

# Federal Register

Wednesday  
July 2, 1980

---

## Highlights

- 45135 **Customs Valuation Code** Presidential proclamation (Part VI of this issue)
- 45233 **Generalized System of Preferences** Executive order (Part VI of this issue)
- 45245 **Sugar Import Quotas** Presidential proclamation (Part VI of this issue)
- 45243 **International Sugar Agreement** Executive order implementing (Part VI of this issue)
- 45235 **Occupational Safety and Health Programs for Federal Employees** Executive order (Part VI of this issue)
- 45237 **Orderly Marketing Agreements and Color Television Imports** Presidential proclamation (Part VI of this issue)
- 45041 **Tariff** Trade gives notice of determination with regard to the modification of tariff treatment of certain chemicals and chemical products; effective 7-1-80
- 45130 **Loan Programs—Education** ED proposes to revise regulations governing Guaranteed Student Loan Program; comments by 9-2-80 (Part V of this issue)

CONTINUED INSIDE



**FEDERAL REGISTER** Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for \$75.00 per year, or \$45.00 for six months, payable in advance. The charge for individual copies is \$1.00 for each issue, or \$1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

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

## Highlights

- 44942 Fishing** Commerce/NOAA establishes Fishermen's Contingency Fund to compensate fishermen for certain losses caused by obstructions associated with Outer Continental Shelf oil and gas exploration, development, or production; effective 8-1-80
- 45116 Insurance** HUD/FHC publishes regulations regarding coinsurance for private mortgage lenders; effective 8-26-80 (Part IV of this issue)
- 44965 Tax** Treasury/IRS publishes proposal relating to tax-free sales of articles to be used for, or resold for, further manufacture; comments by 8-31-80
- 45047 Postage** Postal Service gives notice that the ninth step of phased postage rate increases will be placed in effect on certain classes of mail; effective 7-6-80
- 44962 Monetary Control** FRS imposes Federal reserve requirements on all depository institutions that maintain transaction accounts or nonpersonal time deposits; comments by 7-31-80
- 45098 Natural Gas** Energy/ERA publishes proposed rule regarding responsibility to establish and review natural gas curtailment priorities; comments by 8-29-80 (Part III of this issue)
- 44918 Iranians** Justice/INS amends regulations to allow Iranian nationals to obtain extensions of nonimmigrant stay in certain specified circumstances; effective 6-10-80
- 44961 Gasohol** DOE has prepared a finding of no significant impact for the Gasohol pricing and allocation rulemaking and solicits public comments on finding; comments by 8-1-80
- 44923 Natural Gas** DOE/FERC requires the Commission to compute and publish threshold prices before the beginning of each month for which figures apply; effective 7-1-80
- 44919 Banking** Depository Institutions Deregulation Committee adopts regulations providing that a penalty need not be applied to withdrawal from an IRA or Keogh account time deposit prior to the maturity of the account if owner is disabled or age 59½ or over; effective 7-2-80
- 45051 Sunshine Act Meetings**
- Separate Parts of This Issue**
- 45080 Part II, EPA**  
**45098 Part III, DOE/ERA**  
**45116 Part IV, HUD/FHC**  
**45130 Part V, ED**  
**45135 Part VI, The President**

# Contents

Federal Register

Vol. 45, No. 129

Wednesday, July 2, 1980

- The President**  
**EXECUTIVE ORDERS**
- 45233 Generalized System of Preferences (EO 12222)
- 45235 Occupational safety and health programs for Federal employees (EO 12223)
- 45243 International Sugar Agreement, implementation (EO 12224)
- PROCLAMATIONS**
- 45135 Customs Valuation Code (Proc. 4768)
- 45237 Orderly Marketing Agreements and color television imports (Proc. 4769)
- 45245 Sugar import quotas (Proc. 4770)
- Executive Agencies**
- Agricultural Marketing Service**  
**RULES**
- 44917 Pears, plums, and peaches grown in Calif.
- PROPOSED RULES**
- 44960 Filberts, imported; extension of time
- Agriculture Department**  
*See also* Agricultural Marketing Service; Forest Service.
- NOTICES**  
Import quotas and fees:
- 44974 Sugar; quarterly determination
- Air Force Department**  
**NOTICES**  
Meetings:
- 44979 Scientific Advisory Board; cancellation
- Architectural and Transportation Barriers Compliance Board**  
**RULES**
- 44925 Amicus curiae policies; General Counsel delegated authority to review requests for Board participation in litigation
- Census Bureau**  
**NOTICES**  
Surveys, determinations, etc.:
- 44975 Company organizations; multiestablishment companies
- Chrysler Corporation Loan Guarantee Board**  
**RULES**  
Procedural rules:
- 44919 Organization and functions
- Commerce Department**  
*See* Census Bureau; International Trade Administration; National Oceanic and Atmospheric Administration.
- Commodity Futures Trading Commission**  
**PROPOSED RULES**
- 44965 Futures commission merchants; minimum financial and reporting requirements; corrections
- NOTICES**
- 45051 Meetings; Sunshine Act (3 documents)
- Defense Department**  
*See also* Air Force Department; Engineers Corps; Navy Department.
- NOTICES**  
Meetings:
- 44979 Science Board task forces
- Depository Institutions Deregulation Committee**  
**RULES**  
Interest on deposits:
- 44919 IRA or Keogh account time deposit; early withdrawal
- Economic Regulatory Administration**  
**PROPOSED RULES**  
Natural gas:
- 45098 Curtailment priorities for interstate pipelines; review and establishment
- Petroleum allocation and price regulations:
- 44961 Gasohol pricing and allocation; environmental assessment availability
- Education Department**  
**PROPOSED RULES**
- 45130 Guaranteed student loan program; refunding policy
- Energy Department**  
*See* Economic Regulatory Administration; Federal Energy Regulatory Commission.
- Engineers Corps**  
**NOTICES**
- 45018 Dredged and fill discharge program, jurisdiction; memorandum of understanding with EPA
- Environmental Protection Agency**  
**RULES**  
Water pollution; effluent guidelines for point source categories:
- 44926 Copper smelting and electrolytic refining operations, and metallurgical acid plants
- PROPOSED RULES**  
Air pollution; standards of performance for new stationary sources:
- 44970 Fluoride emissions from existing phosphate fertilizer plants; California plan
- Air quality implementation plans; approval and promulgation; various States, etc.:
- 45080 Connecticut
- 44970 Illinois
- 44970 Maine
- NOTICES**
- 45018 Dredged and fill discharge program, jurisdiction; memorandum of understanding with Engineers Corps
- Meetings:
- 45018 Science Advisory Board
- Toxic and hazardous substances control:
- 45016 Confidential business information; draft security manuals; availability
- 45015 Premanufacture notices receipts

- Water quality standards, State; navigable waters; adoptions and approvals:
- 45017 Nevada
- 45017 Nevada; correction
- 45017 North Carolina
- Federal Communications Commission**
- NOTICES**
- 44979 Canadian standard broadcast stations; notification list
- Hearings, etc.:
- 45020 Prairie Broadcasting, Inc., et al.
- 45051 Meetings; Sunshine Act
- 45021 Television broadcast applications accepted for filing and notification of cut-off date (2 documents)
- Federal Energy Regulatory Commission**
- RULES:**
- Natural Gas Policy Act of 1978:
- 44923 Incremental pricing; acquisition cost thresholds
- NOTICES**
- 45003 Consumer program; draft; correction
- Hearings, etc.:
- 44980, 44981 Alaska Power Authority (2 documents)
- 44981 Arkansas Valley Electric Cooperative Corp. et al.
- 44986 California Department of Water Resources
- 44982 Carolina Power & Light Co.
- 44984 Central Virginia Electric Cooperative, Inc., et al.
- 44986 Columbia Gas Transmission Corp.
- 45003, 45004 Eugene Water & Electric Board (2 documents)
- 45004 Florida Gas Transmission Co.
- 45005 Massachusetts Municipal Wholesale Electric Co. et al.
- 45005 New Hampshire Water Resources Board
- 45006, 45011 Northern Natural Gas Co. (2 documents)
- 45006 Oklahoma Gas & Electric Co.
- 45007, 45008 Sellers Manufacturing Co., Inc. (2 documents)
- 44985 Spokane, Wash.
- 45009 Tennessee Gas Pipeline Co.
- 45009 Texas Eastern Transmission Corp. et al.
- 45010 Transcontinental Gas Pipe Line Corp.
- 45010 West Texas Utilities Co.
- 45051 Meetings; Sunshine Act
- Natural Gas Policy Act of 1978:
- 44987, 44996 Jurisdictional agency determinations (2 documents)
- Public utilities; small production facilities; qualifying status; certification applications, etc.:
- 44982 Buffalo Color Corp.
- Federal Home Loan Bank Board**
- NOTICES**
- Senior Executive Service:
- 45021 Performance Review Board; membership
- Federal Housing Commissioner—Office of Assistant Secretary for Housing**
- RULES**
- Mortgage and loan insurance programs:
- 45116 Coinsurance for private mortgage lenders
- Federal Maritime Commission**
- NOTICES**
- 45021 Agreements filed, etc.
- 45051 Meetings; Sunshine Act
- Federal Reserve System**
- PROPOSED RULES**
- Bank holding companies (Regulation Y):
- 44963 Permissible activities; real estate advisory and appraisal services
- Reserves of member banks (Regulation D):
- 44962 Required reserve balance pass-through guidelines
- Federal Trade Commission**
- RULES:**
- Prohibited trade practices:
- 44920 General Motors Corp.
- 44920 Pay 'N Pak Stores, Inc.
- 44921 Time Inc. et al.
- Fish and Wildlife Service**
- RULES**
- Endangered and threatened species:
- 44935 Oregon silverspot butterfly
- 44939 Palos Verdes blue butterfly
- NOTICES**
- Environmental statements; availability, etc.:
- 45023 Wildlife restoration projects under Pittman-Robertson Act; inquiry
- Forest Service**
- NOTICES**
- 44974 Beverage containers; solid waste management guidelines compliance procedures
- General Accounting Office**
- PROPOSED RULES**
- 44954 Personnel management system
- General Services Administration**
- RULES**
- Property management:
- 44951 Airline service, contract, between selected city-pairs; temporary
- 44953 Travel regulations; temporary
- NOTICES**
- Authority delegations:
- 45022 Defense Department Secretary (2 documents)
- Health, Education, and Welfare Department**
- See Health and Human Services Department.*
- Health and Human Services Department**
- NOTICES**
- Committees; establishment, renewals, terminations, etc.:
- 45023 Vital and Health Statistics National Committee; request for nominations
- Meetings:
- 45022, 45023 Vital and Health Statistics National Committee (2 documents)
- Housing and Urban Development Department**
- See Federal Housing Commissioner—Office of Assistant Secretary for Housing.*
- Immigration and Naturalization Service**
- RULES**
- 44918 Iranian nationals; requirements for extension of nonimmigrant stay

**Interior Department**

See also Fish and Wildlife Service; National Park Service; Surface Mining Office.

**PROPOSED RULES**

- 44972 Minority and female-owned business enterprises; involvement in Outer Continental Shelf leasing activities; extension of time

**Internal Revenue Service****PROPOSED RULES**

Excise taxes:

- 44965 Tax-free sales of articles to be used for, or resold for, further manufacture

**International Trade Administration****NOTICES**

Antidumping:

- 44976 Natural or synthetic menthol from Japan and China

Meetings:

- 44975 East-West Trade Advisory Committee

**International Trade Commission****NOTICES**

Import investigations:

- 45038 Airtight cast-iron stoves  
45039 Food slicers and components  
45039 Inclined-field acceleration tubes and components  
45034 Nonquota cheese from European Community  
45040 Slide fastener stringers and machines and components (2 documents)  
45040 Slide fastener strings  
45034 Video matrix display systems, large, and components

**Interstate Commerce Commission****NOTICES**

Motor carriers:

- 45034 Permanent authority applications; correction  
45025 Temporary authority applications

Petitions filed:

- 45034 Marketing Corp. of America; distribution of promotional coupons; correction  
45034 Railroad car service rules, mandatory; exemptions (2 documents)

**Justice Department**

See Immigration and Naturalization Service; Parole Commission.

**National Aeronautics and Space Administration****NOTICES**

Meetings:

- 45040 Advisory Council (2 documents)

**National Communications System****NOTICES**

Telecommunications standards:

- 45041 Interoperability and security requirements; data encryption standards in data communication systems; use

**National Oceanic and Atmospheric Administration****RULES**

Outer Continental Shelf:

- 44942 Fishermen's contingency funds; adjudication of claims

**PROPOSED RULES**

Fishery conservation and management:

- 44972 Pink shrimp fishery, Wash., Oreg., Calif.; hearing

**NOTICES**

Meetings:

- 44977 Sea Grant Review Panel

**National Park Service****PROPOSED RULES**

Special regulations:

- 44969 Olympic National Park, Wash.; hunter access routes

**NOTICES**

Environmental statements; availability, etc.:

- 45024 Ebey's Landing National Historical Reserve comprehensive plan, Wash.

Meetings:

- 45024 Chesapeake and Ohio Canal National Historical Park Commission

- 45024 Delta Region Preservation Commission

**National Transportation Safety Board****NOTICES**

- 45051 Meetings; Sunshine Act

**Navy Department****NOTICES**

Meetings:

- 44979 Chief of Naval Operations Executive Panel Advisory Committee

**Nuclear Regulatory Commission****NOTICES**

- 45052 Meetings; Sunshine Act (2 documents)

**Parole Commission****RULES**

Federal prisoners; paroling, recommitting and supervising:

- 44924 Federal Youth Corrections Act offenders; timely parole consideration  
44924 Parole eligibility; multiple aggregated sentences, etc.

**PROPOSED RULES**

Federal prisoners; paroling, recommitting and supervising:

- 44966 Appellate hearings; oral representation  
44967 Paroling policy guidelines; offense behavior examples; voluntary manslaughter

**NOTICES**

- 45052 Meetings; Sunshine Act (2 documents)

**Postal Service****NOTICES**

Rates and fees:

- 45047 Phased postage rates; effective date

**Railroad Retirement Board****NOTICES**

- 45052 Meetings; Sunshine Act

**Securities and Exchange Commission****RULES**

- 44922 Transaction reports, last sale data and quotation information; dissemination and display; partial extension of effective date

**NOTICES**

## Hearings, etc.:

- 45044 Sparbankernas Bank  
Self-regulatory organizations; proposed rule changes:
- 45043 Boston Stock Exchange, Inc.  
45046 Midwest Stock Exchange, Inc.  
45043 Pacific Stock Exchange Inc.  
45046 Stock Clearing Corp. of Philadelphia  
Self-regulatory organizations; unlisted trading privileges:
- 45043 Boston Stock Exchange, Inc.

**Small Business Administration****NOTICES**

## Applications, etc.:

- 45047 Boston Hambro Capital Co.  
45047 Capital Group (limited partnership)  
45048 E S One Capital Corp.  
45048 Narragansett Capital Corp.  
45048 Loans, guarantee or participation; maximum allowable interest rate  
Meetings; advisory councils:
- 45048 Missouri; change

**Surface Mining Office****PROPOSED RULES**

Permanent program submission; various States:  
Texas

- 44967
- NOTICES**
- 45025 Coal mining and reclamation plans:  
Northern Coal Co.

**Textile Agreements Implementation Committee****NOTICES**

- Cotton textiles:  
44977 Brazil  
Man-made textiles:  
44978 Singapore

**Trade Representative, Office of United States****NOTICES**

- Import tariff treatment:  
45041 Chemicals and chemical products, certain

**Treasury Department**

See also Internal Revenue Service.

