will be amended in accordance with this Subpart B.

Applicable Section 8 Regulations. The provisions of 24 CFR Parts 880, 881, 882, or 883 that apply to the project.

Commitment to Guaranty Mortgage-backed Securities. The agreement of GNMA to guaranty mortgage-backed securities issued by an approved MBS-issuer in connection with a specific project, subject to the issuer's satisfying the conditions set forth in said commitment.

Construction Loan Certificate. A mortgage-backed security backed by construction advances insured by HUD.

Contract. A Housing Assistance Payment Contract is defined in the applicable Section 8 regulations. The form of contract will be amended in accordance with this Subpart B.

Cost of Issuance. Expenses incurred in connection with issuance of the obligations.

Financing Agency. An issuer of the tax-exempt obligations (proceeds of the sale of which are to be used to purchase mortgage-backed securities issued in connection with the financing of a HUD-insured Section 8 project) in one of the following categories:

(1) Public Housing Agency (PHA). Any state, county, municipality, or other government entity or public body (or agency or instrumentality thereof) that is authorized to engage in or assist in the development or operation of low-income housing.

(i) Parent Entity PHA. Any state, county, municipality or other governmental entity or public body that is authorized to engage in or assist in the development or operation of low-income housing and that has the relationship to an agency or instrumentality PHA required by this Subpart B.

(ii) Agency or Instrumentality PHA. A not-for-profit private or public organization that is authorized to engage in or assist in the development or operation of low-income housing and that has the relationship to a parent entity PHA required by this Subpart B.

(2) An issuer of obligations that are tax-exempt pursuant to Section 103 of the Internal Revenue Code of 1954, the Federal Relations Act for Puerto Rico or other statute providing for exemption from federal taxation. Such an issuer will meet all requirements of Section 811.203(d).

GNMA. The Government National Mortgage Association.

GNMA Servicing Fee. The fee that GNMA permits the MBS-issuer to charge for servicing (including the GNMA guarantee fee).

HUD. The Department of Housing and Urban Development.

Loan Agreement. A contract with sets forth rights and duties with respect to the purchase and sale of the mortgage-backed securities. Low-income Housing Project. Any housing for families and persons of lower income developed, acquired or assisted under Section 8 of the Act and the improvement of any such housing.

MBS-issuer. The mortgagee that issues the GNMA mortgage-backed securities.

Mortgage-backed Security (MBS). A security guaranteed as to principal and interest by GNMA pursuant to Section 306(g) of the National Housing Act.

Note. The note insured by HUD under the National Housing Act.

Obligations. Tax-exempt bonds, notes or other evidence of indebtedness that are issued to provide financing of a low-income housing project. Pursuant to Section 319(b) of the Housing and Community Development Act of 1974, the term obligations will not include any obligation secured by a mortgage insured under Section 221(d)(3) of the National Housing Act and issued by a public agency as mortgagor in connection with the financing of a project assisted under Section 8 of the Act. Where there are two independent public agencies involved (e.g., two PHAs eligible under § 811.203(b)), one may be the Section 221(d)(3) mortgagor and the other may be the financing agency that issues the tax-exempt obligations. The use of tax-exempt financing is not permitted where a single public agency, and/or its agency or instrumentality PHA, function both as the Section 221(d)(3) mortgagor and as the financing agency.

Obligation Servicing Fees. Costs of servicing the obligations including trustee and financing agency expenses.

Owner. An owner as defined in the applicable Section 8 regulations.

Project Loan Certificate. A mortgage-backed security backed by a HUD-insured mortgage that is finally endorsed.

Trust Indenture. A contract setting forth the rights and obligations of the financing agency and trustee in connection with the obligations.

Trustee. The entity that has the legal responsibility under the trust indenture and loan agreement for purchasing the mortgage-backed securities with proceeds of the sale of the obligations and servicing the obligations. The trustee will be a bank or other financial institution experienced in performing the fiduciary responsibilities required by the trust indenture and the loan agreement.

Yield. The nominal annual interest rate at which the sum of the discounted present values of the scheduled principal and interest payments is equal to the face amount of the obligations.

§ 811.203 Approval of financing agency.

(a) Where the obligations are issued pursuant to Section 11(b) of the Act, the financing agency must be approved as a PHA under § 811.203(b) or § 811.203(c).

(b)(1) An application to the field office for approval as a public housing agency, other than an agency or instrumentality PHA, for purposes of this Subpart B will be supported by evidence satisfactory to HUD to establish that:

(i) The applicant is a PHA as defined in this Subpart B, and has the legal authority to meet the requirements of this Subpart B and applicable Section 8 regulations, as described in its application. This evidence will be supported by an opinion of counsel for the applicant.

(ii) The applicant has or will have the administrative capability to carry out the responsibilities described in its application.

(2) The evidence will include any facts or documents relevant to the determinations required by § 811.203(b)(1), including identification of any pending application the applicant has submitted under the Act. In the absence of evidence indicating the applicant may not be qualified, the field office may accept as satisfactory evidence:

(i) Identification of any previous HUD approval of the applicant as a PHA pursuant to this § 811.203;

(ii) Identification of any prior ACC with the applicant under the Act; or

(iii) A statement, where applicable, that the applicant is an approved

participating agency under 24 CFR Part 883 (State Housing Finance and Development Agencies).

(3) The applicant will receive no compensation in connection with the financing of a project, except for its expenses as approved by HUD. Should the applicant receive any compensation in excess of such expenses, the excess is to be paid to the trustee to be applied in accordance with the trust indenture.

(4) The applicant will be required to furnish to HUD an audit by an independent public accountant of its books and records in connection with the financing of the project within 90 days after final endorsement and at least biennially thereafter. No audit is required where the trust indenture and other financing documents provide that no payments will be made to the applicant as financing agency except for (i) actual expenses of the financing agency approved by the field office and payable from the proceeds of the HUD-insured mortgage and subject to cost certification requirements or (ii) actual and necessary expenses approved by the trustee and payable from the obligation servicing fee.

(5) Any subsequent amendments to the documents submitted to HUD pursuant to this § 811.203(b) must be approved by HUD.

(c)(1) An application to the field office for approval as an agency or instrumentality PHA for purposes of this Subpart B will:

(i) Identify the parent entity PHA.

(ii) Establish by evidence satisfactory to HUD that:

(A) The parent entity PHA meets the requirements of § 811.203(b).

(B) The applicant was properly created pursuant to state law as a not-for-profit entity, is an agency of instrumentality PHA as defined in this Subpart B, has the legal authority to meet the requirements of this Subpart B and applicable Section 8 regulations as described in its application; that the actions required to establish the legal relationship with the parent entity PHA prescribed by § 811.203(c)(3) have been taken and are not prohibited by State law. This evidence will be supported by the opinion of counsel for the applicant and counsel for the parent entity PHA.

(C) The applicant has, or will have, the administrative capability to carry out the responsibilities described in its application.

(2) The charter or other organic document establishing the applicant will limit the activities to be performed by the applicant, and funds and assets connected therewith, to carrying out Section 8 projects. Such organic documents will provide that the applicant will receive no compensation in connection with the financing of a project, except for its expenses as approved by HUD. Should the applicant receive any compensation in excess of such expenses, the excess will be paid to the trustee to be applied in accordance with the trust indenture.

(3) The documents submitted by the applicant will include the following with respect to the relationship between the parent entity PHA and the agency or instrumentality PHA:

(i) Provisions requiring approval by the parent entity PHA of the charter or other organic instrument and of the bylaws of the applicant, which organic instrument and bylaws will specify that any amendments are subject to approval by the parent entity PHA and by HUD.

(ii) Provisions requiring approval by the parent entity PHA of each project and of the program and expenditures of the applicant.

(iii) Provisions requiring approval by the parent entity PHA of each sale of obligations by the applicant not more than 60 days prior to the date of sale and approval of any substantive changes to the terms and conditions of the issuance prior to date of sale.

(iv) Provisions requiring the applicant to furnish an audit of all its books and records by an independent public accountant to the parent entity PHA within 90 days after final endorsement and at least biennially thereafter and provisions requiring the parent entity PHA to perform an annual review of the applicant's performance and to provide HUD with a copy of such review together with any audits performed during the reporting period. No audit is required where the trust indenture and other financing documents provide that no payments will be made to the applicant as financing agency except for:

(A) Actual expenses of the financing agency approved by the field office and payable from the proceeds of the HUD-insured mortgage and subject to cost certification requirements; or

(B) Actual and necessary expenses approved by the trustee and payable from the obligation servicing fee.

(v) Provisions giving the parent entity PHA right of access at any time to all books and records of the applicant.

(vi) Provisions that upon dissolution of the applicant, title to or other interest in any real or personal property that is owned by such applicant at the time of dissolution will be transferred to the parent entity PHA or to another PHA or to another not-for-profit entity as determined by the parent entity PHA and approved by HUD, to be used only for purposes approved by HUD.