**NOTICES**

- Bonds, Treasury:  
45049 1995 series

## Office of the Secretary of Defense—

- 44979 Defense Science Board Task Force on Anti-Tactical Missiles, 7-21 and 7-22-80

**ENVIRONMENTAL PROTECTION AGENCY**

- 45018 Science Advisory Board, Executive Committee, 7-21 and 7-22-80

**HEALTH AND HUMAN SERVICES DEPARTMENT**

## Office of Assistant Secretary for Health—

- 45023 Vital and Health Statistics National Committee, 7-15 and 7-16-80  
45022 Vital and Health Statistics National Committee, Data Concepts and Methodology Subcommittee, 7-14-80

**INTERIOR DEPARTMENT**

## National Park Service—

- 45024 Chesapeake and Ohio Canal National Historical Park Commission, 7-19-80  
45024 Delta Region Preservation Commission, 7-31-80

**NATIONAL AERONAUTICS AND SPACE****ADMINISTRATION**

- 45040 Aeronautics Advisory Committee, NASA Advisory Council, 7-22-80  
45040 Space and Terrestrial Applications Advisory Committee, NASA Advisory Council, 7-17 and 7-18-80

**CHANGED MEETING****SMALL BUSINESS ADMINISTRATION**

- 45048 Region VII Advisory Council Executive Board Meeting, changed to 7-11-80

**CANCELLED MEETING****DEFENSE DEPARTMENT**

## Air Force Department—

- 44979 USAF Scientific Advisory Board, 7-29 and 7-30-80 meeting cancelled

**HEARING****COMMERCE DEPARTMENT**

## National Oceanic and Atmospheric Administration—

- 44972 Pacific Fishery Management Council, 7-30, 7-31 and 8-1-80

**MEETINGS ANNOUNCED IN THIS ISSUE****COMMERCE DEPARTMENT**

## International Trade Administration—

- 44975 East-West Trade Advisory Committee, 7-23-80  
National Oceanic and Atmospheric Administration—  
44977 SEA Grant Review Panel, 7-22 and 7-23-80

**DEFENSE DEPARTMENT**

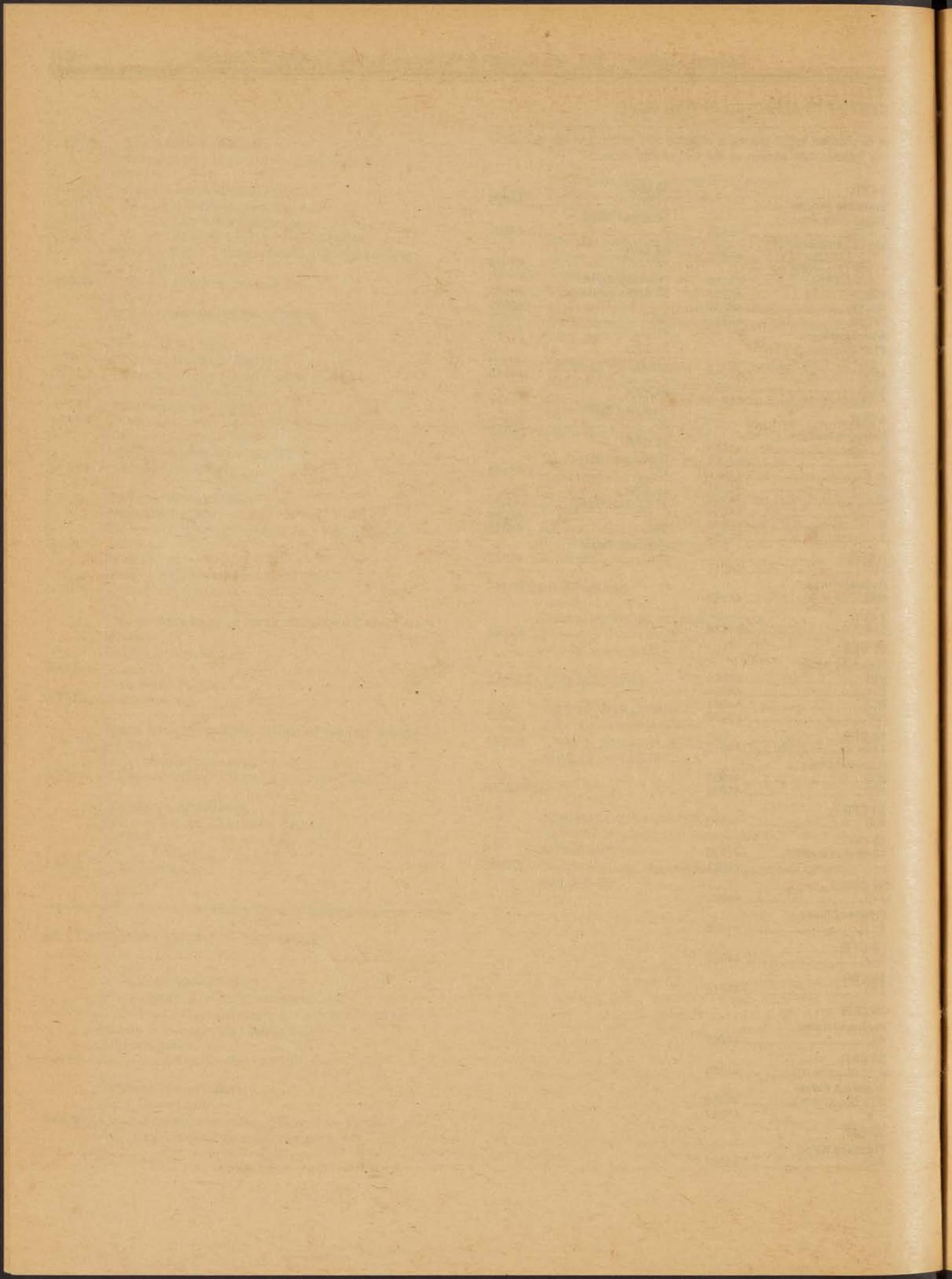
## Navy Department—

- 44979 Chief of Naval Operations Executive Panel Advisory Committee, 8-12 and 8-13-80

**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.

<b>3 CFR</b>		<b>36 CFR</b>	
<b>Executive Orders:</b>		1151.....	44925
11846 (See Proc. 4768).....	45135	<b>Proposed Rules:</b>	
11888 (Amended by EO 12222).....	45233	7.....	44969
12196 (Amended by EO 12223).....	45235	<b>40 CFR</b>	
12222.....	45233	421.....	44926
12223.....	45235	<b>Proposed Rules:</b>	
12224.....	45243	52 (3 documents).....	42970,
<b>Proclamations:</b>			45080
4707 (Superseded in part by Proc. 4768).....	45135	60.....	44970
4768.....	45135	81.....	45080
4769.....	45237	<b>41 CFR</b>	
4770.....	45245	Ch. 101 (2 documents).....	44951,
			44953
<b>4 CFR</b>		<b>43 CFR</b>	
<b>Proposed Rules:</b>		<b>Proposed Rules:</b>	
2.....	44954	35.....	44972
3.....	44954	<b>45 CFR</b>	
4.....	44954	<b>Proposed Rules:</b>	
5.....	44954	177.....	45130
6.....	44954	<b>50 CFR</b>	
7.....	44954	17 (2 documents).....	44935,
8.....	44954		44939
9.....	44954	296.....	44942
<b>7 CFR</b>		<b>Proposed Rules:</b>	
917.....	44917	664.....	44972
<b>Proposed Rules:</b>			
999.....	44960		
<b>8 CFR</b>			
214.....	44918		
<b>10 CFR</b>			
<b>Proposed Rules:</b>			
210.....	44961		
211.....	44961		
212.....	44961		
580.....	45098		
<b>12 CFR</b>			
1204.....	44919		
<b>Proposed Rules:</b>			
204.....	44962		
225.....	44963		
<b>13 CFR</b>			
400.....	44919		
<b>16 CFR</b>			
13 (3 documents).....	44920		
	44921		
<b>17 CFR</b>			
240.....	44922		
<b>Proposed Rules:</b>			
1.....	44965		
<b>18 CFR</b>			
282.....	44923		
<b>24 CFR</b>			
255.....	45116		
<b>26 CFR</b>			
<b>Proposed Rules:</b>			
48.....	44965		
<b>28 CFR</b>			
2 (2 documents).....	44924		
<b>Proposed Rules:</b>			
2 (2 documents).....	44966,		
	44967		
<b>30 CFR</b>			
<b>Proposed Rules:</b>			
943.....	44967		



# Rules and Regulations

Federal Register

Vol. 45, No. 129

Wednesday, July 2, 1980

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

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 917

[Peach Regulation 12, Amdt. 1]

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

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This amendment continues through May 31, 1981, the current U.S. No. 1 minimum grade requirement applicable to fresh shipments of California peaches. It also continues through the specified date specified minimum size requirements except that from July 3, 1980, through October 31, 1980, the minimum size for varieties not named in the regulation would be increased from size 96 to size 80. This action is necessary to provide for orderly marketing in the interest of producers and consumers.

**EFFECTIVE DATE:** July 3, 1980.

**FOR FURTHER INFORMATION CONTACT:** Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975. The Final Impact Statement relative to this final rule is available on request from the above named individual.

**SUPPLEMENTARY INFORMATION:** *Findings.* This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified "not significant." Peach Regulation 12 was published in the Federal Register on May 16, 1980 (45 FR 32310). On June 6, 1980, a proposal was issued (45 FR 38062) to extend the regulatory provisions through May 31, 1981. An inadvertent error was

contained in the proposal in § 917.452(a) which indicated the period July 3, 1979 through May 31, 1981 as the proposed period of the regulation. This is corrected in the final rule to July 3, 1980 through May 31, 1981. The notice allowed interested persons until June 23, 1980, to submit written comments pertaining to the proposed amendment. No such material was submitted.

The proposal was recommended by the Peach Commodity Committee, established under marketing agreement and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California. The marketing agreement and order are effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

This rule extends the California peach regulation, making it effective for the rest of the 1980-81 season, except that during the period July 3 through October 31, 1980, size 80 will be the minimum size for varieties not listed in the regulation. The committee estimates fresh shipments of California peaches at 12.7 million packages, compared with actual shipments of 12.1 million packages last season. The committee reports that the 1980 California peach crop is sizing normally and is of good quality.

After consideration of all relevant matter presented, including the proposals in the notice and other available information, it is hereby found that the following amendment is in accordance with the marketing agreement and order and will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the Federal Register (5 U.S.C. 553) in that (1) shipments of peaches are currently in progress and this amendment should be applicable to all such peach shipments in order to effectuate the declared policy of the act; (2) the amendment is the same as that specified in the notice to which no exceptions were filed; and (3) compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

#### PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Accordingly, § 917.452 Peach Regulation 12 is amended to read as follows (§ 917.452 expires May 31, 1981 and will not be published in the annual Code of Federal Regulations):

##### § 917.452 Peach Regulation 12.

(a) During the period July 3, 1980 through May 31, 1981, no handler shall handle:

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

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

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

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

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

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

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

(iii) Such peaches in any container when packed other than as specified in subdivisions (i) and (ii) of this subparagraph (3) are of a size that a 16-

pound sample, representative of the peaches in the package or container, contains not more than 79 peaches.

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

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

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

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

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

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

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

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

(b) During the period July 3, 1980, through October 31, 1980, no handler shall handle any package or container of any variety of peaches not specifically named in subparagraphs (2), (3), (4), or (5) of paragraph (a) unless:

(1) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will

pack, in accordance with the requirements of standard pack, not more than 80 peaches in the box; or

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

(3) Such peaches in any container when packed other than as specified in subparagraphs (1) or (2) of this paragraph (b) are of a size that a 16-pound sample, representative of the peaches in the package or container, contains not more than 71 peaches.

(c) As used herein, "U.S. No. 1" and "standard pack" mean the same as defined in the United States Standards for Peaches (7 CFR 2851.1210-1223); "No. 22D standard lug box" and "No. 12B standard fruit (peach) box" mean the same as defined in Section 1387.11 of the "Regulations of the California Department of Food and Agriculture." All other terms mean the same as defined in this marketing order.

Dated: June 30, 1980.

D. S. Kuryloski,

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

[FR Doc. 80-19948 Filed 7-1-80; 8:45 am]

BILLING CODE 3410-02-M

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

#### 8 CFR Part 214

#### Requirements for Extension of Nonimmigrant Stay

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Final rule.

**SUMMARY:** This amendment to the regulations of the Immigration and Naturalization Service is made in order to allow Iranian nationals to obtain extensions of nonimmigrant stay in certain specified circumstances in addition to those already provided by regulation.

**EFFECTIVE DATE:** June 10, 1980.

#### FOR FURTHER INFORMATION CONTACT:

For General Information: Stanley J. Kieskiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, DC 20536. Telephone: (202) 633-3048.

For Specific Information: Asylum Procedures, Deputy Assistant Commissioner, Adjudications, Harry J. Klajbor, Immigration and Naturalization Service, 425 Eye Street

NW., Washington, D.C. 20536.

Telephone: (202) 633-3229.

**SUPPLEMENTARY INFORMATION:** On April 16, 1980, 8 CFR 214.1(c) was amended to limit the extension of nonimmigrant stay in the case of Iranian nationals to those cases in which the alien is in immediate need of urgent medical treatment which is available only in the United States or has a relationship to a United States citizen or lawful permanent resident as specified in sections 201(b) or 203(a) (1), (2), (4), or (5) of the Act. It has been determined, however, that the current regulation does not allow sufficient flexibility to deal with cases which present certain compelling or hardship circumstances. Accordingly, it is being amended to allow, in addition to those circumstances already provided, extensions of stay where (1) the Department of State has stated that an extension of stay is in the national interest, or (2) in the case of a "J" or "F" nonimmigrant student, an extension of stay is sought in order to complete a current course of study or to begin graduate study.

The provisions of the Administrative Procedure Act (5 U.S.C. 553) relative to notice of proposed rule making and delayed effective date are inapplicable because the amendment confers a benefit.

Accordingly, the following amendment is made to Chapter I of Title 8 of the Code of Federal Regulations:

#### PART 214—NONIMMIGRANT CLASSES

The third sentence of 8 CFR 214.1(c) is amended as follows:

#### § 214.1 Requirements for admission, extension, and maintenance of status.

(c) *Extension of stay.* \* \* \* A nonimmigrant alien who is an Iranian national is ineligible for extension of stay unless he fulfills at least one of the following conditions: (1) He is in immediate need of urgent medical treatment which is available only in the United States, (2) He has a relationship to a United States citizen or lawful permanent resident within the categories specified in section 201(b) or section 203(a) (1), (2), (4), or (5) of the Act, (3) the Department of State has stated that an extension of stay is in the national interest, or (4) in the case of a "J" or "F" nonimmigrant student, an extension of stay is sought in order to complete a current course of study or to begin graduate studies.

(Sec. 103, 214; (8 U.S.C. 1103, 1184))

These amendments become effective on June 10, 1980.

Dated: June 27, 1980.

David Crosland,

Acting Commissioner of Immigration and Naturalization Service.

[FR Doc. 80-19916 Filed 7-1-80; 8:45 am]

BILLING CODE 4410-10-M

## DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE

### 12 CFR Part 1204

[Docket No. D-0010]

#### Early Withdrawal from IRA and Keogh Accounts; Interest on Deposits

**AGENCY:** Depository Institutions Deregulation Committee.

**ACTION:** Final rule.

**SUMMARY:** The Depository Institutions Deregulation Committee ("Committee") has adopted a rule providing that a penalty need not be applied to a withdrawal from an IRA or Keogh account time deposit prior to the maturity of the account, if the owner is disabled or age 59½ or over. The rule applies to all commercial banks, mutual savings banks, and savings and loan institutions subject to the authorities conferred by section 19(j) of the Federal Reserve Act, section 18(g) of the Federal Deposit Insurance Act and section 5B(a) of the Federal Home Loan Bank Act. The rule is consistent with existing rules of the Federal Reserve System ("Federal Reserve") and the Federal Deposit Insurance Corporation ("FDIC"). The rules of the Federal Home Loan Bank Board ("FHLBB") permit exemption from an early withdrawal penalty for IRA and Keogh accounts only if withdrawal is made to effect a distribution of the account. The rule adopted by the Committee conforms the rules of the FHLBB to the existing rules of the Federal Reserve and the FDIC.

**EFFECTIVE DATE:** July 2, 1980.

**FOR FURTHER INFORMATION CONTACT:**

John R. Hall, Associate General Counsel, Federal Home Loan Bank Board (202/377-6450), Debra Chong, Attorney, Office of the Comptroller of the Currency (202/447-1632), F. Douglas Birdzell, Senior Attorney, Federal Deposit Insurance Corporation (202/389-4324), Anthony F. Cole, Senior Attorney, Federal Reserve Board (202/452-3612), or Allan Schott, Attorney-Advisor, Treasury Department (202/566-6798).

**SUPPLEMENTARY INFORMATION:**

Regulations applicable to Federally regulated depository institutions

generally require that a penalty, in the form of decreased or forfeited earnings, be applied when any withdrawal of funds from a time deposit occurs prior to maturity of the account. Under the rules and regulations of the Federal Reserve and the FDIC, (12 CFR 217.4(d) and 329.4(d)), a member bank or an FDIC-insured bank may pay a time deposit before maturity without penalty, if the deposit represents funds contributed to an Individual Retirement Account or a Keogh (H.R. 10) plan and withdrawal occurs after the individual for whose benefit the account is maintained attains age 59½ or is disabled. Under regulations of the FHLBB (12 CFR 526.7(c)), a penalty-free withdrawal of IRA or Keogh time deposit funds is permitted when the depositor attains age 59½ or is disabled only if such withdrawal is made to effect a taxable distribution of funds in the account.

The Committee believes it is appropriate that, with regard to early withdrawal penalties, retirement account owners receive equivalent treatment in all Federally-regulated depository institutions. Further, the Committee believes that any withdrawal from an IRA or Keogh account after the owner is disabled or age 59½ should be eligible for exemption from penalty for early withdrawal, regardless of whether the withdrawal is made to effect a taxable distribution. Therefore, the Committee has determined to adopt a rule consistent with the rule previously adopted by the Federal Reserve and the FDIC. The Committee believes that such a liberal rule encourages retirement savings by providing maximum flexibility for retirement savers.

Because the Committee believes that equal treatment of retirement savers in all types of depository institutions should be achieved as soon as possible, the Committee finds that notice and public procedure with respect to the rule is contrary to the public interest and unnecessary under the provisions of 5 U.S.C. 553(b); and since publication of the amendment for the time specified in 5 U.S.C. 553(d) prior to its effective date would delay implementation of the rule, and, for the reasons described above, delay is unnecessary and contrary to the public interest, the Committee has determined that the rule shall become effective as herein set forth.