(4) Any subsequent amendments to the documents submitted to HUD pursuant to this § 811.203(c) must be approved by HUD

(5) Members, officers, or employees of the parent entity PHA may be directors or officers of the applicant unless this is contrary to state law.

(d) Where the obligations are issued pursuant to Section 103 of the Internal Revenue Code of 1954, the Federal Relations Act for Puerto Rico or other statute providing for exemption from Federal taxation, the financing agency will submit to HUD satisfactory evidence, including an opinion of counsel, that the financing agency has met all eligibility requirements under the applicable statute.

(1) The financing agency will receive no compensation in connection with the financing of the project, except for its expenses as approved by HUD.

(2) Should the financing agency receive any compensation in excess of its expenses, the excess will be paid to the trustee to be applied in accordance with the trust indenture.

§ 811.204 Financing documents and data.

(a) The Section 8 final proposal will include: (1) Evidence satisfactory to HUD that the financing agency meets or can meet all eligibility requirements under § 811.203.

(2) A description of the terms and conditions of financing including preliminary copies of the documents relating to the method of financing.

(i) Such documents will include the application for FHA firm commitment, the resolution obligation, trust indenture, loan agreement and other related documents, if any, all of which will be in compliance with all requirements of this Subpart B and applicable Section 8 regulations.

(ii) The documents will include specific provisions required by HUD and an explanation from counsel of any amendments or additions that are proposed.

(3) An explanation of the method, negotiated sale or competitive bidding, by which the obligations are to be sold.

(4) A preliminary draft opinion from counsel as to the legality under state and federal law of the proposed obligations based upon documents that have been submitted. Where this opinion relies on other legal opinions, copies of these opinions will be included. Counsel will also state that any official statement or prospectus or other disclosure statement, if any, prepared in connection with the financing will include on the first page the HUD-Required Disclosure Statement set forth in § 811.205(b) and that the

counsel's final opinion will state that this was done.

(5) An itemized statement of all costs of issuance in connection with the obligations, including any costs to be paid in excess of the 3½ percent funded in the HUD-insured mortgage.

(6) A statement of the obligation servicing fee.

(b) Where a financing agency proposes substantive changes in the documents after obtaining HUD approval of the documents submitted pursuant to this Subpart B, such changes must be approved by HUD.

(c) The financing agency will retain in its files the documentation relating to the financing. A copy of this documentation will be furnished to HUD upon request.

§ 811.205 Trust, indenture, loan agreement and prospectus.

(a) The trust indenture and the loan agreement will be prescribed by HUD.

(1) Monies in the funds established pursuant to the trust indenture will be invested to earn interest in time deposits that are federally insured, in Treasury securities, in securities issued by a Federal agency or a Federally sponsored agency, or in certificates of deposit that are fully secured by a pledge of securities similar to those listed above.

(2) A one month debt service reserve will be funded from proceeds of the sale of the obligations; a second month may be funded from investment income.

(3) If there is no default in payment of principal and interest and the debt service reserve fund is fully funded, the Assistant Secretary for Housing may give written direction for use of excess funds in any account prescribed by the trust indenture.

(4) All amounts paid by the mortgagor or by the financing agency for cost of issuance and their purpose will be disclosed to HUD and paid in accordance with the trust indenture and the loan agreement. The amount of such expenses that may be included in the mortgage must be approved by HUD as necessary and reasonable.

(5) Voluntary prepayment of the note and of the obligations will not be permitted without the prior approval of HUD.

(b) Any prospectus or other disclosure statement used in connection with the issuance of the tax-exempt obligations will include the following HUD-Required Disclosure Statement that describes the relationship between the Section 8 assistance, the HUD insurance, the GNMA guaranty and the obligations. Part I is to appear on the face page and Part II may appear on the face page or on the first page after the face page.

HUD-Required Disclosure Statement Part I

"(A) The obligations offered for sale are exempt from Federal income tax under Section 11(b) of the U.S. Housing Act of 1937 and a Notification of Approval of the Obligations as Tax-exempt, which also approves use of the proceeds of the sale of the obligations to purchase the mortgage-backed securities, will be obtained from the United States Department of Housing and Urban Development (HUD). (Where the obligations are tax-exempt under another statute, delete the above sentence and substitute the following: The obligations offered for sale are tax-exempt under _____. A Notification of Approval of the use of the proceeds of the sale of the obligations to purchase the mortgage-backed securities will be obtained from the Department of Housing and Urban Development (HUD)). The opinion of counsel as to the tax exemption of the obligations is set forth below.

(B) The proceeds of the obligations will be used to purchase mortgage-backed securities guaranteed as to timely payment of principal and interest by the Government National Mortgage Association (GNMA). An Assistant Attorney General of the United States has stated that, under Section 306(g) of the National Housing Act, GNMA guarantees "constitute general obligations of the United States backed by its full faith and credit."

(C) The obligations are not a debt or indebtedness of the United States, HUD or GNMA.

HUD-Required Disclosure Statement Part II

"(A) The proceeds of the sale of the obligations will be placed in escrow with a trustee acting on behalf of the purchasers of the obligations. The only permitted uses of the escrowed proceeds are: (1) To make investments permitted by the trust indenture, (2) to make scheduled principal and interest payments to the purchasers of the obligations, (3) to purchase GNMA guaranteed construction loan certificates or project loan certificates (the mortgage-backed securites), or (4) to redeem the obligations. The purchasers are secured by the trustee holding either the proceeds of the sale of the obligations, the permitted investments, the mortgage-backed securities purchased with the proceeds of the sale of the obligations, or a combination thereof.

(B) The mortgage on the project will be insured by HUD under the National Housing Act and, in the event of any default by the owner in making payments due under the mortgage, the mortgagee is entitled to process a claim for mortgage insurance benefits in accordance with the contract of mortgage insurance.

(1) If a default results in any interruption in timely payments to the purchasers of the mortgage-backed securities, the mortgagee is required to make payments to the trustee. Should the mortgagee fail to make such payments, the payments will be made by GNMA pursuant to its guarantee.

(2) The proceeds of the mortgage insurance claim will be used to redeem the mortgage-backed securities, and in turn, the obligations.

(C) The mortgage-backed securities and therefore the obligations are subject to early redemption in the event the mortgage is prepaid or there are other early or unscheduled payments of principal on the HUD-insured mortgage.

(D) Payments under the HUD-insured mortgage are secured in whole or in part by an Annual Contributions Contract, if applicable, an Agreement to Enter into Housing Assistance Payments Contract and a Housing Assistance Payments Contract, all to be executed or approved by HUD. Housing assistance payments will be made to the owner of the project in accordance with the terms of these contracts. The faith of the United States is solemnly pledged to the payment of annual contributions pursuant to the Annual Contributions Contract or to the payment of housing assistance pursuant to the Housing Assistance Payments Contract, and funds will be obligated by HUD for such payments."

§ 811.206 Amount and maturity of obligations and field office processing.

(a) The amount of the obligations will not exceed the amount of the HUD-insured mortgage plus an amount equal to a debt service reserve of one month.

(1) The maximum cost of issuance included in the mortgage will not exceed the percentage of the mortgage amount otherwise available for the sum of financing fee and the FNMA/GNMA fee. All individual items of such cost of issuance will be shown to be necessary for the issuance of the obligations and the amount of each will be shown to be reasonable in relation to prevailing costs of issuing comparable obligations, taking into account any differences between the types of obligations.

(2) Additional cost of issuance may be paid by the owner or other parties, but may not be cost certified for inclusion in the note or paid from investment income.

(b) HUD mortgage insurance processing will be based on the interest rate at which the debt service payments on the mortgage will provide sufficient funds to meet the debt service payments on the obligations plus payment of the GNMA servicing fee, which is equal to one-fourth of one percent of the mortgage.

(c) The maturity date of the obligations will be no later than 40 years and 60 days beyond the maximum maturity date stated on the face of the construction loan certificate. The maturity date of the obligations may be adjusted at or after final closing so that maturity occurs no later than 40 years and 60 days after the actual issuance of the project loan certificates.

(d) The proposed obligation servicing fee will be reviewed and approved for reasonableness by the HUD field office. The fee is to be collected by the mortgagee and passed on to the trustee.

§ 811.207 Sale of the obligations.

(a) The financing agency may sell the obligations under competitive bidding procedures or by negotiated sale.

(1) *Competitive bidding.* (i) The financing agency may sell the obligations by soliciting bids through advertisement placed by the financing agency or by HUD in a newspaper of national circulation and other publicity. The advertisement will describe the obligations and the conditions of sale, state the availability of more detailed information, including bid forms, and specify the time and date of the bid opening and the date for delivery of the obligations.

(ii) Subject to approval by HUD, the financing agency will accept the low bid before initial endorsement.

(2) *Negotiated sale.* The financing agency may sell by negotiated sale subject to a yield ceiling established by the Assistant Secretary for Housing.

(i) The yield ceiling will be established on a quarterly or more frequent basis, by identifying a nationally known bond index and setting the number of basis points by which the yield ceiling is related to such index for the week immediately preceding the date of acceptance by the financing agency of the agreement to purchase the obligations.