Pursuant to its authority under Title II of Public Law 96-221, 94 Stat. 142 (12 U.S.C. 3501 *et seq.*), to prescribe rules governing the payment of interest and dividends on deposits of federally insured commercial banks, savings and loan

associations and mutual savings banks, effective June 2, 1980, the Committee amends Part 1204 (Interest on Deposits) by adding section 107 as follows:

### PART 1204—INTEREST ON DEPOSITS

#### § 1204.107 Early Withdrawal of IRA and Keogh Accounts.

A depository institution subject to the authorities conferred by section 19(j) of the Federal Reserve Act (12 U.S.C. (371b), section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)), or section 5B(a) of the Federal Home Loan Bank Act (12 U.S.C. 1425b(a)) may pay a time deposit or certificate account before maturity without a reduction or forfeiture of earnings if the time deposit or certificate account represents an Individual Retirement Account or a Keogh (H.R. 10) plan established under 26 U.S.C. 408 or 401, and the individual for whose benefit the account is maintained has attained age 59½ or is disabled (as defined in 26 U.S.C. 72(m)(7)).

By order of the Committee, June 25, 1980.

Normand R. V. Bernard,

Executive Secretary of the Committee.

[FR Doc. 80-19910 Filed 7-1-80; 8:45 am]

BILLING CODE 6210-01-M

## CHRYSLER CORPORATION LOAN GUARANTEE BOARD

### 13 CFR Part 400

#### Rules of Procedure

**AGENCY:** Chrysler Corporation Loan Guarantee Board.

**ACTION:** Final rule.

**SUMMARY:** The Board has amended its rules of procedure to add such persons as the Board may designate to those authorized by resolution to take certain actions not required by statute to be taken by the Board. As part of its rules of procedure as originally adopted, the Board established a provision authorizing the Board's Executive Director, Secretary and General Counsel to take certain actions not required by statute to be taken by the Board itself. It is now necessary to have other persons, in addition to those identified in that provision, act under delegated authority in order for the Board to efficiently carry out its functions.

**DATE:** This rule is effective June 24, 1980.

**FOR FURTHER INFORMATION CONTACT:** Brian M. Freeman, Executive Director and Secretary, Chrysler Corporation Loan Guarantee Board, Room 3208,

Main Treasury Building, 15th Street and Pennsylvania Avenue, NW., Washington, D.C. 20220. Telephone Number: 202/566-5888.

**SUPPLEMENTARY INFORMATION:** On February 11, 1980, the Board published a final rule establishing the Board's rules of procedure (45 FR 8940 (1980)). As part of those rules, the Board adopted a provision authorizing the Board's Executive Director, Secretary and General Counsel to take certain actions not required by statute to be taken by the Board itself. Pursuant to that provision, any such delegation of authority is to be made by Board resolution and is subject to such terms and conditions as the Board may require. It is now necessary to have other persons, in addition to those identified in that provision, act under delegated authority in order for the Board to efficiently carry out its functions. Accordingly, the Board is amending its rules of procedure to authorize such action.

The Board has determined that the provisions of section 553 of Title 5 of the United States Code, relating to notice and public participation and to deferred effective dates, are not being followed in connection with this action, because the amendment involved is procedural in nature and, accordingly, does not constitute substantive rules subject to the requirements of such section.

Paragraph (h) to § 400.5 of Chapter IV of Title 13 of the Code of Federal Regulations is amended to read as follows:

**§ 400.5 Meetings and actions of the Board.**

(h) *Delegations of Authority.* The Board may delegate, subject to such terms and conditions as the Board deems appropriate, to the Executive Director, the General Counsel, the Secretary of the Board, or such other persons as the Board may designate authority to take certain actions not required by the Act to be taken by the Board. All delegations shall be made pursuant to resolutions of the Board and recorded in writing, whether in the minutes of a meeting or otherwise. Any action taken pursuant to delegated authority has the effect of an action taken by the Board.

Dated: June 24, 1980.

Brian M. Freeman,  
Secretary, Chrysler Corporation Loan Guarantee Board.

[FR Doc. 80-19801 Filed 7-1-80; 8:45 am]

BILLING CODE 4810-27-M

**FEDERAL TRADE COMMISSION**

**16 CFR Part 13**

[Docket No. 9074]

**General Motors Corp.; Prohibited Trade Practices, and Affirmative Corrective Actions**

**AGENCY:** Federal Trade Commission.

**ACTION:** Final order.

**SUMMARY:** In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a Detroit, Mich. motor vehicle manufacturer (GM) to change its official accounting procedures for dealers to include specified procedures for determining surpluses realized on repossessed vehicles; and stipulate to its dealers that such procedures must be observed. The order requires GM and its subsidiary, General Motors Acceptance Corporation (GMAC), to institute extensive training programs to familiarize dealers with their obligations in handling repossessed vehicles. Following such training, GM is required to conduct a series of field audits to ensure that surpluses are being calculated and paid in a prescribed manner. The order further requires that GMAC pay \$2 million to eligible consumers, whose vehicles were repossessed by the company since May 1, 1974. Additionally, the order requires that post repossession notices and other relevant GMAC documents include accurate and complete information concerning the nature and duration of customers' rights to redemption and surpluses; and that bulletins be sent to dealers whose arrangements with GMAC did not call for "title clearance," advising them of their obligations to pay surpluses on repossessed vehicles.

**DATES:** Complaint issued Feb. 10, 1976. Decision issued June 11, 1980.<sup>1</sup>

**FOR FURTHER INFORMATION CONTACT:** Thomas Armitage, Director, 10R, Seattle Regional Office, Federal Trade Commission, 28th Floor, Federal Bldg., 915 Second Ave., Seattle, Wash. 98174. (206) 442-4655.

**SUPPLEMENTARY INFORMATION:** On Friday, March 7, 1980, there was published in the *Federal Register*, 45 FR 14870, a proposed consent agreement with analysis in the Matter of General Motors Corporation and General Motors Acceptance Corporation, corporations, for the purpose of soliciting public comment. Interested parties were given

<sup>1</sup> Copies of the Complaint and Decision and Order filed with the original document.

sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart-Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-37 Formal regulatory and/or statutory requirements; 13.533-45 Maintain records; 13.533-55 Refunds, rebates and/or credits; 13.533-65 Renegotiation and/or amendment of contracts. Subpart-Delaying or Withholding Corrections, Adjustments or Action Owed: § 13.675 Delaying or withholding corrections, adjustments or action owed. Subpart-Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1852 Formal regulatory and statutory requirements; § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions.

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

Carol M. Thomas,  
Secretary.

[FR Doc. 80-19779 Filed 7-1-80; 8:45 am]

BILLING CODE 6750-01-M

**16 CFR Part 13**

[Docket C-2780]

**Pay 'N Pak Stores, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions**

**AGENCY:** Federal Trade Commission.

**ACTION:** Modifying order.

**SUMMARY:** This order reopens proceeding and modifies a consent order issued on Jan. 16, 1976, 41 FR 9862 (March 8, 1976), 87 F.T.C. 99, against a chain of hardware and plumbing supply stores by allowing a general limitation disclosure on "closeout" merchandise but not as to "clearance" merchandise; further, the disclosure requirements of order paragraphs III and IV.B are changed by deleting the word "specifically."

**DATES:** Decision issued Jan. 16, 1976. Modifying order issued April 9, 1980.

**FOR FURTHER INFORMATION CONTACT:** Thomas Armitage, Director, 10R, Seattle

Regional Office, Federal Trade Commission, 28th Floor, Federal Bldg., 915 Second Ave., Seattle, Wash. 98174. (206) 442-4655.

**SUPPLEMENTARY INFORMATION:** In the Matter of Pay 'N Pak Stores, Inc., a corporation. Codification under 16 CFR Part 13, appearing at 41 FR 9862, remains unchanged.

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

The Order Reopening The Proceeding And Modifying Decision And Order is as follows:

On January 16, 1976, the Commission issued a Decision and Order against Pay 'N Pak Stores, Inc., in connection with the availability and pricing of advertised specials. The Order includes a provision which allows Pay 'N Pak to advertise merchandise for sale when there is a clear and conspicuous disclosure of any specific exception, limitation or restriction with respect to store, item or price.

On October 31, 1979, Pay 'N Pak Stores, Inc. petitioned the Commission pursuant to Section 2.51 of the Commission's Organization, Procedures and Rules of Practice, 16 CFR 2.51, to reopen the proceeding and modify the Decision and Order to allow a more general limitation disclosure for "closeout" and "clearance" merchandise. "Closeout" merchandise was defined as merchandise whose entire inventory is being disposed of at a reduced price and which is not planned to be restocked. "Clearance" merchandise was defined as merchandise whose price has been reduced to reduce the inventory of such merchandise.

After due consideration, the Commission believes that the public interest will be served by modifying the Decision and Order to allow a general limitation on "closeout" merchandise but not as to "clearance" merchandise.

It is ordered that the proceeding is reopened.

It is further ordered that the Decision and Order issued on January 16, 1976 is modified as follows:

The following language is added to the first proviso in Provision I:

For closeout items, in instances where an advertisement is for more than one store, the specific limitation will be deemed to be complied with by disclosures that "quantities are limited to stock on hand" and that the items are closeout items. Closeout designation is only appropriate for items where Pay 'N Pak both is disposing of the entire inventory of an item at a reduced price and is not planning on restocking the

item. For all advertised items not meeting the closeout exception, quantity limitations must specify the number available.

This addition will follow the sentence "Provided it shall be deemed a violation . . . the customer's specifications."

The disclosure requirements of III and IV.B are modified by deleting the word "specifically." Provision III will read:

III. It is further ordered that respondent cease and desist from disseminating, or causing the dissemination of any advertisement by any means which offers any items for sale at a stated price, unless the advertisement contains a statement that: "Each of the advertised items is required to be readily available for sale at or below the advertised price in each Pay 'N Pak store, except as noted in this ad," and a statement of the specific period during which the items will be available at the advertised prices.

Provision IV.B will read:

B. A statement that: "All items listed in the above advertisement are required to be readily available for sale at or below the advertised price, except as noted in the above advertisement."

By the Commission.

Carol M. Thomas,  
Secretary.

[FR Doc. 80-19786 Filed 7-1-80; 8:45 am]

BILLING CODE 6750-01-M

## 16 CFR Part 13

[Docket C-1919]

### Time Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

**AGENCY:** Federal Trade Commission.

**ACTION:** Modifying order.

**SUMMARY:** This order reopens proceeding and modifies a consent order issued on May 13, 1971, 78 F.T.C. 1004, 36 FR 11916, against a major New York City magazine publisher and its wholly-owned subsidiary, Family Publications Services, Inc., by adding to subparagraph (g) of the "It is further ordered" paragraph of the order a modification which deals with the matter of confidential treatment of the material terms of any contract between Time Incorporated and the "paid-during-service" companies.

**DATES:** Decision issued May 13, 1971. Modifying Order issued June 9, 1980.

**FOR FURTHER INFORMATION CONTACT:** FTC/P, Albert H. Kramer, Washington, D.C. 20580. (202) 523-3727.

**SUPPLEMENTARY INFORMATION:** In the Matter of Time Incorporated, a corporation, and Family Publications Service, Inc., a corporation. Codification under 16 CFR Part 13, appearing at 36 FR 11916, remains unchanged.

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

The Order Reopening The Proceeding And Modifying Cease And Desist Order is as follows:

Time Incorporated (Time Inc.) filed a request that the proceeding be reopened pursuant to Rule 2.51 of the Commission's Rules of Practice on October 17, 1979. In its request, Time Inc. stated that prior to the issuance of the consent order, Time Inc. had been engaged through its wholly-owned subsidiary, Family Publications Service, Inc. (Family) in door-to-door and telephone sales of magazine subscriptions to the public at a fixed contract price paid in monthly installments for a term of years [This sale method is still in use and is referred to in the industry as the "Paid-During-Service" (PDS) plan]; and that three months prior to issuance of the order, Family ceased PDS sales, and Time Inc. has not directly engaged in PDS sales since that time.

Time Inc. also stated that it is at a competitive disadvantage vis-a-vis other magazine publishers, because it had been unable to use the service of independent PDS companies due to the order which requires that the sale and collection practices of any company retained by Time Inc. to sell its magazines under a PDS plan, must conform to the provisions of the order, and that Time Inc. must discontinue dealing with those companies whose practices violate the order and must institute a monitoring program adequate to reveal whether the retained companies are complying with the requirements of the order.

Time Inc. requested that it be relieved from these requirements of the order because all the PDS companies have refused to sell its magazines and to be bound by the order.

The Commission informed Time Inc. by letter dated December 19, 1979 that it had determined to deny the October 17, 1979 request, but that it was willing to reopen the proceeding and modify the order as set forth in that letter. Time Inc. filed another request to reopen on March 20, 1980, accepting the modification proposed by the Commission with a suggested addition to paragraph (1)(a), which addition deals with the matter of confidential treatment of the material terms of any contract

between Time Inc. and the PDS companies. By letter dated April 7, 1980, Time Inc. informed staff that it accepts the substitute addition to paragraph (1)(a) herein, as proposed by the Commission's counsel. Thereafter the Commission issued an order to show cause why the proceeding should not be reopened and the order should not be modified.

Time Inc. has not filed an answer to the order to show cause within thirty days after date of service of that order, and it has, thus, consented to the proposed modification. The Commission has determined that it is in the public interest to reopen the proceeding and to modify the final order in Docket C-1919.

Therefore, it is ordered that the proceeding is hereby reopened and the Decision and Order issued on May 13, 1971, is hereby modified by adding the following language after subparagraph (g) of the it is further ordered paragraph of the order:

Provided however, that the provisions of this order shall not be applicable to Time Inc. if Time Inc. can establish that Time Inc. (either directly or through any subsidiary or other entity in which the Company shall have a substantial financial or stock interest or over which it shall exercise control) is not engaged in the business of advertising, selling, offering for sale or the distribution of magazines by subscriptions to purchase any such magazines through a "paid-during-service" plan<sup>1</sup> ("PDS") or through a "cash sale" plan (as "cash sale" is defined in the order in C-1919), and provided that:

(1) In the event Time Inc. or any of its Subsidiaries and/or Affiliates shall authorize any third party to offer for sale any subscription to a Time Inc. publication through a "PDS" type plan or through a "cash sale" plan:

(a) Time Inc. shall promptly furnish the Federal Trade Commission with the name and address of such third party together with a copy of the contract when executed, provided that Time Inc. may request that the material terms of such contract be accorded confidential treatment in accordance with Section 4.10 of the Commission's Rules of Practice, 16 CFR 4.10; and

(b) the agreement with such third party will provide that the third party must disclose, in writing, to its customer the cost of each publication sold and the terms and conditions of payment for same and provide the customer in a clear and conspicuous manner a three business day right of cancellation or a

right to cancel the subscription order at any time after receipt of the written disclosure; and

(c) if Time Inc. obtains information that the third party is not furnishing the customer with the written disclosures and/or not providing the three day right of cancellation, Time Inc. shall remind the third party of its obligations under the agreement and if the third party refuses to abide by the agreement Time Inc. shall cancel the agreement.

(d) Time Inc. shall preserve, for a period of three years after receipt, each complaint received by Time Inc. about the sale of a subscription to a Time Inc. magazine sold through a "PDS" plan or "cash sale" plan, and shall make them available during such period to the Federal Trade Commission at its request, together with the identity of the "PDS" agency which sold such subscription; and

(e) Time Inc. will, upon notice of any customer's request, made either to the third party seller or to Time Inc., cancel any subscription to a Time Inc. publication and provide a pro-rata refund of the subscription price of the publication(s) to the customer when the request for cancellation alleges or indicates that the seller engaged in any practices prohibited by the order in Docket C-1919.

(2) In the event Time Inc. or any of its Subsidiaries and/or Affiliates or any other entity in which the Company shall have a substantial financial or stock interest or over which it shall exercise control shall engage in "PDS" business or "cash sale" business it shall give the Federal Trade Commission at least sixty days prior notice of its intention to engage in such business.

By the Commission, Commissioner Pitofsky did not participate.

Carol M. Thomas,  
Secretary.

[FR Doc. 80-19787 Filed 7-1-80; 8:45 am]

BILLING CODE 6750-01-M

## SECURITIES AND EXCHANGE COMMISSION

### 17 CFR Part 240

[Release No. 34-16924, File No. S7-759]

#### Dissemination and Display of Transaction Reports, Last Sale Data and Quotation Information

AGENCY: Securities and Exchange Commission.

ACTION: Rule amendment.

**SUMMARY:** In order to allow time for development of certain quotation processing facilities, the Commission

extends the effective date of portions of its rule governing the dissemination and display of market information.

**EFFECTIVE DATE:** July 2, 1980.

**FOR FURTHER INFORMATION CONTACT:** Bruce Beatt, Division of Market Regulation, Securities and Exchange Commission, Room 390, 500 North Capitol Street, Washington, D.C. 20549, (202) 272-2883.

**SUPPLEMENTARY INFORMATION:** On February 19, 1980, the Commission announced the adoption of Rule 11Ac1-2 (the "Rule") under the Securities Exchange Act of 1934, as amended (the "Act").<sup>1</sup> Among other things, the Rule requires that (1) vendors providing quotation information provide, at a minimum, either a best bid and offer, including market identifier and size ("BBO"), derived from quotations from all reporting market centers, including third market makers, or a montage of such quotations (the "BBO Requirement"); (2) vendors provide a consolidated last sale and quotation display by means of a stroke sequence involving either a fewer number of key strokes than is used to retrieve displays of individual market center information or by an equal number of key strokes if the transmit key to recall consolidated displays is more prominent (the "Key Stroke Requirement"); and (3) vendors provide a display of consolidated transaction information which contains, subject to limited exceptions, all categories of information available in individual market center displays (the "Equal Categories Requirement"). These requirements are due to be effective on October 5, 1980.

Subsequent to the adoption of the Rule, the Commission has received indications from a number of vendors that the costs which they would have to incur to comply with the BBO Requirement might be reduced if a central facility was developed which could calculate and disseminate the BBO to all vendors. The Commission understands that calculating the BBO, without the use of a central processor, would require storage by each vendor of all exchange and third market quotations and development of software to select and disseminate the BBO each time any quotation changes. Thus, a central processor may save vendors some storage, processing and communications costs. In addition, the Commission believes that the implementation of a central processor would enhance the usefulness of consolidated quotation displays

<sup>1</sup> This would include any paid-during-service business obtained through door-to-door or telephone solicitation.

<sup>1</sup> Securities Exchange Release No. 16590 (February 19, 1980), 45 FR 12391 ("Vendor Display Release").

provided by vendors by assuring that all vendors receive identical consolidated quotation information.

In addition to problems and costs associated with a BBO, each of the vendors and the Commission have noted that the existence of systems which automatically generate quotation information from certain regional exchanges ("Autoquote Systems"), based on the quotation of the primary market, causes additional problems which should be resolved prior to the effective date of the Rule.<sup>2</sup> Most important of these problems is the length of time necessary to generate new quotations after receipt of a primary market quotation. The Commission understands that currently Autoquote Systems have reaction times varying from a few seconds to approximately sixty seconds. The result of this delay is the generation of up to four additional BBO calculations and messages (with resulting increased demands on vendor systems) and the possibility that investors inquiring for the BBO will be misled by a stale quotation from a regional exchange employing an Autoquote System.

The Commission understands that the self-regulatory organizations participating in the Consolidated Quotation Plan ("CQ Plan") and the Securities Industry Automation Corporation ("SIAC"), as CQ Plan Processor, are presently considering the feasibility of creating a central processor to calculate and disseminate the BBO. In addition, the Commission has been informed that both SIAC, at the request of the CQ Plan participants, and Quotron, as processor for the Autoquote Systems of three regional exchanges, are examining alternative ways to alleviate the problems caused by Autoquote Systems.

The Commission believes that the portions of the Rule regulating vendor displays should not become effective until there is assurance that any best bid and offer display which is made available is not misleading because of time lags in updating Autoquote bids and offers and until the exchanges and the vendors have had an opportunity to explore appropriate methods of providing for more efficient and less costly methods of calculating the best bid and offer. Therefore, the Commission has determined to defer effectiveness of the BBO, Key Stroke and Equal Categories Requirements to January 3, 1981 to permit vendors, the self-regulatory organizations participating in the CQ Plan and SIAC,

as CQ Plan Processor, the time necessary to develop a new central facility to calculate and disseminate the best bid and offer efficiently and accurately and for the regional exchanges to solve certain problems inherent in the automatic quotation systems employed by those exchanges. However, the Commission is concerned by delays to date in addressing both these problem areas notwithstanding their early identification by the Commission and subsequent informal efforts by the staff to speed their resolution.<sup>3</sup> Accordingly, the Commission requests that the CQ Plan participants submit to the Commission no later than September 1, 1980, a joint written report regarding their willingness to develop a BBO central processor and the steps the regional exchanges intend to take to alleviate the problems with Autoquote Systems. The Commission wishes to emphasize that the report should include a detailed description of the alternatives (and associated costs) considered and a timetable for implementation of the alternatives chosen.

For the reasons stated above and pursuant to the Administrative Procedure Act (5 U.S.C. 551 et seq.), the Commission finds for good cause that notice and public procedure on this amendment to the Rule are impracticable, unnecessary and contrary to the public interest and that there is good cause for making this amendment effective immediately. The Commission also finds that adoption of this amendment to the Rule does not impose any burdens on competition that are not necessary or appropriate in furtherance of the purpose of the Act.

The Securities and Exchange Commission, acting pursuant to the Act, and particularly sections 2, 3, 6, 9, 10, 15, 17 and 23, Pub. L. No. 78-291, 48 Stat. 881, 882, 885, 889, 891, 895, 897 and 901, as amended by sections 2, 3, 4, 11, 14 and 18, Pub. L. No. 94-29, 89 Stat. 97, 104, 121, 137 and 155 (15 U.S.C. 78b, 78c, 78f, 78i, 78j, 78o, 78g and 78w); section 15A, as added by section 1, Pub. L. No. 75-219, 52 Stat. 1070, as amended by section 12, Pub. L. No. 94-29, 89 Stat. 127 (15 U.S.C. 78-3); section 11A, as added by section 7, Pub. L. No. 94-29, 89 Stat. 111 (15 U.S.C. 78k-1), hereby amends Paragraph (h) of § 240.11Ac1-2 of Title 17 of the Code of Federal Regulations to postpone to January 3, 1981, the effective date of paragraphs (b)(2)(ii), (b)(2)(vi)

<sup>3</sup> See Vendor Display Release, *supra* note 2 at note 103, 45 FR 12391 and Letters from George T. Simon, Assistant Director, to each of the CQ Plan Participants and vendors dated February 20, 1980 in Public File No. S7-759.

and (c)(2) (i), (ii), (iv), (v) of said § 240.11Ac1-2. The text of the amendment is as follows:

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

##### § 240.11Ac1-2 Display of transaction reports, last sale data and quotation information.

(h) *Effective date.* The effective date of this section shall be April 5, 1980, except for paragraph (c)(2)(vi), which shall become effective on July 5, 1980, and paragraphs (b)(2)(ii), (b)(2)(vi) and (c)(2) (i), (ii), (iv), (v) which shall become effective on January 3, 1981.

By the Commission,  
George A. Fitzsimmons,  
Secretary.

June 24, 1980.

[FR Doc. 80-19823 Filed 7-1-80; 8:45 am]

BILLING CODE 8010-01-M

#### DEPARTMENT OF ENERGY

##### Federal Energy Regulatory Commission

##### 18 CFR Part 282

[Docket No. RM 79-14]

##### Order of the Director, OPPr of Publication of Incremental Pricing Acquisition Cost Thresholds Under Title II of the National Gas Policy Act

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Order prescribing Incremental Pricing Thresholds.

**SUMMARY:** The Director of the Office of Pipeline and Producer Regulation is issuing the incremental pricing acquisition cost thresholds prescribed by Title II of the Natural Gas Policy Act and 18 CFR 282.304. The Act requires the Commission to compute and publish the threshold prices before the beginning of each month for which the figures apply. Any cost of natural gas above the applicable threshold is considered to be an incremental gas cost subject to incremental pricing surcharging.

**EFFECTIVE DATE:** July 1, 1980.

**FOR FURTHER INFORMATION CONTACT:** Kenneth A. Williams, Federal Energy Regulatory Commission, 825 N. Capitol Street NE., Washington, D.C. 20426, (202) 357-8500.

Issued: June 26, 1980.

Section 203 of the NGPA requires that the Commission compute and make

<sup>2</sup> Vendor Display Release, *supra* note 1, at note 103, 45 FR 12391.

available incremental pricing acquisition cost threshold prices prescribed in Title II before the beginning of any month for which such figures apply.

Pursuant to that mandate and pursuant to § 375.307(1) of the Commission's regulations, delegating the publication of such prices to the Director

of the Office of Pipeline and Producer Regulation, the incremental pricing acquisition cost threshold prices for the month of July 1980, is issued by the publication of a price table for the applicable month.

**Demitrious G. Pulas, Jr.,**  
Acting Director, Office of Pipeline and Producer Regulation.

Table 1.—Incremental Pricing Acquisition Cost Threshold Prices

	January	February	March	April	May	June	July
Incremental pricing threshold.....	\$1,702	\$1,738	\$1,750	\$1,762	\$1,776	\$1,790	\$1,804
NGPA section 102 threshold.....	2,358	2,381	2,404	2,428	2,453	2,478	2,504
NGPA section 109 threshold.....	1,786	1,799	1,812	1,825	1,839	1,853	1,867
130 pct of No. 2 fuel oil in New York City threshold.....	7,170	7,260	7,410	7,110	7,380	8,040	7,840

[FR Doc. 80-19820 Filed 7-1-80; 8:45 am]

BILLING CODE 6450-85-M

## DEPARTMENT OF JUSTICE

### U.S. Parole Commission

#### 28 CFR Part 2

#### Paroling, Recommitting, and Supervising Federal Prisoners

**AGENCY:** United States Parole Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission is amending its rules to permit it to give timely parole consideration to a new class of Federal Youth Corrections Act prisoners. These are prisoners who receive a commitment of six months or less from a United States Magistrate under the recent amendments contained in the Federal Magistrate Act of 1979. The amended rule provides for parole consideration on the record only, because in cases with sentences of six months or less the Commission does not anticipate that confinement will be in a federal prison where in-person parole hearings are held, and because the shortness of these sentences requires expedited processing if any meaningful consideration is to be given at all. Prisoners with sentences of more than six months (also a possibility under the Federal Magistrate Act) will be heard under normal procedures.

**EFFECTIVE DATE:** August 1, 1980.

**FOR FURTHER INFORMATION, CONTACT:** Michael A. Stover, Office of General Counsel, 320 First St., N.W., Washington, D.C. 20537. Telephone: (202) 724-7567.

**SUPPLEMENTARY INFORMATION:** The Federal Magistrate Act of 1979 became effective October 10, 1979. The Act provides, among other things, that misdemeanors and petty offenses may be tried in U.S. Magistrate's Court. The Act also provides that a U.S. Magistrate

may sentence offenders convicted of misdemeanors or petty offenses under the Youth Corrections Act, 18 U.S.C. § 3401. With regard to offenders who are given commitments of six months or less, this extension of parole eligibility poses a substantial problem of logistics for the Commission in dealing with such short term cases, especially in view of the fact that release is required by § 3401 no less than three months before the expiration of any term imposed under that section.

After consultation with the Administrative Office of the United States Courts, the Parole Commission established an expedited procedure for these cases, under which the parole decision would be made on the record only. An in-person parole hearing, under the usual procedures established in the Parole Commission and Reorganization Act of 1976 (18 U.S.C. § 4201 et seq.) would not, in practice, permit parole decisions timely enough to avoid frequent mooted of parole applications through release of the prisoner on the date required by law.

Moreover, the Bureau of Prisons will not normally designate such short term prisoners for a federal prison (where parole hearings are held) but will permit them to serve their terms in a local jail or other community facility.

Therefore, the expedited procedure provides for parole consideration on the record only, as soon as the relevant material is received in the Commission's Regional Office. The Commission believes that this is the only feasible method of accomplishing the Congressional intent, and that Congress intended the Commission to have whatever flexibility might be necessary with regard to harmonizing the requirements of the new law with those of the 1976 parole statute.

Commitments of more than six months will be handled under the

normal procedures established in the 1976 law.

Accordingly, pursuant to 18 U.S.C. § 4203(a)(1) and § 4204(a)(6), Title 28, Code of Federal Regulations, § 2.16 is amended to add a new paragraph (d) as follows:

#### § 2.16 [Amended]

(d) Federal Youth Corrections Act offenders who are committed under 18 U.S.C. § 3401 and who are given commitments of six months or less, shall be given parole consideration on the record only.

Dated: June 12, 1980.

**Cecil C. McCall,**

Chairman, U.S. Parole Commission.

[FR Doc. 80-19781 Filed 7-1-80; 8:45 am]

BILLING CODE 4410-01-M

## 28 CFR Part 2

### Paroling, Recommitting, and Supervising Federal Prisoners

**AGENCY:** United States Parole Commission.

**ACTION:** Final rule.

**SUMMARY:** The United States Parole Commission is amending its rules to reflect its longstanding interpretation of the law that, once multiple sentences are aggregated to produce a single parole eligibility date, all actions of the Parole Commission are to be based upon the existence of a single, aggregate sentence. As a corollary, the Commission is adding an amendment that would reflect present practice in applying this principle to all multiple sentences, whether or not aggregated, for the purpose of calculating the applicable guideline range. This practice permits the Commission to set the same guideline range for all offenders who committed similar offenses and have similar characteristics, and avoids disparity caused by variable sentence configurations.

**EFFECTIVE DATE:** August 1, 1980.

**FOR FURTHER INFORMATION CONTACT:** Michael A. Stover, Staff Attorney, Office of General Counsel, United States Parole Commission, 320 First Street NW., Washington, D.C. 20537 202-724-7567.

**SUPPLEMENTARY INFORMATION:** When multiple sentences are "aggregated" the result is that such sentences are considered to have merged into a single sentence equal to the total length of time that the multiple sentences will require the prisoner to serve. Aggregation produces a single rate of "good time"

(which is the most favorable possible rate because the prisoner earns the rate applicable to the total sentence from the outset) and also produces a single parole eligibility date: 18 U.S.C. §§ 4161 and 4205(a).

The courts have historically regarded the extension of this merger doctrine to all parole decisions as a necessary and Congressionally-intended consequence of these laws. The selection of an eligibility date based on the assumption that the prisoner is serving a single, aggregate sentence could not be logically reconciled with any rule which required the Commission to consider the prisoner for parole on each sentence separately. See, e.g., *Walker v. Taylor*, 338 F.2d 445 (10th Cir. 1964) and *Smaldone v. United States*, 485 F.Supp. 1000 (D. Kan. 1978).<sup>1</sup>

Similarly, 18 U.S.C. 4210(b) provides that the Commission's jurisdiction over a parolee terminates no later than the "date of expiration of the maximum term or terms for which he was sentenced." Case law also holds that component terms are merged for purposes of post-release supervision and revocation of parole. See *United States v. Franklin*, 440 F.2d 1210 (7th Cir. 1971).

This body of statutory and case law adds up to a consistent Congressional and judicial perception that multiple sentences are appropriately regarded as merged into a single unified sentence for all parole-related decisions (parole release, supervision, and revocation).

One especially important consequence of this principle is that it permits the Commission to base its guidelines upon an evaluation of the gravity of the overall criminal conduct of the offender. If it could not do so, but were instead required to make a separate parole decision on each component sentence, it would, in effect, be considering by enforced hypothesis several different offenders, rather than one offender who committed a series of crimes. The complexity and artificiality of such a rule, and the variability of the possible combinations of sentences, would likely preclude any consistent and realistic evaluation of the offender and the impact that his ultimate release to the community would have upon respect for the law and the public safety. Moreover, since the Commission may in any event consider offenses committed in addition to the offense or conviction, whether or not a criminal sentence has given it formal jurisdiction to do so [see

*Lupo v. Norton*, 371 F. Supp. 156 (D. Conn. 1974) and *Foddrell v. Sigler*, 418 F. Supp. 324 (M.D. Pa. 1976)], the adoption of a sentence merger doctrine does not open up to the Commission any matters that it could not already consider.

Unwarranted disparity between similar offenders would also be an inevitable result if multiple sentences were not considered merged. In the case of consecutive sentences, for example, separate consideration of each sentence would result in service of much longer periods of incarceration than would now be the case, because the guideline range for each offense would also have to be calculated and served consecutively.<sup>2</sup> Thus, there would be a sharp disparity between prisoners with consecutive sentences and prisoners who received concurrent sentences for offense behavior essentially of the same severity. (The same sort of disparity would also be caused by concurrent sentences that are partly consecutive to each other.)

Such anomalous results as described above would make the "national paroling policy" required by 18 U.S.C. § 4203 impossible to achieve and would prevent the Commission from fulfilling its Congressionally mandated role of reducing unwarranted sentencing disparity. See 2 U.S. Code Cong. and Admin. News at page 352 (1976).

Moreover, it is the Commission's experience that the criminal sentences which it executes are often based not simply upon the seriousness of the crime of conviction, but upon the cumulative seriousness of that crime in relation to any other criminal activity of the defendant of which the court is aware, even if that includes other crimes for which separate sentences have been imposed or may be imposed in the future. See *United States v. Haygood*, 502 F.2d 166 (7th Cir. 1974) and *United States v. Metz*, 470 F.2d 1140 (3d Cir. 1972).

Therefore, the Commission is formally adopting this longstanding interpretation of its statutes as a part of the Code of Federal Regulations. The amendments adopted below reflect present practice without change of any kind, and should resolve recent misinterpretations concerning this matter that have been brought to the Commission's attention.

Accordingly, pursuant to 18 U.S.C. § 4203(a)(1) and 4204(a)(6), Title 28, Code of Federal Regulations, is amended as set forth below:

1. The contents of §§ 2.4 and 2.5 are consolidated and covered at § 2.4, leaving § 2.5 open for inclusion of the new rule. The revised § 2.4 will read as follows:

**§ 2.4 Same: youth offenders and juvenile delinquents.**

Committed youth offenders and juvenile delinquents may be released on parole at any time in the discretion of the Commission.

(18 U.S.C § 5017(a) and § 5041).

2. The text of the new rule will appear at § 2.5 as follows:

**§ 2.5 Sentence aggregation.**

When multiple sentences are aggregated by the Bureau of Prisons pursuant to 18 U.S.C. §§ 4161 and 4205, such sentences are treated as a single aggregate sentence for the purpose of every action taken by the Commission pursuant to these rules, and the prisoner has a single parole eligibility date as determined by the Bureau of Prisons.

3. An additional Note E is added to the "GENERAL NOTES" following both the Adult and Youth/NARA guidelines at § 2.20, as follows:

**§ 2.20 Paroling policy guidelines: statement of general policy.**

\* \* \* \* \*

**General Notes**

\* \* \* \* \*

E. In cases where multiple sentences have been imposed (whether consecutive or concurrent, and whether aggregated or not) an offense severity rating shall be established to reflect the overall severity of the underlying criminal behavior. This rating shall apply whether or not any of the component sentences has expired.