(ii) The agreement to purchase will be approved by the mortgagee and HUD prior to initial endorsement. Any conditions that limit the binding nature of the agreement to purchase must be acceptable to HUD.

(b) The proceeds of the sale will be delivered to the trustee and will equal, at least, the sum of the face amount of the mortgage note plus an amount equal to a debt service reserve of one month. Any shortage will be funded by the owner as an out-of-pocket expense.

(c) If within 60 days of initial endorsement the obligations are resold, the financing agency will report the terms and conditions of such resale to HUD.

§ 811.208 Approval of the financing, execution of the agreement and initial endorsement.

(a) Following approval of the final proposal, but prior to execution of the agreement and prior to initial endorsement, the financing agency will submit:

(1) A copy of the GNMA Commitment to Guaranty Mortgage-backed Securities.

(2) The final draft of the documents required by § 811.204 and the final draft opinion by counsel for the financing agency.

(3) The yield at which obligations have been sold.

(b)(1) The HUD field office will review the mortgage insurance processing.

(i) If there has been an increase in the yield, the HUD field office will reprocess the application for mortgage insurance and for approval of increased contract rents under applicable Section 8 regulations.

(ii) If there has been a decrease in the yield, the HUD field office will reduce the mortgage note interest, the mortgage amount, and the contract rents.

(2) HUD approval under this Subpart B does not relieve the mortgagee of any of the responsibilities imposed by the mortgagee's certificate and other closing documents, and by regulations applicable to the insured mortgage transaction.

(3) The note will include a provision stating that the note will not be voluntarily prepaid except with the approval of HUD and subject to such conditions as HUD will require, including reduction of contract rents and continued operation of the project for the housing of low-income families.

§ 811.209 Approval of obligations as tax-exempt pursuant to Section 11(b).

(a) The HUD field office manager will deliver to the financing agency a Notification of Approval of Obligations as Tax-exempt pursuant to Section 11(b) of the Act if the field office finds that: (1) The terms and conditions of the financing have been approved pursuant to this Subpart B and the applicable Section 8 regulations.

(2) The agreement has been executed and, where applicable, approved in writing by HUD.

(3) The MBS-issuer has obtained from GNMA an executed Commitment to Guaranty Mortgage-backed Securities.

(b) The notification will include a statement that: (1) Pursuant to the Act and this Subpart B, HUD has found the financing agency to be an eligible PHA.

(2) The obligations, including interest thereon, when issued in accordance with the approved application, will be exempt from all taxation now or hereafter imposed by the United States whether paid by the PHA or by HUD.

(3) The income derived by the PHA from the low-income housing project will be exempt from all taxation now or hereafter imposed by the United States.

(4) The proceeds of the sale of the obligations will be used to purchase the mortgage-backed securities.

(c) This Notification of Approval of Obligations as Tax-exempt will not be subject to revocation by HUD.

§ 811.210 Approval where tax exemption is not pursuant to Section 11(b).

(a) Where mortgage-backed securities issued in connection with the financing of a HUD-insured Section 8 project are to be purchased by the trustee with the proceeds of the sale of obligations that are exempt from federal taxation under Section 103 of the Internal Revenue Code of 1954, the Federal Relations Act for Puerto Rico or another statute, the issuer and other parties are required to comply with all applicable provisions of this Subpart B.

(b) The field office manager will send the financing agency a Notification of Approval if the field office finds that: (1) The terms and conditions of the financing have been approved pursuant to this Subpart B and the applicable Section 8 regulations.

(2) The agreement has been executed and, where applicable, approved in writing by HUD.

(3) The MBS-issuer has obtained from GNMA an executed Commitment to Guaranty Mortgage-backed Securities.

(c) The notification will include a statement that the proceeds of the sale of the obligations will be used to purchase the mortgage-backed securities.

§ 811.211 Delivery of proceeds and final endorsement.

(a) The proceeds of the sale of the obligations will be delivered to the trustee.

(b) In addition to the required HUD documentation prior to final endorsement, the owner will submit a certified statement of the amounts included in the mortgage that were expended for cost of issuance, and the financing agency and trustee will submit a certified statement of investment income earned, interest payments made during the escrow period and of the disposition of any investment income. Records of this cost data will be available to HUD upon request.

Issued at Washington, D.C., June 12, 1980.

Clyde McHenry,

Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

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Federal Register

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523-4534	Special Projects
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FEDERAL REGISTER PAGES AND DATES, JUNE

37175-37396.....2
37397-37680.....3
37681-37800.....4
37801-38022.....5
38023-38334.....6
38335-39236.....9
39237-39492.....10
39493-39788.....11
39789-40092.....12
40093-40560.....13
40561-40962.....16
40963-41118.....17
41119-41388.....18

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

465.....37397

3 CFR

Administrative Orders:

Presidential Determination:

No. 80-19 of May 28, 1980.....37681

Reorganization Plans:

No. 1 of 1980.....40561

Proclamations:

4762.....39237
4763.....41119

5 CFR

213.....38023-38024
410.....40963
2504.....41121

Proposed Rules:

Ch. 1.....37610
330.....39277
352.....37452
536.....40990
720.....38061

6 CFR

705.....37397, 38335, 41304
706.....41304
707.....41304

7 CFR

10.....37175
273.....40093
282.....40094
301.....38024
711.....37398
723.....40095
724.....40095
725.....40096, 40097
726.....40095
908.....37801, 38339, 39789
910.....37683, 38033, 40097
911.....39854
913.....40565
923.....38034
925.....40565
944.....39854
947.....37178
1004.....39239
1438.....39493
1701.....37399, 40098, 40963
1804.....39789
1821.....39789
1822.....39789
1872.....39789
1901.....39789
1924.....39789
1933.....39789
1942.....39789
1943.....39789
1944.....39789
1945.....39789

Proposed Rules:

725.....39277
760.....37453
916.....38386
917.....38062, 38387
930.....38063
999.....39507
1007.....40606
1493.....37854
1701.....37454, 38064
2842.....38064

8 CFR

207.....37392
208.....37392
209.....37392
238.....38339, 40964, 40965
245.....37392
343b.....38340

9 CFR

3.....37616
51.....40965
78.....38035
83.....40098
92.....38036
113.....40099

Proposed Rules:

83.....38071
325.....40129

10 CFR

32.....38340
35.....39829
50.....40101
51.....40101
73.....37399
95.....37410
140.....37410
205.....37683
210.....40104
212.....38038, 39240, 40104, 40106
445.....37685
500.....38276
501.....38276
502.....38276
503.....38302
504.....40966
505.....38302
506.....40966
507.....38276
570.....41330
1040.....40514

Proposed Rules:

34.....39856
71.....39519
211.....37697, 40078
212.....37697
455.....39856
474.....39520

12 CFR

201.....40108
204.....39494
217.....37685, 41124
220.....40967, 40968
229.....39495
341.....37179
343.....37179
522.....40108
531.....40109
590.....38342
605.....39495
614.....39496
701.....39241
1204.....37801–37803, 40109

Proposed Rules:

7.....40613
201.....40130
211.....41153
543.....40132
552.....40132
618.....39507
701.....39279
1204.....38072, 38388

13 CFR

111.....39496
305.....39242

Proposed Rules:

Ch. III.....37972
Ch. V.....37972
120.....37454

14 CFR

11.....38342
21.....38342
25.....38342
29.....38342
37.....38342
39.....37179–37181, 37805–37811, 38349, 39829–39833, 40571
71.....37811, 38352, 39835–39837, 40572
73.....38352
91.....38342
97.....37181, 39837
121.....38342
127.....38342
135.....38342
159.....40572
207.....40572
208.....40574
212.....40575
214.....40575
249.....37812
399.....40969

Proposed Rules:

Ch. I.....38073
39.....37221, 37222, 38402, 40615
71.....37858, 38404, 39857, 40616
139.....39857
399.....40994
1252.....40994

15 CFR

17a.....41153
368.....40575
370.....37183
373.....37415
374.....37415
376.....37415
379.....37183, 37435
385.....37415
386.....37183
399.....37415

Proposed Rules:

Ch. I.....37972
Ch. II.....37972
Ch. III.....37972
Ch. VIII.....37972
Ch. XII.....37972
19.....37374
938.....39507, 39511

16 CFR

1.....39244
2.....39244
3.....39244
4.....39244
13.....37686, 38039, 38352
305.....40974
460.....37674
1508.....37418

Proposed Rules:

13.....39865
439.....41156
705.....37386
1405.....39434

17 CFR

200.....40975
240.....37687, 39838, 41125
249.....39838
256.....41135

Proposed Rules:

16.....39280
211.....40134
229.....40134
240.....40134, 40145, 41156
249.....40134, 40145
270.....38407

18 CFR

1.....38354
141.....37420, 38354
260.....37812
271.....37185
281.....39497
282.....37185
292.....38040

Proposed Rules:

281.....39283
282.....38080, 40617

19 CFR

22.....39244
54.....38040, 38355
103.....40975
171.....40975
353.....39498

20 CFR

651.....39454
653.....39454
658.....39454

Proposed Rules:

Ch. I.....37648
Ch. III.....40356
Ch. IV.....37648
Ch. V.....37648
Ch. VI.....37648
Ch. VII.....37648
404.....39309

21 CFR

Ch. I.....40976
101.....37420
102.....39247
103.....37422
146.....39251
175.....39251
177.....39252
207.....38042
429.....40110
431.....40110
510.....37424, 38048
514.....40110
522.....37425
558.....37424, 38048–38049
573.....38049
1000.....40976

Proposed Rules:

Ch. I.....40356
Ch. II.....40576
103.....40153
163.....40999
310.....37455
561.....41157
589.....40999
640.....40999
1030.....40999

22 CFR

41.....39499
208.....37688

Proposed Rules:

6.....37456
6f.....37456
171.....37456

23 CFR

Proposed Rules

625.....40062
646.....40062
655.....40062

24 CFR

220.....38356
390.....40556
811.....41382
841.....40868
888.....40111
1710.....40474
1715.....40474
1720.....40474
1730.....40474

Proposed Rules:

115.....37697, 40999
203.....38410, 41158
221.....41158
222.....41158
235.....41158
570.....40155, 40954
888.....40155

25 CFR

221.....37688

26 CFR

1.....38050, 40113, 40979
7.....38050
31.....39499

Proposed Rules:

1.....39512, 39869
48.....38411

27 CFR

4.....40538
5.....40538
7.....40538

Proposed Rules:

19.....38258
70.....38258
240.....38258
245.....38258
250.....38258
270.....38258, 38271
275.....38258, 38271

28 CFR

0.....39841
20.....40114
42.....37620
43.....39841

Proposed Rules:

22.....40156
23.....40156
42.....41001
62.....40159

29 CFR

40.....40985
42.....39486
102.....37425
697.....40601, 40985
1602.....41135
1610.....40603
2530.....40987

Proposed Rules:

Subtitle A.....37648
Ch. II.....37648
Ch. IV.....37648
Ch. V.....37648
Ch. XVII.....37648
Ch. XXV.....37648
1613.....38083
1910.....40166, 41012
1926.....41015
2550.....38084
2610.....38415

30 CFR

Ch. II.....40619
250.....37816–37817
715.....39446
816.....37818, 39446
817.....39446
943.....41136

Proposed Rules:

Ch. I.....37648
Ch. VII.....37223, 37697, 38088, 41158–41164
55.....38087
56.....38087
57.....38087
70.....39310
71.....39310
90.....39310
715.....40166
716.....39448, 40166
780.....41166
785.....39448
816.....40166
817.....40166
826.....40166

31 CFR

15.....39841
103.....37818
315.....41137
353.....41137
535.....37679, 37688

32 CFR

101.....41138

205.....41138
293.....41138
536.....39253
562.....39502
888a.....39502
907.....39502
1611.....40577
1612.....40577
1613.....40577
1615.....40577
1617.....40577
1619.....40577
1621.....40577

Proposed Rules:
1611.....40621
1612.....40621
1613.....40621
1615.....40621
1617.....40621
1619.....40621
1621.....40621

32A CFR

Proposed Rules:
Ch. VI.....37972

33 CFR

117.....39845, 39846
147.....37186
165.....37187

Proposed Rules:
117.....39871
128.....40621
183.....38417
235.....39412

34 CFR

5b.....37426
30.....37426
73.....37426
100.....37426
104.....37426
106.....37426

36 CFR

251.....38324
920.....38056

37 CFR

Proposed Rules:
Ch. I.....37972

38 CFR

17.....38356, 39846
36.....38056

Proposed Rules:
Ch. I.....41169

39 CFR

10.....40114, 41138
111.....37426-37427, 40114

Proposed Rules:
111.....38419

40 CFR

52.....39503, 40578, 40579, 40987
62.....37431
80.....37197
81.....39255
86.....40030
141.....41140
162.....39848
180.....39257, 39503
418.....37198
423.....37432
426.....37198
432.....37198

Proposed Rules:
51.....37466
52.....37224, 37699, 38419, 39310, 40167, 40169, 40623, 41016, 41018
60.....39766
80.....37225
81.....41018
86.....38422
112.....40174
162.....38087, 39311
169.....41024
173.....40175
180.....37700, 40175, 41171

41 CFR

Ch. 1.....39504
Ch. 14.....39504
Ch. 101.....37199, 37432
1-15.....39848
3-4.....37693
101-11.....37433
101-17.....37199
101-18.....37199
101-19.....37199
101-45.....37693, 38369
105-61.....39258

Proposed Rules:
Ch. 25.....39871

42 CFR

57.....40581
59.....37433

Proposed Rules:
Ch. I.....40356
Ch. II.....40356
Ch. III.....40356
Ch. IV.....40050, 40356
405.....37858
441.....37858
447.....37466, 39872

43 CFR

2710.....39416
2730.....39416
2750.....39416
2760.....39416

Proposed Rules:
3809.....41024

Public Land Orders:
5726.....37438
5727.....37439, 40115
5728.....37837
5729.....38369

44 CFR

10.....41141
64.....37207, 41146
65.....37442, 37694, 39258, 41148
67.....37208-37209
70.....38370-38379
205.....37440

Proposed Rules:
67.....37226, 37227, 37861, 39312-39315, 40624, 40625

45 CFR

74.....37666, 38380
100c.....37442
1063.....39849
1067.....39849
1211.....39270

Proposed Rules:
Subtitle A.....40356
Subtitle B.....40356
Ch. VI.....39871
63.....37700
100b.....39708
116.....39712
116a.....39712
1050.....37867
1336.....39316

46 CFR

66.....38384
283.....37442
527.....37694
536.....38057

Proposed Rules:
Ch. II.....37972
Ch. IV.....37703
531.....41024
536.....41024

47 CFR

0.....39850, 41149
19.....39850
64.....40115
73.....37210, 37838, 38057, 41149
74.....37839
97.....40116, 40117

Proposed Rules:
2.....37237
22.....37237
68.....37704
73.....37238-37246, 37468, 37868-37869, 40176-40186, 40626, 41171
74.....40187
87.....40188
90.....37237
97.....40192

49 CFR

229.....39851
450.....37212
451.....37212
452.....37212
453.....37212
571.....38380, 40585
572.....40595
800.....37842
1033.....37219, 37220, 37843-37845, 38057-38059, 38382, 39275, 39852, 40596, 40597, 40599
1041.....37218
1047.....39853

Proposed Rules:
Ch. X.....39316, 39317
71.....38423
171.....40627
391.....39872
575.....37870
1047.....39874
1056.....39519
1100.....39317
1320.....39519
1321.....39519
1322.....39519
1323.....39519
1324.....39519

50 CFR

20.....37847
222.....39875
223.....39875
224.....39875
225.....39875
226.....39875
227.....39875
230.....37451
255.....37852
260.....39275
285.....40118
611.....37695, 39876

Proposed Rules:
Ch. II.....37972
Ch. VI.....37972
17.....40958, 41172, 41322, 41326
91.....39317
216.....41173
661.....37870

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.**

Deadlines for Comments on Proposed Rules for the Week of June 22 through June 28, 1980

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

38063 6–6–80 / Cherries; proposed revision of diversion fees; comments by 6–23–80

38062 6–6–80 / Fresh California peaches; proposed extension of grade and size requirements; comments by 6–23–80

38386 6–9–80 / Nectarines grown in California; extension of grade and size requirements; comments by 6–24–80

Commodity Credit Corporation—

28148 4–28–80 / Determinations and regulations for 1980 crop peanuts adjusting loan and purchase rates for quota and additional peanuts for differences in type, quality, location, and other factors; comments by 6–24–80

Farmers Home Administration—

35782 5–27–80 / Economic emergency loans; comments by 6–26–80

27453 4–23–80 / Servicing and collections account servicing policies; comments by 6–23–80

Rural Electrification Administration—

34898 5–23–80 / Specification for plastic-insulated ground wires; comments by 6–23–80

CIVIL AERONAUTICS BOARD

26976 4–22–80 / Provision for "no-smoking" areas aboard air carriers; comments by 6–23–80

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

36460 5–30–80 / Foreign fishing regulations; fees; comments by 6–27–80

EDUCATION DEPARTMENT

[*See* Health, Education, and Welfare Department]

ENERGY DEPARTMENT

35788 5–27–80 / Emergency building temperature restrictions; comments by 6–26–80

35764 5–27–80 / Privacy Act; records maintained on individuals; comments by 6–26–80

Federal Energy Regulatory Commission—

28345 4–29–80 / Advance payment regulations under Natural Gas Policy Act of 1978; comments by 6–23–80

28162 4–28–80 / Public Utility Regulatory Policies Act; electric energy or capacity, shortages; reporting requirements and contingency plans (section 206); comments by 6–23–80