Dated: June 20, 1980.

Cecil C. McCall,  
Chairman, U.S. Parole Commission.

[FR Doc. 80-19782 Filed 7-1-80; 8:45 am]

BILLING CODE 4410-01-M

**ARCHITECTURAL AND  
TRANSPORTATION BARRIERS  
COMPLIANCE BOARD**

**36 CFR Part 1151**

**General Statements of Policy: Amicus  
Curiae Policies**

**AGENCY:** Architectural and  
Transportation Barriers Compliance  
Board.

**ACTION:** Final rule.

**SUMMARY:** The Architectural and  
Transportation Barriers Compliance

<sup>1</sup> While *Walker* was based on a situation involving consecutive sentences, it should be noted that both the Bureau of Prisons and the Parole Commission also apply this principle to overlapping concurrent sentences imposed at different times, which in practical effect become partly consecutive.

<sup>2</sup> Under present practice, the severity rating may be increased for multiple separate offenses, but the resulting guideline range would not require as much prison time as would be required if the prisoner had to satisfy two or more guideline ranges consecutively.

Board adopted its policies relating to its amicus curiae authority under Section 502 of the Rehabilitation Act. The policies provide that the General Counsel of the A&TBCB be delegated authority to review requests for the A&TBCB to participate as amicus curiae in litigation.

**EFFECTIVE DATE:** May 16, 1980.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Charles D. Goldman, Office of General Counsel, Architectural and Transportation Barriers Compliance Board, 330 C Street, SW, Washington, D.C. 20201 (202/245-1801).

**SUPPLEMENTARY INFORMATION:**

Pursuant to Section 502 of the Rehabilitation Act of 1973, Public Law 93-112, 87 Stat. 391, as amended, the Architectural and Transportation Barriers Compliance Board (A&TBCB) established at its meeting on May 16, 1980 policies relating to the authority of the A&TBCB Executive Director to appear as amicus curiae.

Section 502(d)(2) states that the Executive Director is authorized, at the direction of the A&TBCB, "to intervene, appear, and participate, or to appear as amicus curiae, in any court of the United States or in any court of a State in court actions which relate to this section or to the Architectural Barriers Act of 1968."

The amicus curiae policies provide that all requests for the A&TBCB to participate as amicus curiae be forwarded to the A&TBCB General Counsel for review. The General Counsel is also delegated authority to reject any request for the A&TBCB to participate as amicus curiae; provided that the General Counsel shall promptly report such decision to the Executive Director who shall notify the Executive Committee. The Executive Committee shall report the matter to the A&TBCB.

The General Counsel shall forward any request to the Executive Committee for the A&TBCB to participate as amicus curiae which the General Counsel believes should be approved by the A&TBCB. The A&TBCB also delegated the Executive Committee authority to direct the Executive Director to appear as amicus curiae in civil actions. The Executive Committee may, in its discretion, bring this matter to the A&TBCB for its decision.

Since these are general statements of policy of the A&TBCB, the relevant provisions of the Administrative Procedure Act (5 U.S.C. § 553) requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable.

The A&TBCB amends Part 1151 by adding a new § 1151.2 as follows:

**§ 1151.2 Amicus Curiae Policies.**

(a) *Applicability.* This section sets forth policies and procedures for the A&TBCB to participate as amicus curiae in litigation.

(b) *Definition.* As used in this section, the term amicus curiae means to intervene, appear and participate, or to appear as amicus curiae, in any court of the United States or in any court of a State in civil actions.

(c) *Requests for Amicus Curiae.* All requests for the A&TBCB to participate as amicus curiae shall be forwarded to the General Counsel for review. The General Counsel will consider, along with other factors, several major factors in each case prior to making a decision:

- (1) the issues raised in the case;
- (2) the court in which the case is pending;
- (3) the adequacy of the record in the lower courts pertaining to the issues; and
- (4) the policy of the A&TBCB on the matter in issue.

Each request shall include all information necessary for the General Counsel to make a decision on the request. The General Counsel shall obtain such other information as is appropriate or necessary.

(d) *Decisions of the General Counsel.*

(1) If the General Counsel rejects a request for the A&TBCB to participate as amicus curiae, he/she shall promptly notify such decisions to the Executive Director who shall notify the Executive Committee of the A&TBCB. The Executive Committee shall report to the A&TBCB.

(2) If the General Counsel does not reject the request, it shall be forwarded to the Executive Committee for its decision, along with any recommendations the General Counsel may wish to make. At the same time, the General Counsel shall forward copies of such requests to the Chairpersons of the other appropriate A&TBCB committees. The General Counsel's submission shall include the pertinent background information.

(3) The Executive Committee will promptly consider such requests and notify the General Counsel of its decision, or may, in its discretion, bring the matter to the A&TBCB for its decision.

(4) Upon recommendation of either the Executive Committee or the A&TBCB, the General Counsel shall proceed to prepare and file amicus briefs consistent with any guidelines or recommendations set forth by those bodies.

Dated: June 24, 1980.

(29 U.S.C. § 792; Pub. L. 93-112 as amended by Pub. L. 95-602)

Max Cleland,

Chairperson, Architectural and Transportation Barriers Compliance Board.

[FR Doc. 80-19859 Filed 7-1-80; 8:45 a.m.]

BILLING CODE 4110-02-M

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 421**

[FRL 1521-5]

**Nonferrous Metals Manufacturing Point Source Category; Effluent Limitations Guidelines for Existing Sources**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** This rule promulgates final effluent limitations guidelines for existing primary copper smelting operations, primary copper electrolytic refining operations, and metallurgical acid plants. This final regulation amends an interim final regulation which was promulgated on February 27, 1975 (40 FR 8513), and represents the degree of control achievable by the application of the best practicable control technology currently available (BPT). These guidelines are issued under Sections 301 and 304 of the Clean Water Act, 33 USC §§ 1311 and 1314, and are intended to restrict the discharge of pollutants into the Nation's waters.

**EFFECTIVE DATE:** August 1, 1980.

**FOR FURTHER INFORMATION CONTACT:**

Ernst P. Hall, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460. (202) 426-2586.

**SUPPLEMENTARY INFORMATION:**

**Organization of This Notice**

- I. Legal Authority
- II. Background Information (Interim Final Regulation)
  - A. Primary Copper Smelting
  - B. Primary Copper Refining
- III. Summary of Major Changes
- IV. Variances and Modifications
- V. PART 421—NONFERROUS METALS POINT SOURCE CATEGORY
- VI. Appendices:
  - A. Technical Data
  - B. Summary of Public Participation
  - C. Non-Water Quality Aspects
  - D. Economic Impact and Effluent Reduction Benefits

**I. Legal Authority**

The regulation described in this notice is promulgated under authority of sections 301 and 304 of the Clean Water Act, 33 U.S.C. 1311 and 1314 (the "Act").

## II. Background Information

### The Interim Final Regulations

On February 27, 1975, EPA promulgated an interim final regulation (40 FR 8513) for the nonferrous metals manufacturing point source category, including the primary copper smelting and primary copper refining subcategories of the primary copper industry.

#### A. Primary Copper Smelting

The interim final regulation for the Primary Copper Smelting Subcategory (Subpart D) applied to discharges from primary copper smelters and primary copper refineries when refining is performed on-site at a primary copper smelter. The regulation prohibited the discharge of process wastewater pollutants into navigable water from these sources, except that:

1. A properly designed, constructed, and operated facility could discharge, regardless of effluent quality, a specific volume of process wastewater resulting from a 10 year-24 hour or larger rainfall event; and

2. During any calendar month, a discharge of process wastewater was permitted equal in volume to the difference between precipitation and evaporation during that month. Discharges under this exception were required to achieve specific effluent concentrations. 40 CFR 421.42(b), (c), and (d).

#### B. Primary Copper Refining

The interim final regulation for the primary copper refining subcategory (Subpart E) applied to discharges from primary copper refineries not located on-site with a primary copper smelter.

Facilities located in areas of net evaporation were prohibited from discharging process wastewater pollutants, subject to the same exceptions applying to smelters. 40 CFR 421.52(a), (b), (c), and (d). Facilities located in areas of net precipitation were permitted a continuous discharge subject to mass-based limitations. 40 CFR 421.52(d).

Concurrently with its promulgation, EPA solicited public comments on the interim final regulation with the view to possible revisions in light of the comments received.

On the basis of the comments and data submitted, EPA has decided to amend the interim final regulation with respect to the primary copper smelting and refining subcategories. The major regulatory changes are described below, and a summary of the comments received is set forth in Appendix B, Summary of Public Participation.

## III. Summary of Major Changes

Based on its review of comments received on the interim final BPT regulation and on additional information discussed in Appendix A, Technical Data, the Agency has made the following major changes to the interim final regulation:

1. The subcategorization has been revised to increase the number of subcategories from two to three. The new subcategories are Primary Copper Smelting; Metallurgical Acid Plants; and Primary Electrolytic Copper Refining (covering all electrolytic refining operations, whether or not they are located on-site with a smelter). A thorough discussion of the reasons for this new subcategorization is contained in Appendix A, Technical Data.

2. For two subcategories—refineries and acid plants—the regulation will permit a continuous discharge subject to effluent limitations. The effluent limitations are based on treatment of the wastewater by lime-and-settle technology. In some cases, addition of chemical flocculants, which are commonly used in this industry, may be necessary to enhance settling and achieve the BPT limitations. For the revised primary copper smelting subcategory, the requirement for zero discharge of pollutants has been maintained.

3. The interim final regulation established concentration-based effluent limitations in some instances; the final effluent limitations (other than the zero discharge requirement for smelters) now establish mass-based limitations in all cases.

These mass limitations are derived, however, from pollutant concentration values obtained at a well run lime-and-settle treatment system located at a smelter, refinery, acid plant, and ore concentrating complex. This is the same facility on which the interim final pollutant concentration values were based. When the interim final regulation was promulgated, this treatment facility was just coming on line; consequently, the interim final limitations were based on estimated pollutant concentrations achievable by this system rather than on actual measured concentrations. Review of long term monitoring conducted at this facility since promulgation of interim final regulation has led to an adjustment of the pollutant concentration levels used as a basis for today's regulation.

The following table identifies the changes in concentrations used to calculate the new mass based limitations:

Pollutant	1 day maximum value (mg/l)		30 day average maximum value (mg/l)	
	Interim final	Final	Interim final	Final
Total copper...	0.5	0.85	0.25	0.4
Total cadmium.....	1.0	0.03	0.5	0.015
Total lead..	1.0	0.3	0.5	0.13
Total zinc...	10	0.6	5	0.15

A discussion of the establishment of these limitations appears in Appendix A, Technical Data.

4. The regulation substantially alters the manner in which climate—specifically, precipitation—is to be considered. Under the interim final regulation, refineries not located on-site with a smelter were subject to different requirements depending on their location in net evaporation or net precipitation areas.

If located in net evaporation areas, these facilities were subject to a zero discharge requirement; however, facilities meeting certain design capacity requirements could discharge, regardless of effluent quality, a volume of water falling within the impoundment in excess of the 10 year-24 hour storm, when a storm of at least that magnitude occurred. Further, these refineries could discharge once per month, subject to concentration-based effluent limitations, a volume of water equal to the difference between precipitation and evaporation in that month. This water could be discharged all at once, constituting a "slug" discharge.

In contrast, refineries not located on-site with a smelter and located in net precipitation areas were permitted a continuous discharge, subject to mass-based effluent limitations.

Refineries located on-site with a smelter were prohibited from discharging process wastewater pollutants in any amount (subject to the 10 year-24 hour storm and net monthly precipitation exceptions discussed previously).

Further, the interim final regulation included all acid plants in the smelter subcategory, and hence subjected them to the zero discharge requirement except in the event of a 10 year-24 hour storm or when monthly precipitation exceeded evaporation. These provisions applied irrespective of location.

The final regulation permits a continuous process wastewater discharge from all refineries and acid plants, regardless of location, subject to mass based effluent limitations. This eliminates the need for provisions allowing a monthly discharge when monthly precipitation exceeds

evaporation. These final effluent limitations are based on the use of mechanical clarifiers rather than the large evaporative impoundments contemplated by the interim final regulation. Even if treatment is provided by ponds rather than clarifiers, the area required to treat and discharge this wastewater will be much smaller than that required to evaporate it. Consequently, today's regulation also eliminates the need for exemptions for a 10 year-24 hour or other precipitation event. (It should be noted that neither the interim final nor the final regulations provide an exemption for storm runoff which enters a treatment or impoundment facility; the storm exemptions apply only to precipitation falling directly within the impoundment area).

In contrast, the Agency has retained the zero discharge requirement and the 10 year-24 hour storm exemption for the smelting subcategory. There is, however, no need to retain the monthly slug discharge allowance for smelters. All except three smelters presently combine smelter wastewater with refinery and/or acid plant wastewater. These combined facilities will be allowed a continuous discharge commensurate with the wastewater volumes attributable to the refinery and acid plant waste streams, and this continuous "bleed" obviates the need for monthly slug discharges. Company-supplied data show that the remaining three smelters without on-site acid plants or refineries do not need a monthly discharge because they never discharge smelter process wastewater. Two of these operations depend on evaporation to achieve zero discharge, and the third reuses its process wastewaters as partial make-up water in its mill concentrator operation. Long term rainfall and evaporation records for the location of the first two operations confirm that a monthly discharge will not be necessary.

The Agency recognizes that where an acid plant and refinery exist on-site with a smelter, an operator may continue to combine waste streams from these sources in one large impoundment area, as was often done previously. In such cases, the 10 year-24 hour storm exemption will apply to that impoundment facility in its entirety.

It should be emphasized that the 10 year-24 hour storm exemption applies only to the volume of water falling within the impoundment area. Thus, as was the case under the previous regulation, the operator is expected to divert storm runoff away from the impoundment; all storm runoff permitted

to enter an impoundment must be retained, and will not be given the benefit of the catastrophic storm exemption.

5. The final regulation allows for the commingling of waste streams from smelter, refinery and acid plant waste streams for combined treatment or discharge; however, the regulation requires that the total quantity of pollutants discharged may not exceed the sum of the individual discharges from each source. If an operator commingles waste streams from one or more sources covered by this regulation with waste streams from sources not covered by this regulation, then the permit writer must establish the discharge requirements for that facility using these limitations as building blocks. Under the zero discharge requirement for smelters, no allowance can be made for process wastewater pollutants from smelter operations.

#### IV. Variances and Modifications

Upon promulgation of this regulation, the effluent limitations for the appropriate subcategory must be applied in all federal and state NPDES permits thereafter issued to point source discharges. The only exception to the limitations is EPA's "fundamentally different factors" variance. See *E. I. duPont de Nemours and Co. v. Train*, 430 U.S. 112 (1977); *Weyerhaeuser Co. v. Costle*, 11 ERC 2149 (D.C. Cir. 1978). This variance recognizes factors concerning a particular discharger which are fundamentally different from the factors which the Agency considered in this rulemaking. Although this variance clause was set forth explicitly in the interim final regulation, it is now included in EPA's NPDES regulation and will not be repeated in the regulation promulgated today. See 44 FR at 32950, § 125.30 *et seq.* (June 7, 1979).

The Environmental Protection Agency has determined that this regulation does not require a regulatory analysis under Executive Order 12044.

Dated: June 26, 1980.

Douglas M. Costle,  
Administrator.

#### V. Part 421—Nonferrous Metals Point Source Category

40 CFR Part 421, is amended as follows:

1. By adding the following to the table of contents:

##### Subpart I—Metallurgical Acid Plants

Sec.

421.90 Applicability; description of the metallurgical acid plant subcategory.

421.91 Specialized definitions.

Sec.

421.92 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

2. By amending Subparts D and E and adding a new subpart I as follows:

##### Subpart D—Primary Copper Smelting Subcategory

Subpart D is amended by revising §§ 421.40, 421.41, and 421.42 to read as follows:

##### § 421.40 Applicability; description of the primary copper smelting subcategory.

The provisions of this subpart apply to process wastewater discharges resulting from the primary smelting of copper from ore or ore concentrates. Primary copper smelting includes, but is not limited to, roasting, converting, leaching if preceded by a pyrometallurgical step, slag granulation and dumping, fire refining, and the casting of products from these operations.

##### § 421.41 Specialized definitions.

For the purpose of this subpart: (a) Except as provided below, the general definitions, abbreviations, and methods of analysis set forth in 40 CFR Part 401 apply to this subpart.

(b) In the event that the waste streams covered by this subpart are combined for treatment or discharge with waste streams covered by Subparts E—Primary Electrolytic Copper Refining and/or Subpart I—Metallurgical Acid Plants, the quantity of each pollutant or pollutant property discharged shall not exceed the quantity of each pollutant or pollutant property which could be discharged if each waste stream were discharged separately.

(c) For all impoundments constructed prior to the effective date of the interim final regulation (40 FR 8513), the term "within the impoundment," when used to calculate the volume of process wastewater which may be discharged, means the water surface area within the impoundment at maximum capacity plus the surface area of the inside and outside slopes of the impoundment dam as well as the surface area between the outside edge of the impoundment dam and any seepage ditch adjacent to the dam upon which rain falls and is returned to the impoundment. For the purpose of such calculations, the surface area allowances set forth above shall not exceed more than 30 percent of the water surface area within the impoundment dam at maximum capacity.

(d) For all impoundments constructed on or after the effective date of the

interim final regulation (40 FR 8513), the term "within the impoundment," for purposes of calculating the volume of process wastewater which may be discharged, means the water surface area within the impoundment at maximum capacity.