36094 5–29–80 / Revision of Commission's rules on *ex parte* and separation of functions; comments by 6–27–80

ENVIRONMENTAL PROTECTION AGENCY

35841 5–28–80 / Arizona State Implementation Plan; Maricopa County Urban Planning Area Nonattainment Plan for Total Suspended Particulates; comments by 6–27–80

30089 5–7–80 / Indiana State implementation plan; comments extended to 6–27–80

[Originally published at 45 FR 20432, 3–27–80]

27366 4–22–80 / Interim cleanup standards for inactive uranium processing sites; comments by 6–23–80

34917 5–23–80 / Ohio implementation plan emergency episode revision; comments by 6–23–80

34921 5–23–80 / Proposed approval of revisions to State of Oregon's program for regulating open burning of grass and seed fields; comments by 6–23–80

27370 4–22–80 / Proposed cleanup standards for inactive uranium processing sites; comments by 6–23–80

FEDERAL COMMUNICATIONS COMMISSION

28780 4–30–80 / Adding frequency channelling requirements and restrictions and to require monitoring for signal leakage from cable television systems; comments extended to 6–25–80

[*See also* 45 FR 19578, 3–26–80]

32025 5–15–80 / Domestic public land mobile radio service; one-way signaling on the 35 MHz frequency band; reply comments by 6–27–80

25414 4–15–80 / FM Broadcast assignment to Elkins, W. Va.; comments by 6–24–80

29876 5–6–80 / FM Broadcast Station in Bullhead City, Ariz.; Proposed changes in table of assignments; comments by 6–23–80

31139 5–12–80 / FM Broadcast Stations in Carson City, Garderville-Minden and Sparks, Nev.; reply comments by 6–27–80

[*See also* 45 FR 16217, 3–13–80]

31139 5–12–80 / FM Broadcast Stations in Chilton, Clintonville, and Manitowac, Wis.; reply comments by 6–26–80

[*See also* 45 FR 17598, 3–19–80]

30094 5–7–80 / FM Broadcast Station in Lawton, Okla.; Proposed changes in table of assignments; comments by 6–24–80

29868 5–6–80 / FM Broadcast Station in Missoula, Mont.; Proposed changes in table of assignments; comments by 6–23–80

30656 5–9–80 / FM Broadcast Station in Pecos, N. Mex.; changes in table of assignments; comments by 6–24–80

30656 5–9–80 / FM Broadcast Stations in Santa Fe, N. Mex.; changes in table of assignments; comments by 6–24–80

29865 5–6–80 / FM Broadcast Stations in Springdale, Ark. and Washburn, Mo.; Proposed changes in table of assignments; comments by 6–23–80

29872 5–6–80 / FM Broadcast Station in West Salem, Wis.; Proposed changes in table of assignments; comments by 6–23–80

33657 5–20–80 / Regulatory policies concerning resale and shared use of common carrier international communications services; comments by 6–23–80

35818 5–28–80 / Small Market Exemption; ascertainment of community problems by broadcast applicants; comments by 6–25–80

FEDERAL TRADE COMMISSION

27777 4–24–80 / Bob Rice Ford, Inc., et al.; consent agreement with analysis to aid public comment; comments by 6–23–80

28154 4–28–80 / Chrysler Corp.; consent agreement with analysis to aid public consent; comments by 6–27–80

27949 4–25–80 / Clinigue Laboratories, Inc.; consent agreement with analysis to aid public comment; comments by 6–24–80

28158 4–28–80 / Genstar Ltd.; consent agreement with analysis to aid public comments; comments by 6–27–80

HEALTH AND HUMAN SERVICES DEPARTMENT

[*See also* Health, Education, and Welfare Department]

Office of the Secretary—

35359 5–27–80 / Refugee Resettlement Program; Plan and Reporting Requirements for States; comments by 6–26–80

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

[*See also* Health and Human Services Department]

Education Office—

28288 4–28–80 / Vocational education; handicapped and disadvantaged national priority programs, data collection and matching requirements; comments by 6–27–80

Food and Drug Administration—

20666 3–28–80 / Anticaries drug products for over-the-counter human use; establishment of monograph; comments by 6–26–80

[Corrected at 45 FR 33650, 5–20–80]

20666 3–28–80 / Establishment of monograph on anticaries drug products for over-the-counter human use, comments by 6–26–80

27204 4–22–80 / Microbiology and immunology devices; general rules applicable to classification (161 documents); comments by 6–23–80

Social Security Administration—

27783 4–24–80 / Supplemental Security Income; referral of eligible persons to other agencies; comments by 6–23–80

INTERIOR DEPARTMENT

Fish and Wildlife Service—

19007 3–24–80 / Proposed threatened status for the Leopard in Sub-Saharan Africa; comments by 6–24–80

National Park Service—

34759 5–22–80 / Mount McKinley National Park; mining, climbing, and vehicle regulations; comments by 6–23–80

39448 6–10–80 / Prime farmlands grandfather provisions; comments by 6–25–80

Surface Mining Reclamation and Enforcement Office—

37697 6–4–80 / Wyoming permanent regulatory program; resubmission; comments by 6–24–80

INTERSTATE COMMERCE COMMISSION

34316 5–22–80 / Commercial zones and terminal areas; Tacoma, Wash.; comments by 6–23–80

30659 5–9–80 / Elimination of requirement that railroads file BV Form 588; comments by 6–23–80

31140 5–12–80 / Operational practices of property brokers; comments by 6–26–80

LABOR DEPARTMENT

Employment Standards Administration—

34877 5–23–80 / Labor standards for Federal Service contracts; comment period extended to 6–26–80

[*See also* 44 FR 77036, Dec. 28, 1979]

NATIONAL CREDIT UNION ADMINISTRATION

35346 5–27–80 / Premiums, Finders Fees and the Payment of Dividends in merchandise; comments by 6–23–80

NUCLEAR REGULATORY COMMISSION

31118 5–12–80 / Certification of personnel dosimetry processors; comments extended to 6–27–80

[*See also* 45 FR 20493, 3–28–80]

26973 4–22–80 / Liability insurance for licensed operators of large commercial nuclear power plants; petition for rulemaking; comments by 6–23–80

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

34752 5–22–80 / General guidelines and uniform standards for urban planning and design of development within the Pennsylvania Avenue development area; comments by 6–23–80

[Comment period extended at 45 FR 38056, 6–6–80]

POSTAL RATE COMMISSION

34309 5–22–80 / Annual review of regulations; comments by 6–23–80

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

25355 4–14–80 / Aircraft Operating Noise Limits; Proposed Requirements for Compliance With Part 36 Noise Limits for Certain Turbojet Airplanes Engaged in Domestic or Foreign Air Commerce in the United States; comments by 6–28–80

25350 4–14–80 / SFAR 27—Fuel Venting and Exhaust Emission Requirements for Turbine Engine Powered Airplanes; Proposed Amendment to Ensure Compliance with EPA Smoke Emissions Standards for In-Use JT3D Engines; comments by 6–28–80

National Highway Traffic Safety Administration—

35408 5–27–80 / Consumer Information Regulations, Uniform Tire Quality Grading; comments by 6–26–80

35403 5–27–80 / Light Truck Average Fuel Economy Standards; comments by 6–26–80

TREASURY DEPARTMENT

Alcohol, Tobacco, and Firearms Bureau—

26982 4–22–80 / Sales of firearms by licensees at organized gun shows; comments by 6–23–80

Internal Revenue Service—

18957 3–23–80 / Income tax; treatment of certain interests in corporations as stock or indebtedness; comments by 6–23–80

Deadlines for Comments on Proposed Rules for the Week of June 29 through July 5, 1980

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

38387 6–9–80 / Fresh pears, plums, and peaches grown in California; extension of grade, size, container, and pack requirements; comments by 6–30–80

Animal and Plant Health Inspection Service—

29302 5–2–80 / Requirements for inspection of certain ruminants or swine; comments by 7–1–80

Federal Crop Insurance Corporation—

29056 5–1–80 / Proposed canning and freezing sweet corn insurance regulations; comments by 6–30–80

28726 4–30–80 / Proposed potato crop insurance regulations; comments by 6–30–80

Food Safety and Quality Service—

10356 2–15–80 / Voluntary grading standards for grapefruit juice; comments by 7–1–80

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

28970 4–30–80 / Practice and procedures for compliance hearings; Standards for access to and use of buildings by handicapped persons; comments by 6–30–80

CIVIL AERONAUTICS BOARD

31413 5–13–80 / Oversales and denied boarding compensation; applicability to commuter air carriers and to certificated carriers operating 60 seat or smaller aircraft; comments by 6–30–80

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

29250 5–1–80 / Commercial and recreational salmon fisheries off coasts of Washington, Oregon and California; interim regulations; comments by 7–1–80

COMMODITY FUTURES TRADING COMMISSION

31731 5–14–80 / Futures Commission Merchants—duties concerning accounts carried for foreign brokers and traders; comments by 6–30–80

DEFENSE DEPARTMENT

Engineers Corps—

27378 4–22–80 / Flood damage; level of protection for urban areas; comments by 6–30–80

EDUCATION DEPARTMENT

[*See* Health, Education, and Welfare Department]

ENERGY DEPARTMENT

Economic Regulatory Administration—

29770 5–5–80 / Crude Oil Supplier / Purchaser Rule; comments by 7–2–80

Federal Energy Regulatory Commission—

39283 6–10–80 / Determination of alterntive fuels for essential agricultural users; comments by 7–3–80

22053 4–3–80 / Tax normalization for certain items reflecting timing differences in recognition of expenses or revenues for ratemaking and income tax purposes; comments by 6–30–80

ENVIRONMENTAL PROTECTION AGENCY

36439 5–30–80 / Aluminum hydroxide; proposed exemption from tolerance; comments by 6–30–80

36438 5–30–80 / Certain inert ingredients in pesticide formulations; proposed exemptions from requirement of a tolerance; comments by 6–30–80

28371 4–29–80 / Erie and Niagra Counties, N.Y.; proposed revision to State implementation plan; comments by 6–30–80

37225 6–2–80 / Gasoline refiners; lead phase-down, unleaded gasoline production requirements; comments by 7–2–80

28371 4–29–80 / Sierra County, Calif., Air Pollution Control District; revisions to rules; comments by 6–30–80

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

36431 5–30–80 / Interpretive guidelines on employment discrimination and reproductive hazards; Comments period extended to 7–2–80

[*See also* 45 FR 7514, 2–1–80]

FEDERAL COMMUNICATIONS COMMISSION

25414 4–15–80 / Assignment of FM channel at Coeur D' Alene, Idaho; reply comments by 6–30–80

[*See also* 45 FR 12451, 2–26–80]

33662 5–20–80 / Comsat; authorized users of international telecommunications facilities; comments by 7–3–80

28781 4–30–80 / Deleting provisions that limit the entry of new stations into the VHF public coast station market; comments by 6–30–80

34931 5–23–80 / FM broadcast station in Auburn, Me.; changes in table of assignments; comments by 6–30–80

32029 5–15–80 / FM broadcast stations; channel assignment to Corning, Calif; comments by 6–30–80

28773 4–30–80 / FM broadcast station in Dallas, Oreg; proposed changes in table of assignments; reply comments by 7–3–80

32028 5–15–80 / FM broadcast stations; channel assignment to Lewiston, Idaho; comments by 6–30–80

34936 5–23–80 / FM broadcast station in Goose Creek, S.C.; changes in table of assignments; comments by 6–30–80

28774 4–30–80 / FM broadcast station in Manchester, Vt.; Proposed changes in table of assignments; reply comments by 7–3–80

34938 5–23–80 / FM broadcast station in North Charleston, S.C.; changes in table of assignments; comments by 6–30–80

29335 5–2–80 / Inquiry into use of alternative procedures in choosing applicants for radio authorizations in the multipoint distribution service; comments by 7–1–80

37237 6–2–80 / Inquiry into use of bands 825–845 MHz and 870–890 MHz for Cellular Communications System; reply comments by 7–3–80

13140 2–28–80 / Regulatory policies concerning resale and shared use of common carrier domestic public switched network services; reply comments by 7–1–80

27795 4–24–80 / Relieving public coast stations operating in the 2 MHz band from monitoring and logging calls on the distress frequency 2182 kHz; comments by 6–30–80

28775 4–30–80 / Television broadcast stations in Lansing and Saginaw, Mich; Newark, Sandusky and Toledo, Ohio. Proposed changes in table of assignments; reply comments by 7–3–80

FEDERAL MEDIATION AND CONCILIATION SERVICE

28105 4–28–80 / Arbitration of pesticide data disputes; interim final regulations; comments by 7–1–80

FEDERAL RESERVE SYSTEM

30083 5–7–80 / Nonbanking activities of foreign bank holding companies and foreign banks; comments by 6–30–80

FEDERAL TRADE COMMISSION

37674 6–3–80 / Labeling and advertising of home insulation and requirements for insulation advertising—as they apply to television advertisements; comments by 7–3–80

28342 4–29–80 / National Tea Co.; Concent agreement; comments by 6–30–80

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

[*See also* Health and Human Services Department]

Education Office—

28666 4–29–80 / Financial assistance for construction, reconstruction, or renovation of higher education facilities; comments by 6–30–80

Food and Drug Administration—

29307 5–2–80 / Amendment of performance standard for microwave ovens; comments by 7–1–80

28358 4–29–80 / Cryoprecipitated antihemophilic factor (human); amendment to bilogics regulations; comments by 6–30–80

28359 4–29–80 / Source plasma (human); proposed dating period and reduction of record retention requirements; comments by 6–30–80

28349 4–29–80 / Substances prohibited from use in animal food or feed; tentative regulation prohibiting deodorizer distillates; comments by 6–30–80

29305 5–2–80 / Testing and labeling requirements for allergenic extract labeled with protein nitrogen units; comments by 7–1–80

HEALTH AND HUMAN SERVICES DEPARTMENT

[*See also* Health, Education and Welfare Department]

Social Security Administration—

36810 5–30–80 / Low income energy assistance program; comments by 6–30–80

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Neighborhoods, Voluntary Associations, and Consumer Protection, Office of Assistant Secretary—

26906 4–21–80 / Mobile home procedural and enforcement regulations; definition of recreational vehicle; comments by 7–1–80

INTERIOR DEPARTMENT

Fish and Wildlife Service—

29373 5–2–80 / Reproposal of critical habitat for California elderberry longhorn beetles; comments by 6–30–80

29371 5–2–80 / Reproposal of critical habitat for delta green ground beetle; comments by 6–30–80

29370 5–2–80 / Reproposal of critical habitat for mojave rabbit brush longhorn beetle; comments by 6–30–80

Geological Survey—

32715 5–19–80 / Coal mining operations; comments by 7–3–80

National Park Service—

31752 5–14–80 / Grand Teton National Park; Snowmobile use; comments by 6–30–80

Surface Mining Reclamation and Enforcement Office—

34907 5–23–80 / Missouri permanent regulatory program; comments by 7–1–80

40166 6–13–80 / Surface coal mining and reclamation operations interim and permanent regulatory program; steep slope mining; extension of comment period; comments by 6–30–80

INTERSTATE COMMERCE COMMISSION

39316 6–10–80 / No suspend zone; motor common carriers of property; comments by 7–1–80

31776 5–14–80 / Proposal to repeal existing credit regulations for railroads, motor carriers, water carriers, and freight forwarders, and authorize individual carriers to establish through tariffs publications their own nondiscriminatory credit therms; comments by 6–30–80

LABOR DEPARTMENT

Federal Contract Compliance Programs Office—

36431 5–30–80 / Interpretive guidelines on employment discrimination and reproductive hazards; comments period extended to 7–2–80

[*See also* 45 FR 7514, 2–1–80]

Occupational Safety and Health Administration—

21265 4–1–80 / Grain handling facilities; safety and health hazards; comments by 6–30–80

[Originally published at 45 FR 10732, 2–15–80]

40166 6–13–80 / Occupational noise exposure; extension of comment period for proposed standard; comments by 7–3–80

MANAGEMENT AND BUDGET OFFICE

26984 4–22–80 / Contracting by negotiation; draft Federal acquisition regulation; comments by 6–30–80

NUCLEAR REGULATORY COMMISSION

36082 5–29–80 / Fire protection program for nuclear power plants operating prior to January 1, 1980; comments by 6–30–80

PERSONNEL MANAGEMENT OFFICE

29300 5–2–80 / Provisions for development of candidates for and members of the Senior Executive Service; comments by 7–1–80

SECURITIES AND EXCHANGE COMMISSION

29849 5–6–80 / Accountants' liability under securities Act of 1933 for reports on certain unaudited supplementary financial information; comments by 6–30–80

31733 5–14–80 / Uniform and integrated reporting requirements: Management remuneration; proposed amendments; comments by 6–30–80

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

29064 5–1–80 / Air carrier certification and operations; operation of foreign registered aircraft; comments by 6–30–80

Federal Highway Administration—

982 1–3–80 / National standards for traffic control devices; manual on uniform traffic control devices; comments by 7–1–80

Research and Special Programs Administration—

32030 5–15–80 / Highway routing of radioactive materials; comments by 6–30–80

[*See also* 45 FR 7140, 1–31–80; 45 FR 34316, 5–15–80]

TREASURY DEPARTMENT

Internal Revenue Service—

28360 4–29–80 / Income tax; qualified group legal service plans; comments by 6–30–80

28758 4–30–80 / Work incentive program credit; comments by 6–30–80

Next Weeks Meetings:

AGING, FEDERAL COUNCIL

35424 5–27–80 / Long Term Care Committee, Washington, DC (open), 6–24–80

AGRICULTURE DEPARTMENT

Forest Service—

36462 5–30–80 / Gospel-Hump Advisory Committee, Grangeville, Idaho (open), 6–23–80