**§ 421.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.**

(a) Except as provided in 40 CFR 125.30-.32 and paragraph (b) of this section, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT): There shall be no discharge of process wastewater pollutants to navigable waters.

(b) A process wastewater impoundment which is designed, constructed, and operated so as to contain the precipitation from the 10 year-24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located may discharge that volume of process wastewater which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 10 year-24 hour rainfall event, when such event occurs.

#### Subpart E—Primary Electrolytic Copper Refining Subcategory

Subpart E is amended by revising §§ 421.50, 421.51, 421.52 to read as follows:

**§ 421.50 Applicability; description of the primary electrolytic copper refining subcategory.**

The provisions of this subpart apply to process wastewater discharges resulting from the electrolytic refining of primary copper, including, but not limited to, anode casting performed at refineries which are not located on-site with a smelter, product casting and by-product recovery.

**§ 421.51 Specialized definitions.**

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations, and methods of analysis set forth in 40 CFR Part 401 apply to this subpart.

(b) The term "product" means electrolytically refined copper.

(c) In the event that the waste streams covered by this subpart are combined

for treatment or discharge with waste streams covered by Subpart D—Primary Copper Smelting and/or Subpart I—Metallurgical Acid Plants, the quantity of each pollutant or pollutant property discharged shall not exceed the quantity of each pollutant or pollutant property which could be discharged if each waste stream were discharged separately.

**§ 421.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.**

Except as provided in 40 CFR 125.30-.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT):

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units, kg/kkg of product; English units, lb/1,000 lb of product)		
Total Suspended Solids.....	0.100	0.050
Total Copper.....	0.0017	0.0008
Total Cadmium.....	0.00006	0.00003
Total Lead.....	0.0006	0.00026
Total Zinc.....	0.0012	0.0003
pH.....	Within the range of 6.0 to 9.0	

#### Subpart I—Metallurgical Acid Plants Subcategory

**§ 421.90 Applicability; description of the metallurgical acid plants subcategory.**

The provisions of this subpart apply to process wastewater discharges resulting from or associated with the manufacture of by-product sulfuric acid at primary copper smelters, including any associated air pollution control or gas-conditioning systems for sulfur dioxide off-gasses from pyrometallurgical operations.

**§ 421.91 Specialized definitions.**

(a) Except as provided below, the general definitions, abbreviations, and methods of analysis set forth in 40 CFR Part 401 apply to this subpart.

(b) The term "product" means 100 percent equivalent sulfuric acid, H<sub>2</sub>SO<sub>4</sub> capacity.

(c) In the event that the waste streams covered by this subpart are combined for treatment or discharge with waste streams covered by Subpart D—Primary Copper Smelting and/or Subpart E—Primary Electrolytic Refining, the quantity of each pollutant or pollutant

property discharged shall not exceed the quantity of each pollutant or pollutant property which could be discharged if each waste stream were discharged separately.

**§ 421.92 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.**

Except as provided in 40 CFR 125.30-.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT):

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units, kg/kkg of product; English units, lb/1,000 lb of product)		
Total Suspended Solids.....	0.304	0.152
Total Copper.....	0.005	0.002
Total Cadmium.....	0.00018	0.00009
Total Lead.....	0.0018	0.00079
Total Zinc.....	0.0036	0.0009
pH.....	Within the range of 6.0 to 9.0	

#### VI. Appendices.—Appendix A (Technical Data)

The interim final regulation established two subcategories (Subpart D—Primary Copper Smelting and Subpart E—Primary Copper Refining) which covered the major primary copper operations of smelting, electrolytic refining and acid plants. The primary copper smelting subcategory covered primary smelting operations and any acid plant and refinery operations done on site with the smelting operation. The primary copper refining subcategory covered refining operations at facilities which did not have smelters located on site. For reasons discussed below, the Agency has determined that it is more appropriate to impose separate effluent limitations for each of these three sources regardless of plant location.

To determine proper subcategorization and identify appropriate BPT technology for the final regulation, the Agency has reviewed all data including that received since promulgation of the interim final regulation. Of primary importance were new data submitted by individual copper smelting and refining facilities. In 1977, EPA sent data collection portfolios (DCP's) to all copper smelting and refining companies; all these companies

responded with information concerning all twenty-three facilities covered by this regulation.

Review of this material warrants the following conclusions:

1. Acid plants and electrolytic refinery operations both produce wastewater. If these facilities are located in geographical areas where solar evaporation is not a viable alternative for wastewater disposal, then discharge of these wastewaters may be necessary.

2. In contrast, because the smelting process is a net water consumer and because of greater opportunities to reuse smelter process wastewater, smelting operations can and do achieve zero discharge of pollutants, irrespective of location and climate.

3. Effluent limitations based on the same subcategorization used in the interim final regulation would be too lenient for those smelters operating either alone or in conjunction with an on-site acid plant but without an electrolytic refinery located on-site. Establishing separate effluent limitations for smelters, refineries, and acid plants ensures the maximum feasible BPT pollution reduction for each wastewater source.

The subcategories established today are therefore, based on the individual unit operations of copper smelting, metallurgical acid plants, and electrolytic refining. In order to determine appropriate National Pollutant Discharge Elimination System (NPDES) permit effluent limitations using this subcategorization, the permit writers will independently calculate the allocation for each unit process located at the facility, based on the permissible allocation for each source.

This final regulation is based largely upon new data which substantially expand and update the original data base. The flow parameters and effluent pollutant concentrations used to establish effluent limitations are discussed below in relation to each subcategory.

#### (1) Subpart D—Primary Copper Smelting Subcategory

This subcategory covers all operations associated with copper smelting, including the basic processes of roasting, converting, leaching (if preceded by a pyrometallurgical step such as roasting), slag processing, fire refining, and casting of products from these operations.

The final regulation for this subcategory prohibits discharge of pollutants to navigable waters, subject to an exemption for large precipitation events. Facilities which combine the wastewaters from this subcategory with

other waste streams for combined treatment will receive no allowance for smelter wastewater pollutants.

The primary sources of wastewater from smelters are casting and slag granulation. Wastewater from both of these operations can be totally recycled and reused. An alternative to slag granulation is slag dumping, which uses less water and eliminates the discharge of wastewater.

This subcategory includes seventeen facilities, of which fifteen have achieved zero discharge by a combination of technologies such as recycle, reuse, artificial or solar evaporation, and conversion to slag dumping.

Two smelters discharge process wastewater. Plant 103 uses anode casting cooling water on a once through basis. Plant 104 discharges copper shotting contact cooling water and slag granulation water. Both of these facilities can institute methods to achieve zero discharge of pollutants from their smelters.

Plant 103 has submitted engineering plans for controlling its waste streams. The plans identify systems for the recycle and reuse of anode casting water and acid plant water with some blowdown from both operations, which will permit this plant to meet the zero discharge of pollutants allocation for its smelter operation.

Plant 104 has several options available to achieve zero discharge of pollutants, including:

(a) Installation of a primary settling pit to remove total suspended solids (TSS) from both the slag granulation and copper shotting waters. This water would then be recycled to the slag granulation operation. Based on a site inspection of this facility and information supplied by the company, EPA believes that this is the most feasible option, and the Agency's cost estimates are based on this alternative.

(b) Installation of a primary settling pond to remove TSS and a cooling tower to cool the slag granulation effluent stream. After cooling, the water would then be totally recycled. The copper shotting contact cooling water could be used as make-up water to the slag granulation recycle system.

(c) Installation of separate cooling tower and recycle systems: one for copper shotting contact cooling water and one for slag granulation water. Copper shotting contact cooling water may require a lime-and-settle wastewater treatment system to remove solids build-up. Slag granulation water should require only basic settling to remove TSS and a cooling tower to lower the temperature before recycle.

(d) Conversion to slag dumping and spraying of the copper shotting contact cooling water on the dumped slag.

In addition, this plant could recycle in accordance with options (a) or (b) or a combination of those options, and direct its remaining wastewater flow to the plant's central wastewater treatment system, which treats waste streams from its smelter and acid plant. In such case there would be no pollutant discharge allowance for the copper shotting and slag granulation waste streams.

#### (2) Subpart E—Primary Electrolytic Copper Refining

This subcategory covers all operations associated with electrolytic copper refining, including, but not limited to, by-product (silver, gold, selenium, etc.) recovery, product casting, and the ancillary operations of anode casting for those facilities which do not have smelter operations on site. Ten facilities are covered by this subcategory. As in the interim final regulation, electrowinning operations are not included under this regulation. The Agency is presently gathering data which may provide a basis to regulate these operations under Best Available Technology Economically Achievable (BAT).

The major source of wastewater from refineries is casting cooling water. In addition, there are potential smaller discharges from by-product recovery operations, spent electrolyte disposal, and anode and cathode washing. In calculating the appropriate BPT flow volumes, EPA considered the flows from these sources.

Individual plant flow data show that six facilities already are achieving zero discharge of wastewater from their electrolytic refining operations. Four of these facilities are in extremely arid areas and evaporate their wastewater. The two other facilities have installed either extensive recycle-reuse technologies or artificial evaporation systems to achieve zero discharge.

All four plants which have wastewater discharges from their electrolytic refining operations are located in areas where solar evaporation may not be feasible. Three of these plants—plants 119, 110, and 121—are using varying degrees of recycle or reuse technology. The primary discharge from these plants consists of blowdown from the casting cooling water recycle system. Plant 118 discharges once through casting cooling water with no treatment.

The effluent limitations for this subcategory are based on a flow volume of 2000 l/kg (480 gallons per ton) of electrolytically refined copper. The

basis for this flow parameter is set forth on page 183 of EPA's February 1975, *Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Primary Copper Smelting Subcategory and the Primary Copper Refining Subcategory of the Copper Segment of the Nonferrous Metals Manufacturing Point Source Category*, (Development Document). All plants are achieving this flow with the exception of plant 118 which is discharging at a rate of 8490 l/kg (2036 gal/ton).

The following concentration parameters were used to derive the effluent limitations:

Parameter	30 day average maximum value (mg/l)	One day maximum value (mg/l)
Total Suspended Solids.....	25	50
Total Copper.....	0.4	0.85
Total Cadmium.....	0.015	0.03
Total Lead.....	0.13	0.3
Total Zinc.....	0.15	0.6
pH.....	within the range of 6.0 to 9.0	

These concentration parameters are based on data collected in a long-term monitoring program conducted at a well operated lime-and-settle treatment facility which was located at a smelter, refinery, acid plant, and ore concentrating complex (Plant 110). The treatment system includes flocculation and coagulation with lime and polymers, followed by sedimentation. Use of the data from this plant to establish effluent limitations is justified for the following reasons:

1. This is a well operated treatment plant. Extensive monitoring assures that it is operated properly. The optimal treatment at this plant is corroborated by the consistency of discharges from the treatment system; total suspended solids concentrations are low and not greatly variable, and pH values exhibit very low variability (within 0.2 pH units of the arithmetic mean of pH values).

2. Comparison of the expected values of effluent concentrations for this treatment system (Development document, page 144) for the parameters of total suspended solids, cadmium, copper, lead, and zinc indicates that actual plant performance compares favorably with anticipated treatment capability.

3. Influent to the lime-and-settle treatment system contains wastewater from the smelter, electrolytic refinery, acid plant, and ore concentrator operations. Wastewater entering this treatment plant generally contains higher concentrations of copper, cadmium, lead, and zinc than are found

in the waste streams from other acid plants and refineries. Thus, all other plants should be able to achieve the BPT limitations with properly designed and operated treatment systems. Additionally, treatment at this plant may be impeded by flotation reagents from the ore concentrator; other facilities which do not have a concentrator on-site may be able to achieve greater pollution reduction.

Eleven months of data collected from this facility between September 8, 1976, to July 27, 1977, were used to establish effluent limitations. This base period was the best period of sustained performance under constant operating conditions. Prior to September 8, 1976, the effluent contained substantially higher concentrations of total copper and was at a higher pH than after that date. No data was submitted for the period following July 27, 1977.

The pollutant concentration parameters for monthly average limitations are the anti-natural logs of the natural log mean concentration over the base period. For each of the four metal pollutants, the daily maximum limitations were calculated by adding two standard deviations to the natural log mean, and calculating the anti-natural log of this value. This method was used, rather than the conventional arithmetic mean and standard deviation, because it yielded a better statistical estimate of the higher values contained in the data base.

Both the average and maximum requirements take into account seasonal variability. The data for copper, cadmium, lead, and zinc, was statistically analyzed by season as well as over the entire base period. With one exception, the highest resulting average and maximum pollutant concentrations were selected as the basis for BPT.

The exception is the 24-hour maximum concentration for copper (0.85 mg/l). This was derived by adding two standard deviations to the values derived for the entire base period, rather than the fall and early winter period (which had a maximum of 0.91 mg/l), even though the seasonal data yielded a higher maximum value. EPA chose to base the copper limitations on the entire base period because the data reveal a continuous improvement in copper concentrations, over the entire monitoring period; thus, the long term maximum better represents treatment capabilities than does the highest seasonal maximum.

For total suspended solids and pH, the Agency has retained the values developed and recommended in EPA's Development Document; the long term data from the plant 110 treatment

facility indicate that these are regularly achieved.

With the exception of Plant 118, all electrolytic copper refineries, because of their recycle-reuse technologies and/or solar evaporation systems, currently are in compliance with the final regulation. Plant 118 has submitted an engineering report which states that it can install cooling towers to recycle a substantial portion of its casting cooling water. If the wastewater blowdown from these cooling towers is treated in a well run lime-and-settle treatment system as identified above, plant 118 can achieve the final limitations for its refinery.

### (3) Subpart I—Metallurgical Acid Plants

This is a new subcategory covering all operations associated with the manufacture of by-product sulfuric acid at primary copper smelters, including any associated air pollution control or gas conditioning systems for sulfur dioxide off-gasses from pyrometallurgical operations. Fourteen facilities are covered by this subcategory.

The primary sources of wastewater discharges from facilities covered by this subcategory are blowdown from metallurgical acid plants and air pollution scrubber water. All of the 14 facilities this subcategory generate process wastewater; however, 11 of these facilities have achieved zero discharge mostly by solar evaporation. Acid plant blowdown is that amount of process water which must be discharged from the acid plant recycle system in order to prevent excessive buildup of pollutants in the recycle circuit. In some cases this water is discharged to receiving water; in other cases it is evaporated.

For purposes of this regulation, the unit operations encountered by SO<sub>2</sub>-containing off-gasses between the roaster, reverberatory electric furnace or converter, and the stack were considered part of the acid plant. For example, at a plant which sends SO<sub>2</sub>-containing off-gasses through wet scrubbing, prior to entering the acid plant, the scrubber system is considered part of the acid plant.

The three facilities which discharge acid plant wastewater are located in areas where solar evaporation may not be feasible. Plant 103 discharges once-through converter scrubber water. This wastewater is limed and routed to a tailings pond for settling. The converter scrubber water is considered part of the acid plant, since the off-gasses are subsequently treated in the acid plant. Plant 104 discharges acid plant blowdown and roaster scrubber water.

The roaster scrubber water is considered part of the acid plant because this plant combines the off-gasses from the roaster and the furnace for treatment in the acid plant. Both of these waste streams are discharged to a central lime-and-settle treatment system. Plant 110 discharges acid plant blowdown, surplus gas scrubbing wastewater, and periodic acidic diversions to a central lime-and-settle treatment system. The periodic acidic diversions from the acid plant are considered to be part of the acid plant blowdown, as is the surplus gas scrubbing wastewater. The "surplus gas" contains a fairly substantial amount of SO<sub>2</sub> and is used in the acid plant when other operations with higher SO<sub>2</sub> contents are not operating. "Surplus gas" sent to the acid plant is scrubbed first.

The available treatments for acid wastewater at these three plants are artificial evaporation of the wastewater or discharge of the wastewater after lime-and-settle treatment. Only Plant 102 uses artificial evaporation, which is a high cost, high energy method that is not considered a BPT technology. Therefore, the most appropriate technology on which to base BPT is recycle-reuse of process wastewater and treatment of the wastewater with a lime-and-settle system of flocculation

and coagulation with lime and polymers, followed by sedimentation with clarifiers.

A primary issue is the appropriate discharge volume on which to base BPT mass limitations. Comparisons of the volumes of water used in the acid plant with the volumes of water emanating from the acid plant indicate that the acid plants tend to fall into two groups: those with water use to process wastewater blowdown ratios of 50:1 or greater and those with ratios of 7:1 or less. The high ratios reflect extensive recycle systems and/or high evaporation within the acid plant operation. Blowdown is necessary to keep unacceptable levels of pollutants from accumulating in the recycle system.

Because of the extensive development studies and inplant process modifications necessary to achieve a high level of recycle, EPA has determined that BPT limitations will be based on those acid plants achieving a 7:1 or less water use to blowdown ratio. The BAT standards will consider more advanced recycle technologies.

Four plants have an acid plant water use to blowdown ratio of 7:1 or less; two of these plants discharge and two, located in high evaporation areas, do not discharge to receiving waters. These plants are tabulated below:

Acid plant No.	Process water used in acid plant		Process wastewater discharged from acid plant		Ratio <sup>1</sup>
	l/kg at 100 pct H <sub>2</sub> SO <sub>4</sub> capacity	gal/ton at 100 pct H <sub>2</sub> SO <sub>4</sub> capacity	l/kg at 100 pct H <sub>2</sub> SO <sub>4</sub> capacity	gal/ton at 100 pct H <sub>2</sub> SO <sub>4</sub> capacity	
106	1,469	352	1,469	352	1:1
109	4,490	1,076	2,095	502	2:1
103	57,960	13,900	15,847	3,798	4:1
110	35,765	8,570	4,904	1,175	7:1
Average	24,920	5,975	6,079	1,457	

<sup>1</sup> Ratio of process water used to process water discharged from acid plant.