ARTS AND HUMANITIES, NATIONAL FOUNDATION

39367 6–10–80 / Federal Graphics Improvement Advisory Panel, Washington, D.C. (open), 6–27–80

36231 5–29–80 / Humanities Panel, Washington, D.C. (closed), 6–23 and 6–24–80

39366 6-10-80 / Office for Partnership Panel (State Programs) Washington, D.C. (closed), 6-26 and 6-27-80

39591 6-11-80 / Theatre Panel, Washington, D.C. (partially open), 6-26 and 6-27-80

CIVIL RIGHTS COMMISSION

31147 5-12-80 / Maryland Advisory Committee, Annapolis, Md. (open), 6-26-80

38426 6-9-80 / Massachusetts Advisory Committee, Boston, Massachusetts (open), 6-23 and 6-24-80

COMMERCE DEPARTMENT

National Bureau of Standards—

39523 6-11-80 / Weights and Measures, National Conference, Washington, D.C. (open), 6-22 through 6-27-80

National Oceanic and Atmospheric Administration—

39882 6-12-80 / Mid-Atlantic Fishery Management Council, Dover Del., 6-27-80

15974 3-12-80 / Mid-Atlantic Fishery Management Council's Surf Clam Advisory Subpanel, Dover, Del. (open), 6-27-80

38097 6-6-80 / New England Fishery Management Council, Peabody, Mass. (open), 6-25-80

37251 6-2-80 / South Atlantic Fishery Management Council, Charleston, S.C. (open), 6-24-80

Office of the Scretary—

34949 5-23-80 / Economic Advisory Board, Washington, D.C. (open), 6-24-80

DEFENSE DEPARTMENT

Air Force Department—

34034 5-21-80 / USAF Scientific Advisory Board, Wright-Patterson Air Force Base, Ohio (closed), 6-24 and 6-25-80

38098 6-6-80 / USAF Scientific Advisory Board, ad hoc Committee to Review the Air Force Manufacturing Technology Program, Washington, D.C. (Pentagon) (closed), 6-23 and 6-24-80

26116 4-17-80 / USAF Scientific Advisory Board, Wright-Paterson Air Force Base, Ohio (closed), 6-26 and 6-27-80

Army Department—

36467 5-30-80 / U.S. Army Medical Research and Development Advisory Panel Ad Hoc Study Group on Blood Products and Preservation, San Francisco, Calif. (partially open), 6-27-80

36467 5-30-80 / U.S. Army Medical Research and Development Advisory Panel Ad Hoc Study Group on Laser Bioeffects, San Francisco, Calif. (partially open), 6-24-80

Office of the Secretary—

34339 5-22-80 / ASW Review Panel, Washington, D.C. (closed), 6-25-80

34034 5-21-80 / DoD Advisory Group on Electron Devices Advisory Committee, New York, N.Y. (closed), 6-26-80

34034 5-21-80 / DoD Advisory Group on Electron Devices Advisory Committee, Horseheads, N.Y. (closed), 6-26-80

27973 4-25-80 / DoD Wage Committee, Washington, D.C. (closed), 6-24-80

29624 5-5-80 / Defense Intelligence Agency Advisory Committee, Rosslyn, Va. (closed), 6-23-80

37474 6-3-80 / Defense Science Board Task Force on Anti-Tactical Missiles, Arlington, Va. (closed), 6-24 and 6-25-80

37717 6-4-80 / Electron Devices Advisory Group, Adelphi, Md. (closed), 6-26 and 6-27-80

EDUCATION DEPARTMENT

37474 6-3-80 / National Advisory Council on Bilingual Education, Washington, D.C. (open), 6-24 and 6-25-80

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

38040 6-6-80 / Small power production and cogeneration; Conferences concerning State implementation of the Commission's regulations regarding rates and exemptions for qualifying small power production and cogeneration facilities; Boise, Idaho, 6-23-80; Minneapolis/St. Paul, Minnesota, 6-25-80; St. Louis, Missouri, 6-27-80 (all sessions partially open)

ENVIRONMENTAL PROTECTION AGENCY

39312 6-10-80 / FIFRA Scientific Advisory Panel, Arlington, Va. (open), 6-26 and 6-27-80

ENVIRONMENTAL QUALITY COUNCIL

34338 5-22-80 / Integrated Pest Management, Washington, D.C. (open), 6-23-80

HEALTH AND HUMAN SERVICES DEPARTMENT

[*See also* Health, Education, and Welfare Department]

Alcohol, Drug Abuse, and Mental Health Administration—

34428 5-22-80 / Alcohol Biomedical Research Review Committee, Rockville, Md. (open), 6-25 through 6-27-80

34428 5-22-80 / Alcohol Psychosocial Research Review Committee, Rockville, Md. (open), 6-25 through 6-27-80

34428 5-22-80 / Basic Sociocultural Research Review Committee, Rockville, Md. (open), 6-26 through 6-28-80

37523 6-3-80 / Prevention, Education, and Information Working Group, Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism, Washington, D.C. (open), 6-23-80

Food and Drug Administration—

31495 5-13-80 / Oncologic Drugs Advisory Committee, Rockville, Md. (open), 6-26-80

31495 5-13-80 / Panel on Review of Miscellaneous External Drug Products, Bethesda, Md. (open), 6-22 and Rockville, Md. (open), 6-23-80

National Institutes of Health—

32779 5-19-80 / Aging Review Committee, Bethesda, Md. (open), 6-26 and 6-27-80

38448 6-9-80 / Clinical Trials Review Committee, Bethesda, Md. (partially open), 6-26 and 6-27-80

32781 5-19-80 / Division of Research Grants, Various study sections, (open and closed), 6-26 thru 6-27-80

32780 5-19-80 / Genetic Basis of Disease Review Committee; National Institute of General Medical Sciences, Bethesda, Md. (open and closed), 6-23-80

32780 5-19-80 / Minority Access to Research Careers Review Committee, National Institute of General Medical Sciences, Bethesda, Md. (partially open), 6-26-80

32780 5-19-80 / Population Research Committee, National Institute of Child Health and Human Development, Bethesda, Md. (partially open), 6-23-80

32779 5-19-80 / Vision Research Program Committee, Bethesda, Md. (open and closed), 6-27-80

Office of the Assistant Secretary for Health—

34068 5-21-80 / Health Services Developmental Grants Review Subcommittee, Washington, D.C. (partially open), 6-23 and 6-24-80

Office of the Secretary—

39542 6-11-80 / Mental Retardation, President's Committee, Washington, D.C. (open), 6-24 and 6-25-80

32121 5-15-80 / Secretary's Advisory Committee on the Rights and Responsibilities of Women, Boston, Mass. (open), 6-26 and 6-27-80

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

[*See also* Education Department and Health and Human Services Department]

National Institutes of Health—

30697 5–9–80 / Cancer Clinical Investigation Review Committee, Bethesda, Md. (partially open), 6–23 through 6–25–80

30698 5–9–80 / High Blood Pressure Working Group, Bethesda, Md. (open), 6–27–80

27526 4–23–80 / National Institute of Environmental Health Sciences, Triangle Park, N.C. (closed), 6–25 and 6–26–80

Public Health Service—

37532 6–3–80 / National Toxicology Program Board of Scientific Counselors, Washington, D.C. (open), 6–27 and 6–28–80

HISTORIC PRESERVATION ADVISORY COUNCIL

34319 5–22–80 / Public Information Meeting, Cheraw, S. C. (open), 6–26–80

INTERIOR DEPARTMENT

Land Management Bureau—

31803 5–14–80 / Arizona; Phoenix District, Phoenix/Lower Gila Resource Areas, Grazing Advisory Board, Phoenix, Ariz. (open), 6–26–80

34430 5–22–80 / National Public Lands Advisory Council, Salt Lake City, Utah (open), 6–26 and 6–27–80

32122 5–15–80 / Miles City District Grazing Advisory Board, Miles City, Mont. (open), 6–26–80

34073 5–21–80 / Montana and North Dakota; Fort Union Regional Coal Team, Billings, Mont. (open), 6–24 and 6–25–80

35018 5–23–80 / Rawlins District Grazing Advisory Board, Rawlins, Wyo. (open), 6–26–80

30551 5–8–80 / Worland District Grazing Advisory Board, Worland, Wyo. (open), 6–24–80

National Park Service—

37536 6–3–80 / Upper Delaware Citizens Advisory Council, Narrowsburg, N.Y. (open), 6–27–80

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

39354 6–10–80 / Board for International Food and Agricultural Development, Washington, D.C. (open), 6–26–80

Agency for International Development—

37780 6–4–80 / Voluntary Foreign Aid Advisory Committee, Washington, D.C. (open), 6–24 and 6–25–80

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

37570 6–3–80 / NASA Advisory Council Aeronautics Advisory Committee, Washington, D.C. (open), 6–27–80

37569 6–3–80 / NASA Advisory Council Space Science Advisory Committee, Washington, D.C. (open), 6–25 through 6–27–80