Data in the 1977 DCP's indicate that acid plant water use and blowdown correlates better with acid plant capacity than with actual acid smelter production. Discussions with industry corroborate this conclusion. Hence, tons of 100 percent H<sub>2</sub>SO<sub>4</sub> capacity was chosen as the production normalizing basis for the acid plant limitation.

Based on the above analysis, the effluent limitations for this subcategory are based on a flow volume of 6079 l/kg (1457 gal/ton) at 100 percent equivalent sulfuric acid capacity. Only plant 103, which is discharging at a rate of 15,847 l/kg (3798 gal/ton), is not achieving this flow rate.

EPA derived the pollutant concentration parameters from the same treatment facility which was used to determine the concentration parameters for the primary electrolytic copper refining subcategory.

Plants 110 and 104 have discharges with less flow volume than 6079 l/kg (1457 gal/ton) and have lime-and-settle treatment systems in place. Both of these facilities currently achieve the acid plant effluent limitations promulgated today.

Plant 103 discharges once through converter scrubber water. This is limed and routed to a tailings pond for settling. This facility has submitted an

engineering report which indicates that it can install cooling towers to recycle a substantial portion of the converter scrubber process wastewater presently discharged. If the wastewater blowdown from these cooling towers is treated in a well run lime-and-settle treatment system as identified above, Plant 103 can achieve the limitations promulgated today.

#### Appendix B—(Summary of Public Participation)

Factual information and conclusions which support this regulation were detailed in the notice of interim final rulemaking for the Nonferrous Metals Manufacturing Point Source Category promulgated on February 27, 1975 (40 FR 8513). The regulations as promulgated in interim final form were supported by the Development Document and the document entitled *Economic Analysis of Proposed Effluent Guidelines Nonferrous Metals Manufacturing Industry (Phase II)*, March 1975, (Economic Analysis). These documents were made available to the public and circulated to interested persons for comment at the time of publication of the notice of interim final rulemaking.

In addition, prior to publishing the notice of interim final rulemaking, EPA distributed a draft development document to federal agencies, all state and territorial pollution control agencies, industry trade associations, and conservation organizations. Comments on that report were solicited. The major comments received and the Agency's responses were described in the notice of interim final rulemaking (40 FR 8513).

The following persons or groups responded to the request for written comments contained in the notice of interim final rulemaking: American Mining Congress; American Smelting and Refining Company; The Anaconda Company; Parsons, Behle & Latimer on behalf of Kennecott Copper Corporation; New York State Department of Environmental Conservation; Sidney B. Tuwiner on behalf of Phelps Dodge Refining Corporation; Texas Water Quality Board; U.S. Department of Commerce; U.S. Department of Health, Education and Welfare; and U.S. Department of the Interior.

(1) Several commenters expressed concern about the use of impoundment areas for facilities not located in extremely arid areas. Their concerns are summarized below:

(a) Evaporative impoundment areas necessary to achieve zero discharge under the interim final regulation would have to be extremely large in order to allow for winter conditions. During winter months, wastewater entering the pond would freeze and accumulate and very little, if any, evaporation would occur. This problem is compounded by snowfall which also would accumulate. Freezing and snowfall conditions, depending upon the severity of a particular winter, could last up to five months. In order to meet zero discharge in these areas, the impoundment area would have to be large enough to contain the plant's entire winter discharge. The commenters submitted data demonstrating that the cost to construct and operate impoundment areas of this size was exorbitant and that in some cases, the land required for these impoundments would not be available.

(b) It would be extremely difficult to correctly operate an impoundment area to comply with the interim final regulation because only that volume of water which is equal to the monthly participation minus monthly evaporation could be legally discharged. There are several technical difficulties in measuring both precipitation and evaporation accurately, and only at the end of a calendar month could the difference between the two be calculated and the excess water be discharged. Operating procedures would dictate that this discharge be accomplished as quickly as possible in order to drain the impoundment area so that the next month's precipitation could be accumulated. Consequently, the interim final regulation would lead to short duration, intermittent, high volume "slug" discharges.

The Agency substantially agrees with these comments. For those reasons, as well as the other considerations discussed in this notice, the final regulation permits continuous discharges of process wastewater pollutants associated with refineries and acid plants.

(2) Two commenters recommended that limitations be based on dissolved, rather than total, metals.

Like the interim final regulation, the final regulation is derived from total metals data. By limiting total metals, the regulation minimizes the potential problems of metals redissolving in the environment or solubilizing within living organisms. If the regulation limited only dissolved metals, an operator could achieve low dissolved metals concentrations by adjusting pH, without substantially reducing the total metals concentrations. Upon entering the

receiving water, which often has a different pH, redissolving or solubilizing of the suspended metals could occur with potentially serious pollution consequences.

(3) One commenter indicated that the interim final regulation did not address commingled streams from its copper refinery and zinc oxide operations.

The final regulation establishes separate requirements for smelters, electrolytic refineries, and acid plants. The Agency believes that it is more appropriate to establish limitations for commingled discharges on a case-by-case basis, using these effluent limitations as building blocks.

(4) One commenter stated that discharges to ephemeral streams and the Great Salt Lake should be allowed without control due to the lack of aquatic life in the receiving waters. Another commenter stated that minimally treated wastewater (less treatment than that specified by BPT) should be allowed to be discharged to the Atlantic Ocean because no adverse environmental damage would result. Conversely, two other commenters indicated that the interim final regulation was not adequate to achieve water quality standards.

In accordance with the requirements of the Clean Water Act, final effluent limitations are based on best practicable control technology currently available and are technology-based requirements. Therefore, the effluent limitations are not designed to obtain designated water quality levels in specific receiving waters. Any more stringent requirements necessary to attain applicable water quality standards must be included in an NPDES permit; moreover, as required by law, the effluent limitations are nation wide in scope, and apply to all plants within a category or subcategory.

(5) One commenter was concerned that energy requirements for pollution control were not adequately addressed.

As a part of EPA's current effort to develop BAT effluent limitations, the Agency has assessed the additional amount of energy which would be needed for BAT technologies. Results indicate that the added energy requirements for end of pipe treatment at a median size plant is equal to or less than 0.17% of the facility's total energy consumption. The treatment system identified for the BAT energy costing analysis was a combination of cooling tower, chemical precipitation (e.g., lime and settle), filtration, and activated carbon. This treatment system is more extensive and energy intensive than that suggested for BPT. Therefore, installation of BPT treatment at copper

plants will not significantly increase energy consumption.

(6) One commentator expressed the concern that recycling of contact cooling water used in the casting of wirebar without a blowdown would cause excessive amounts of total dissolved solids (TDS) to accumulate, thereby, adversely affecting the surface quality of the wirebar produced. The commenter recommended that a blowdown from recycle systems be allowed based on the concentration of TDS rather than on a given percentage of the water used.

This is an issue that will be addressed in greater detail with the development of BAT limitations; however, today's BPT limitations permit the discharge of blowdown from both acid plant and electrolytic refinery operations in sufficient quantities to assure that there is not an adverse build-up of TDS. The Agency's review of data for the facility submitting this comment indicates that its existing treatment system already achieves the final effluent limitations established in this regulation.

(7) One commenter indicated that a multiplication factor of 4 rather than 2 should be applied to the 30-day average used to determine the 24-hour maximum effluent requirements.

The final limitations are based on actual long term effluent data at an existing well run treatment facility. Both the daily average and daily maximum effluent limitations are based on the actual results obtained by that treatment facility. The data indicate that the ratio of the daily maximum concentration to the daily average concentration ranges between 2.0 and 4.0 depending on the pollutant (total copper 2.12, total cadmium 2.0, total lead 2.3, total zinc 4.0). The analysis used to determine the effluent limitations is discussed in detail in Appendix A—Technical Data.

(8) One commenter recommended that the regulations require impoundment areas to be lined with an impervious layer of either clay or synthetic liner to eliminate or reduce the chance of aquifer contamination.

The final limitations are not based on the use of large evaporative impoundment areas, but rather on the recycle or reuse of smelter process wastewater and treatment and recycle of refinery and acid plant process wastewater. As such, they contemplate the use of much smaller ponds and clarifiers. This treatment scheme would substantially mitigate seepage problems. Although the final limitations do not require pond lining, they do not preclude permitting authorities from imposing appropriate requirements relating to aquifer contamination under other legal authority.

(9) One commenter indicated that better metals removal may be achieved by the use of multi-stage precipitation using soda and soda ash than by liming and settling at a single pH level.

The Agency agrees that this technology may effectively achieve the BPT limitations; however, this technology is not generally in use. Therefore, the BPT regulations are not based on this technology.

(10) One commenter indicated that ammonia (NH<sub>3</sub>) should not be used for neutralization because soluble complexes are developed, making it very difficult to remove heavy metals.

Since ammonia does not effectively precipitate metals, the Agency agrees that it should not be considered an appropriate technology.

(11) One plant commingles wastewater from smelting (including acid plant blowdown), refining, and ore concentrating for treatment in its central treatment plant. This plant indicated that reuse of the treated wastewater in the concentrator (as suggested in the interim final regulation) would adversely affect metal recovery in the concentrator circuits.

The data submitted by this company is inconclusive, but provides some support for its contention. The final regulation is therefore based on treatment of the acid plant and refinery process wastewater discharges in the central wastewater treatment plant, followed by discharge to the receiving water. Company supplied information, however, indicates that its anode casting and slag granulation wastewater streams are routed to the concentrator. These streams do not adversely affect concentrator recoveries.

This company has recently agreed to undertake bench scale tests to determine whether additional treatment of the central treatment plant effluent will make this water usable in the concentrator in the future.

(12) One commenter submitted evidence attempting to demonstrate that it should be considered a fundamentally different facility.

This generic rulemaking is not the appropriate forum in which to decide individual variance requests. Rather, a variance application must be made in the permitting context, where an administrative record specifically addressed to that facility can be developed in detail. The procedures and criteria governing variance applications are delineated in EPA's NPDES regulation, 44 FR 32854, §§ 125.30-125.32 (June 7, 1979).

(13) One commenter indicated that if refinery wastewater is discharged at the TSS concentrations allowed by the

interim final regulation, then the total copper concentrations also specified in the interim final regulation would be very difficult to meet because of an alleged correlation between TSS and total copper levels.

Review of the long term data on which the final regulation is based confirms that both TSS and total copper limitations specified in the final regulation are routinely achieved.

(14) Several commenters criticized EPA's cost estimates for the interim final regulation as being unrealistically low.

Cost estimates are subject to disagreement. Moreover, as noted elsewhere in the final regulation, only three facilities will incur additional compliance costs. With respect to two of these facilities, cost estimates submitted by the company were used by the Agency and its contractor to determine costs. However, the company's cost submissions were based on the interim final regulation rather than today's revisions. For these and other reasons, the Agency and its contractor determined that the company's estimates substantially overstate the costs associated with the final regulation and have derived more accurate cost estimates using the company's submissions as a starting point. With respect to the third affected facility, this company did not submit comments concerning costs of the interim final regulation, and the Agency's cost estimates for the final regulation are based upon site-specific information submitted by this company, supplemented by a site-visit undertaken by Agency personnel for purposes of this rulemaking.

(15) Several commenters indicated that EPA did not do an economic impact analysis and must prepare an inflationary impact statement under executive order 11821.

The Agency did in fact prepare an economic impact analysis for the 1975 interim final regulation, *Economic Analysis of Effluent Guidelines for the Non-Ferrous Metals Manufacturing Industry*, (EPA 230-1-75-041, March, 1975). This report has been updated with a revised economic analysis reflecting the revisions promulgated in the final regulation (*Economic Impact Analysis of Revised BPT Effluent Limitation Guidelines on the Copper Segment of the Nonferrous Metals Industry*).

Executive Order 11821 has been superseded by Executive Order 12044 which requires EPA and other federal agencies to perform regulatory analyses of certain regulations (43 FR 12661, March 23, 1978). EPA's proposed regulations for implementing Executive Order 12044 require a regulatory

analysis for major significant regulations involving annual compliance costs of \$100 million or more, or meeting specified criteria, (43 FR 29891, July 11, 1978). When these criteria are met, the proposed regulations require EPA to prepare a formal regulatory analysis including an economic impact analysis and an evaluation of regulatory alternatives, such as: (1) Alternative types of regulations; (2) alternative stringency levels; (3) alternative timing; and (4) alternative methods of ensuring compliance. Although Executive Order 12044 was not in force at the time of EPA's publication of the 1975 Economic Analysis, that report fully covers the areas outlined in the 1978 Executive Order.

(16) Commenters stated that EPA has not considered the cumulative effects of the proposed regulation with those presently in force from other agencies as well as potential future EPA regulations.

EPA's economic impact analysis begins with a base case analysis which considers in its financial analysis any regulation that is presently in force upon an industry. The economic analysis does not consider the potential of future regulation because it is impossible to anticipate the exact cost of future regulations.

(17) Several commenters indicated that the Agency did not adequately consider the effect of foreign competition.

Consideration of price effects and financial effects indicates that there will be no plant closures or serious production curtailments in the primary copper smelting and refining industry due to BPT effluent limitations. As a result, there will be no effects on production, balance of trade and employment within the industry.

(18) Several commenters stated that a cost benefit analysis should have been performed to show the environmental benefits to be derived from the promulgation of the regulation.

The effluent limitations are based on best practicable control technology currently available (BPT). This includes a consideration of costs of the BPT technologies in relation to the resulting pollution reduction benefits. The Agency's estimate of costs and effluent reduction benefits associated with these regulations is summarized in Appendix D.

#### Appendix C—(Non-Water Quality Aspects)

The non-water quality impacts of the interim final regulation are discussed in the Development Document previously prepared for that regulation, and the public is referred to that discussion.

Because the final regulation allows refineries and acid plants to use lime and settle treatment with clarifiers in place of evaporation lagoons, the non-water quality impacts may differ slightly from those associated with the interim final regulation. Generally, the change in impact will be minor. The Agency expects no change for the primary copper smelting subcategory because the zero discharge requirement has not been changed.

#### Energy Costs

The operation of a clarifier generally uses more energy than does an evaporation lagoon. However, total energy consumption attributable to use of clarifiers is very low. An investigation made as a part of the Agency's development of the BAT regulation indicates that the median energy increase for a treatment system consisting of a cooling tower, chemical precipitation (e.g., clarification), filtration, and activated carbon system is 0.17 percent. This system is much more energy intensive than operation of a clarifier alone. The power consumption for wastewater treatment by either evaporation lagoons or clarification is small in comparison with total plant energy consumption.

#### Solid Waste

The quantity of sludge generated by application of the final regulation will be somewhat greater than that attributable to the interim final regulation. The addition of lime contemplated by the final regulation will add some additional solids which must be disposed of. The additional quantity of sludge which would be generated is not significant.

Operation of a clarifier requires the direct handling and disposal of sludge by some means (e.g., pumping to a sludge pond, truck hauling, etc.), whereas operation of an evaporation lagoon requires no special sludge handling procedures until the lagoon is filled.

#### Air Pollution

Often during dry summer months the water level in an evaporation pond will drop substantially because of evaporation. This exposes large pond areas which have a fine dust cover. Any wind at this time can cause dust problems. Use of clarifiers rather than lagoons should mitigate this problem.

#### Land Use

Clarifiers require substantially less land than do evaporation ponds. While some additional land may be required for sludge disposal, on balance the final regulation will entail less land-use than

the interim final regulation. For example, plant 118 would have had to purchase prime wheat land north of its facility if evaporation lagoons had been required, whereas the clarification systems can be installed on existing property.

#### Other Impacts

No impact or major changes in noise generation, radiation levels, or number of employees working at any facility are anticipated due to the changes made today.

#### Appendix D—(Economic Impact and Effluent Reduction Benefits)

##### Cost and Economic Impact

Twenty of the twenty-three facilities covered by this regulation are already in compliance. The Agency estimates the aggregate compliance costs for the remaining three facilities to be \$4.9 million (investment) and \$1.7 million (annual, including interest and depreciation). The Agency's economic impact analysis, which updates the analysis performed in connection with the interim final regulation in light of the final regulation, assessed integrated facility production costs with and without BPT compliance costs. These costs were compared with metal selling price and aggregated industry production costs. No unemployment, plant closures, or significant reduction in industry production capacity is expected to result from this regulation.

This regulation does not require a regulatory analysis because annual compliance costs are less than \$100 million and none of the other criteria for regulatory analysis are met. This determination is in accordance with the Agency's procedures for improving environmental regulations, published at 44 FR 30988 (May 29, 1979). Nonetheless, the technical and economic impact evaluations satisfy the regulatory analysis requirements.

##### Effluent Reduction Benefits

The Agency estimates that compliance with the final regulation will prevent the yearly discharge of approximately 32,600,000 pounds of total suspended solids; 3,330,000 pounds of copper; 1,500,000 pounds of lead; 1,200,000 pounds of zinc, and 91,000 pounds of cadmium from those plants not currently in compliance with the final regulation. Using the estimated Agency costs for compliance, approximate annual costs of removing pollutants are \$.05 per pound of total suspended solids, \$.051 per pound of copper, \$1.13 per pound of lead, \$1.42 per pound of zinc and \$18.68 per pound

of cadmium. The Agency concludes that the costs of today's regulation are reasonable in light of the effluent reduction benefits to be achieved.