37569 6–3–80 / NASA Advisory Council Space Systems and Technology Advisory Committee, Silver Spring Md. (open), 6–24 and 6–25–80

37569 6–3–80 / NASA Advisory Council Space and Terrestrial Applications Advisory Committee, Greenbelt Md. (open), 6–24 and 6–25–80

37560 6–3–80 / NASA Advisory Council Space and Terrestrial Applications Advisory Committee, Washington, D.C. (open), 6–23–80

NATIONAL SCIENCE FOUNDATION

38458 6–9–80 / Engineering and Applied Science Advisory Committee, Washington, D.C. (open), 6–27–80

38459 6–9–80 / International Decade of Ocean Exploration Ad Hoc Subcommittee, Washington, D.C. (closed), 6–26 and 6–27–80

38458 6–9–80 / Science and Society Advisory Committee, Washington, D.C. (open), 6–24 and 6–25–80

NUCLEAR REGULATORY COMMISSION

38459 6–9–80 / Emergency Core Cooling Systems, Advisory Committee on Reactor Safeguards, Silver Spring, Md. (open), 6–24 and 6–25–80

39592 6–11–80 / Reactor Safeguards Advisory Committee, Subcommittee on Safeguards and Security, Washington, D.C. (partially closed), 6–26–80

39592 6–11–80 / Reactor Safeguards Advisory Committee, Subcommittee on Waste Management, Washington, D.C. (partially closed), 6–26 and 6–27–80

POSTAL RATE COMMISSION

39612 6–11–80 / Meeting, Washington, D.C. (open), 6–26–80

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau—

37323 6–2–80 / Explosives Tagging Advisory Committee, Washington D.C. (closed), 6–25–80

VETERANS ADMINISTRATION

17714 3–19–80 / Wage Committee, Washington, D.C. (closed), 6–26–80

Next Week's Public Hearings

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

35168 5–23–80 / Hearing on proposed marketing agreement and order for milk in the Alabama-West Florida marketing area, Montgomery, Ala., 6–23–80

COMMERCE DEPARTMENT

Foreign-Trade Zones Board—

38096 6–6–80 / Proposed foreign-trade zone in Jacksonville, Fla., to be held in Jacksonville, Fla., 6–26–80

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—

37870 6–5–80 / Caribbean Fishery Management Council, St. John, U.S. Virgin Islands, 6–26–80 and St. Thomas, U.S. Virgin Islands, 6–27–80

37251 6–2–80 / Draft Environmental Impact Statement on Narragansett Bay Estuarine Sanctuary, Portsmouth, R.I. (open), 6–25–80

ENERGY DEPARTMENT

Economic Regulatory Administration—

34846 5–22–80 / Gasohol pricing and allocation, Des Moines, Iowa, 6–23–80

[Corrected at 45 FR 37697, 6–4–80]

34846 5–22–80 / Gasohol pricing and allocation, New Orleans, La., 6–26–80

[Corrected at 45 FR 37697, 6–4–80]

Federal Energy Regulatory Commission—

38080 6–6–80 / Proposed exemption of mechanical cogeneration facilities from incremental pricing provisions; Washington, D.C., 6–25–80

ENVIRONMENTAL PROTECTION AGENCY

36437 5–30–80 / Control of air pollution from new motor vehicles and new motor vehicle engines: certification and test procedures; evaporative emission regulation and test procedure for gasoline-fueled heavy-duty vehicles; Ann Arbor, Mich., 6–25–80

INTERIOR DEPARTMENT

Land Management Bureau—

30703 5–9–80 / Hearings on proposed UCS oil and gas lease sale No. 53, various cities in California, 6–23, 6–25 and 6–27–80

INTERNATIONAL TRADE COMMISSION

31834 5–14–80 / Textiles and Textile Products of Cotton from Pakistan, Washington, D.C., 6–25–80

LABOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office—

34907 5–23–80 / Missouri permanent regulatory program proceedings, Kansas City, Mo., 6–23–80

TREASURY DEPARTMENT

Internal Revenue Service—

27454 4–23–80 / Self-insured medical reimbursement plans, Washington, D.C., 6–24–80

VETERANS ADMINISTRATION

36576 5–30–80 / Station Committee on Educational Allowances, Nashville, Tenn., 6–26–80

List of Public Laws

Last Listing June 17, 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. 1658 / Pub. L. 96–270 Asbestos School Hazard Detection and Control Act of 1980. (June 14, 1980; 94 Stat. 487) Price: $1.25.

S. 2666 / Pub. L. 96–271 To authorize appropriations for the International Natural Rubber Agreement for fiscal year 1981. (June 16, 1980; 94 Stat. 499) Price: $1.00.

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the **Federal Register** during the previous week.

RULES GOING INTO EFFECT

39849 6–12–80 / CSA—Funding of CSA grantees, effective 7–14–80

Deadlines for Comments on Proposed Rules

39708 6–11–80 / ED—Amendment of Education Division General Administrative Regulations (EDGAR) to clarify Department's policy regarding participation of students enrolled in private schools; comments by 8–11–80

APPLICATIONS DEADLINES

39328 6–10–80 / Commerce/MBDA—Financial Assistance Application Announcement, Central North Carolina; apply by 7–7–80

39328 6–10–80 / Commerce/MBDA—Financial Assistance Application Announcement, State of Mississippi; apply by 7–7–80

39329 6–10–80 / Commerce/MBDA—Financial Assistance Application Announcement, State of Montana; apply by 6–30–80

40200 6–13–80 / ED/NIE—Law and Government Studies in Education; Program of research grants; apply by 9–16–80

39343 6–10–80 / HHS/HRA—Faculty Development in Family Medicine; apply by 9–4–80

39343 6–10–80 / HHS/HRA—Graduate Training in Family Medicine; apply by 8–4–80

MEETINGS

38450 6–9–80 / HHS/NIH—Allergy and Immunology Subcommittee, National Advisory Allergy and Infectious Diseases Council, Bethesda, Md. (closed), 7–18–80

38448 6–9–80 / HHS/NIH—Clinical Trials Review Committee, Bethesda, Md. (partially open), 6–26 and 6–27–80

38448 6–9–80 / HHS/NIH—General Research Support Review Committee, Bethesda, Md. (partially open), 6–26 and 6–27–80

38449 6–9–80 / HHS/NIH—Maternal and Child Health Research Committee, Bethesda, Md. (partially open), 6–29 and 6–30–80

38449 6–9–80 / HHS/NIH—Heart, Lung, and Blood Research Review Committee A, Bethesda, Md. (partially open), 7–18–80

38449 6–9–80 / HHS/NIH—Heart, Lung, and Blood Research Committee B, Bethesda, Md. (partially open), 7–18–80

38450 6–9–80 / HHS/NIH—Research Manpower Review Committee, Bethesda, Md. (partially open), 6–26 and 6–27–80

39366 6–10–80 / NFAH—Dance Panel (Dance/Film/Video), Washington, D.C. (closed), 7–14 and 7–15–80

40264 6–13–80 / NFAH—Dance Panel (Dance Touring Program and Long Term Engagements), Washington, D.C. (closed), 7–16, 7–17, and 7–18–80

39366 6–10–80 / NFAH—Dance Panel (Services to the Field, Sponsors, Presentation), Washington, D.C. (closed), 7–9 and 7–10–80

39591 6–11–80 / NFAH—Humanities Panel, Washington, D.C. (closed), 6–30–80

39366 6–10–80 / NFAH—Office for Partnership Panel (State Programs), Washington, D.C. (closed) 6–26 and 6–27–80

39591 6–11–80 / NFAH—Theatre Panel, Washington, D.C. (partially open), 6–26 and 6–27–80

38459 6–9–80 / NSF—International Decade of Ocean Exploration Ad Hoc Subcommittee, Washington, D.C. (closed), 6–26 and 6–27–80

OTHER ITEMS OF INTEREST

40514 6–13–80 / DOE—Nondiscrimination in Federally assisted programs; general provisions

38435 6–9–80 / DOE/SOLAR—Allocation of funds for grant program cycle II for technical assistance and energy conservation measures under the grant programs for schools and hospitals and buildings owned by units of local government and public care institutions

40232 6–13–80 / HHS/CDC—Childhood Lead-Based Paint Poisoning Prevention Programs; availability of funds based on President's Fiscal Year 1981 budget

40232 6–13–80 / HHS/CDC—Preventive Health Services—Fluoridation; availability of funds based on President's fiscal year 1981 budget

40233 6–13–80 / HHS/CDC—Preventive Health Services—Urban Rat Control; availability of funds based on President's fiscal year 1981 budget

40233 6–13–80 / HHS/CDC—Venereal Disease research, demonstration, and public information and education; availability of funds based on President's fiscal year 1981 budget

40155 6–13–80 / HUD/Sec'y—Community Development Block Grant—Housing Assistance Plan performance standards; transmittal of interim rule to Congress

40243 6–13–80 / Justice/LEAA—National Priority Program and Discretionary Program; Addition to guideline: regional information sharing systems program

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