[FR Doc. 80-19922 Filed 7-1-80; 8:45 am]

BILLING CODE 8560-01-M

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### Listing the Oregon Silverspot Butterfly as a Threatened Species With Critical Habitat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

**SUMMARY:** The Service determines the Oregon silverspot butterfly (*Speyeria zerene hippolyta*) to be a Threatened species. This action is being taken because all known populations of the butterfly are small, limited in range, and threatened by housing development and recreational activities. The Oregon silverspot butterfly is known to occur only at a few sites on the central Oregon coast and at one site in Washington. Critical Habitat in Oregon is included with this final rule. The rule will provide protection to wild populations of this species.

**DATE:** This rule becomes effective on October 15, 1980.

**ADDRESSES:** Questions concerning this action may be addressed to Lynn A. Greenwalt, Director, U.S. Fish and Wildlife Service, Washington D.C. 20240.

**FOR FURTHER INFORMATION CONTACT:** Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, (703/235-2771).

#### SUPPLEMENTARY INFORMATION:

##### Background

The Oregon silverspot butterfly is an orange and brown butterfly with silver spots on the underwings, and belongs to the family Nymphalidae. The butterfly formerly occurred along the coasts of Washington and Oregon, but most of the colonies have been extirpated due to housing or park development. Only one healthy colony is known. The main threats to the butterfly are housing development and increased recreational use of the coastal areas to which it is restricted.

The Oregon silverspot butterfly was included by the Service in a March 20, 1975 status of review (40 FR 12691) seeking information to determine whether this butterfly should be

proposed for listing as an Endangered or Threatened species.

On July 3, 1978, the Service published a proposed rulemaking in the *Federal Register* (43 FR 28938-45) advising that sufficient evidence was on file to support a determination that the Oregon silverspot butterfly was a Threatened species pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). That proposal summarized the factors thought to be contributing to the likelihood that this species could become Endangered within the foreseeable future, specified the prohibitions which would be applicable if such a determination were made, and solicited comments, suggestions, objections, and factual information from any interested person. Section 4(b)(1)(A) of the Act requires that the Governor of each State or Territory, within which a resident species of wildlife is known to occur, be notified and be provided 90 days to comment before any such species is determined to be a Threatened species or an Endangered Species. A letter was sent to the Governor of Oregon on July 14, 1978, notifying him of the proposed rulemaking for the Oregon silverspot butterfly. On July 14, 1978, a memorandum was sent to the Service Directorate and affected Regional personnel, and letters were sent to other interested parties notifying them of the proposal and soliciting their comments and suggestions. On March 26, 1980, the Service published a rulemaking in the *Federal Register* (45 FR 19864-65) repropounding Critical Habitat for the Oregon silverspot butterfly, to comply with the 1978 Endangered Species Act Amendments. A letter notifying the Governor of Oregon of this action, a memorandum to affected Regional personnel, and letters to other interested parties were sent on March 31, 1980. A public meeting and a public hearing on the reproposal of Critical Habitat for the Oregon silverspot butterfly were held at New Port, Oregon on April 15 and April 29, 1980.

Official comment was received from the Governor of Oregon, the Oregon Office of State Forester, the Division of State Lands, and the U.S. Forest Service.

#### Summary of Comments and Recommendations

Section 4(b)(1)(C) of the Act requires that a summary of all comments and recommendations received be published in the *Federal Register* prior to adding any species to the list of Endangered and Threatened Wildlife and Plants.

In the July 3, 1978 proposal (43 FR 28938-45) to list the Oregon silverspot butterfly as a Threatened species, the

March 26, 1980 proposal of Critical Habitat (45 FR 19860-61), and the respective Press Releases, all interested parties were invited to submit factual reports or information which might contribute to the formulation of a final rulemaking.

All comments received from July 3 to September 1, 1978 regarding the proposal to list the Oregon silverspot butterfly as Threatened were considered. Comments regarding the reproposal of Critical Habitat received from March 26 to May 27, 1980 were considered. Additional opportunity for public comment was provided by the April 15, 1980, public meeting and the April 29, 1980, public hearing.

In response to the July 3, 1978 proposal, eight comments were received. Two conservation organizations, the Xerces Society and the International Union for Conservation of Nature and Natural Resources, supported the proposal.

Dr. Frederick Rindge, Curator of Lepidoptera at the American Museum of Natural History, noted that the distribution of this subspecies was uncertain, and opposed listing it, but supported Critical Habitat designation in order to protect the salt spray meadow habitat. Dr. Lee Miller of the Allyn Museum of Entomology felt that including the Tenmile Creek area within Critical Habitat for the butterfly might have been done as a "land-grab" to prevent development. Dr. Ralph Macy of Portland State University supported the proposal. Dr. David McCorkle of the Oregon College of Education reported that the Tenmile Creek site might be unsuitable for the butterfly due to habitat modification. The U.S. Forest Service supported the listing proposal but recommended that the Tenmile Creek site be excluded from the Critical Habitat. Robert Langston, a lepidopterist, supported the listing proposal.

In response to the March 26, 1980, reproposal of Critical Habitat for the Oregon silverspot butterfly, six comments were received. The Governor of Oregon supported listing the butterfly and designation of its Critical Habitat. The Oregon Office of State Forester expressed concern about possible impacts on private lands resulting from Critical Habitat designation on adjacent Federal lands, and possible effects on timber supply in Lane County. A non-substantive comment was received from the Oregon Division of State Lands. Two private citizens supported the listing proposal and Critical Habitat designation; one of these letters urged inclusion of the Tenmile Creek area in the Critical Habitat designation.

Dr. Robert Pyle, representing the Lepidoptera Specialist Group of the Survival Service Commission of the International Union for Conservation of Nature and Natural Resources, restated that organization's support for the listing proposal and designation of Critical Habitat. Dr. Pyle stated that the Oregon silverspot butterfly probably still occurred on the Long Beach Peninsula in the State of Washington, although its habitat there was severely restricted and threatened by development.

At the April 15, 1980, public meeting, four private individuals, including three entomologists, supported the listing proposal. A representative of the Forest Service supported the proposal, subject to the Forest Service's recommendations on Critical Habitat, which were presented in March 27 and May 27, 1980, letters to the Fish and Wildlife Service. These letters supported the designation of Critical Habitat but recommended a change in the eastern boundary. Mr. Hugh Sherwood, a landowner in the area proposed as Critical Habitat, opposed Critical Habitat designation for his property because he believed that such designation would lower the value of his land, particularly with regard to a potential buyer, Mr. Victor Renaghan, who held an option to buy the property. Mr. Sherwood felt that Critical Habitat designation would prevent development of the type planned by Mr. Renaghan. Mr. Sherwood also believed that the salt spray meadow was man-made, and that in the absence of human activities the meadow and the Oregon silverspot butterfly would disappear due to overgrowth by shrubs, especially salal (*Gaultheria shallon*).

At the April 29, 1980, public hearing, statements were made by four persons. Mr. Tom Smith, a local resident, and Dr. Paul Johnson, a research entomologist, supported the listing proposal and designation of Critical Habitat. Mrs. Elizabeth Starker Cameron, a landowner in the Critical Habitat area, expressed concern that some land uses could be precluded on her property as a result of Critical Habitat designation. Mr. B. Bond Starker stated that possible economic consequences of preserving species or subspecies should be considered.

#### Conclusion

With respect to Dr. Rindge's comments concerning the distribution and status of the Oregon silverspot butterfly, the two lepidopterists who have most recently studied this subspecies, Dr. David McCorkle of the Oregon College of Education and Dr. Paul Johnson of Oregon State University, feel that the subspecies is restricted to coastal areas. If the

butterfly were not listed, it would be impossible to designate Critical Habitat to protect the salt spray meadow habitat because Critical Habitat can only be designated in relation to a listed species. In response to Dr. Miller's comments, the Service has no present plans to acquire property in the Tenmile Creek Area. This area is not being included in the present Critical Habitat designation, although it could be proposed for inclusion in the future, since it represents one of the few known colonies of the Oregon silverspot butterfly. With regard to the comments of the Oregon Office of State Forester, no adverse effects on timber production in Lane County is anticipated. The U.S. Forest Service has no plans to cut the forest areas bordering the salt spray meadow, which are used for shelter by the butterflies. In general, the Forest Service's plans to protect and manage the area would be the same regardless of Federal listing of the Oregon silverspot butterfly and designation of its Critical Habitat. The Forest Service is aware of the butterfly and salt spray meadow areas and plans to manage these areas for their unique scenic and biological features. Critical Habitat designation for the Oregon silverspot butterfly is not expected to affect timber production in Lane County.

The Fish and Wildlife Service accepted the recommendation of the Forest Service and moved the eastern boundary of the proposed Critical Habitat 1,500 feet to the West to bring the area into a more accurate representation of the butterflies' habitat. The Fish and Wildlife Service does not know of or anticipate effects on privately held lands within the Critical Habitat. In response to Mr. Sherwood's concerns regarding adverse effects of Critical Habitat designation on his land, the Service has been unable to identify any specific effects of such designation. Service personnel, including an economist, met with Mr. Renaghan, the party who holds an option to buy Mr. Sherwood's land. Mr. Renaghan's tentative plans for development involved no apparent Federal participation nor did it appear that such development would result in significant adverse effects on the butterfly's habitat. Mr. Renaghan has been unable to have Lane County officials review and approve his development plans, but this situation has existed prior to Critical Habitat reproposal for the Oregon silverspot butterfly. The U.S. Forest Service and the Fish and Wildlife Service realize that management of the salt spray meadow will be necessary, and believe that such activities will

have to be carefully planned to maintain the salt spray meadow habitat, and that unregulated human activities in the area are not compatible with the salt spray meadow ecosystem. Regarding the comments of Mrs. Cameron and Mr. Starker, the Service considers economic and other impacts in the designation of Critical Habitat. No impacts on activities on Mrs. Cameron's land are presently known.

The Service must point out that considerable development constraints already exist on the lands in question due to local (Lane County) zoning. Critical Habitat designation would not necessarily prevent any activity with Federal involvement in the included area; depending on the proposed activity, consultation between the Fish and Wildlife Service and the relevant Federal agency might be necessary. Similar consultation could occur in areas outside the Critical Habitat if the continued existence of the Oregon silverspot butterfly was likely to be jeopardized. Critical Habitat designation is a means of alerting Federal agencies to the presence of a Threatened or Endangered species in a particular area.

Several persons recommended inclusion, either at the present or in the future, of additional lands in Critical Habitat for the Oregon silverspot butterfly. Due to some uncertainty concerning the status of the butterfly and the condition of the salt spray meadow habitat at other localities, Critical Habitat designation has been restricted at this time to portions of Lane County where a viable population of the butterfly is known to occur. It may be necessary to consider other areas in the formulation of a recovery plan for the butterfly. The Service feels that it should proceed with the final rulemaking at this time with the information available. Protective provisions of the Endangered Species Act will apply to the Oregon silverspot butterfly throughout its range.

After a thorough review and consideration of all the information available, the Director has determined that the Oregon silverspot butterfly is in danger of becoming extinct throughout all of its range. Two of the five factors described in Section 4(a) of the Act, and affecting the butterfly, were outlined in the July 3, 1978 proposal (43 FR 28938-45) to list this butterfly as Threatened. The five criteria as described in that proposal are reprinted below:

(1) *The present or threatened destruction, modification, or curtailment of its habitat or range.* This species is found only in the salt spray meadows along the extreme edge of the Pacific Coast. It has been reported from one site in Washington and seven sites in

Oregon. Colonies of butterfly are now either severely reduced in number or extirpated at all the sites except the Rock Creek-Big Creek site in Lane County, Oregon.

(2) *Overutilization for commercial, sporting, scientific, or educational purposes.* Not applicable to this species.

(3) *Disease or predation.* This factor is not known to affect the present status of this species.

(4) *The inadequacy of existing regulatory mechanisms.* There currently exist no State or Federal laws protecting this species or its habitat.

(5) *Other natural or manmade factors affecting its continued existence.* None.

#### Critical Habitat

Subsection 4(a)(1) of the Act states in pertinent part:

At the time any such regulation (to determine a species to be Endangered or Threatened) is proposed, the Secretary shall be regulation, to the maximum extent prudent, specify any habitat of such species which is then considered to be Critical Habitat.

50 CFR Part 424 defines Critical Habitat as:

- (i) The specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and
- (ii) Specific areas outside the geographical area occupied by the species at the time it is listed upon determination by the Secretary that such areas are essential for the conservation of the species.

The Service has concluded that an area in Lane County, Oregon should be designated as Critical Habitat for the Oregon silverspot butterfly. This area incorporates suggestions made by the U.S. Forest Service, and is the only known remaining site where a healthy population of the butterfly exists. The physical and biological features of the butterfly's habitat are such as to require management considerations and protection. The biological constituent elements in the Critical Habitat which are essential to the conservation of the Oregon silverspot butterfly are included below in the description of Critical Habitat for this species.

Section 4(b)(4) of the Act requires the Service to consider economic and other impacts of specifying a particular area as Critical Habitat. The Service has prepared an impact analysis which has been used as the basis for a decision that economic and other impacts of this action are insignificant for the foreseeable future.

**Effect of the Rulemaking**

All prohibitions of 50 CFR 17.31 pertaining to Threatened Wildlife will apply to the Oregon silverspot butterfly. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take, import, or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale in interstate or foreign commerce this species. It also will be illegal to possess, sell, deliver, carry, transport or ship any specimens illegally taken. Certain exceptions will apply to agents of the Service and State conservation agencies. Permits for specified purposes will be available in accordance with 50 CFR 17.32.

**Section 7(a) of the Act provides:**

**Federal Agency Actions and Consultations—(1)** The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act.

(2) Each Federal agency shall, in consultation with and with the assistance of the Secretary, insure that any action authorized, funded, or carried out by such agency (hereinafter in this section referred to as an "agency action") is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with affected States, to be critical, unless such agency has been granted an exemption of such action by the Committee pursuant to subsection (h) of this section. In fulfilling the requirements of this paragraph each agency shall use the best scientific and commercial data available.

(3) Each Federal agency shall confer with the Secretary on any agency action which is likely to jeopardize the continued existence of any species proposed to be listed under section 4 or result in the destruction or adverse modification of critical habitat proposed to be designated for such species. This paragraph does not require a limitation on the commitment of resources as described in subsection (d)

**Provisions for Interagency Cooperation** were published in the Federal Register on January 4, 1978 (43 FR 870-876), and codified at 50 CFR Part 402. These regulations are intended to assist Federal agencies in complying with Section 7 of the Act. The rule now being issued will require Federal agencies to satisfy these statutory and regulatory obligations with respect to the Oregon silverspot butterfly. These agencies will be required not only to insure that actions authorized, funded, or carried out by them are not likely to jeopardize the continued existence of this species, but also to insure that their actions do not result in the destruction or adverse modification of the habitat that has been determined by the Secretary to be critical.

Section 4(f)(4) of the Act requires, to the maximum extent practicable, that any final regulation specifying Critical Habitat be accompanied by a brief description and evaluation of those activities which, in the opinion of the Director, may adversely modify such habitat if undertaken, or may be impacted by such designation. Such activities are identified below for the Oregon silverspot butterfly.

1. A threat to the continued existence of this species is real estate development in the coastal salt spray meadows. Several of the former colonies have been extirpated or reduced in size by housing development.

2. Increased recreational use could adversely affect the butterfly's habitat. Detrimental activities could include trampling of the meadow habitat, damage from vehicles, and development of trails and other recreational facilities without considering the butterfly's needs.

3. Modification of forest areas adjoining the salt spray meadows could eliminate refuge areas used for shelter by the butterfly.

The only apparent Federal involvement affecting the proposed critical Habitat is the Forest Service's management of portions of Siuslaw National Forest. The Forest Service intends to protect the Oregon silverspot butterfly and its habitat, and has provided the Fish and Wildlife Service

with information about anticipated costs of management of the salt spray meadow habitat. This information is included in the final economic analysis which the Fish and Wildlife Service has prepared regarding this rulemaking. Designation of Critical Habitat will not impact upon the other activities listed.

**Effect Internationally**

The Service will review the status of the Oregon silverspot butterfly to determine whether it should be proposed to the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora for placement upon the appropriate appendix to that Convention and whether it should be considered under the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, or other appropriate international agreements.

**National Environmental Policy Act**

A final environmental assessment has been prepared and is on file in the Service's Office of Endangered Species. This assessment is the basis for a decision that this rule is not a major Federal action that significantly affects the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

The primary author of this rule is Dr. Michael M. Bentzien, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1975).

**Note.**—The Department of the Interior has determined that this is not a significant rule and does not require preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

**Regulations Promulgation**

Accordingly, subparts B and I of Part 17 of Chapter I of Title 50 of the U.S. Code of Federal Regulations is amended as follows:

**§ 17.11 [Amended]**

1. Section 17.11 is amended by adding the Oregon silverspot butterfly to the list, alphabetically, under "Insecta" as indicated below:

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Butterfly: Oregon silverspot.....	<i>Speyeria zerene hippolyta</i> .....	Oregon, Washington.	NA.....	T		§ 17.95(i)	NA

**§ 17.95 [Amended]**

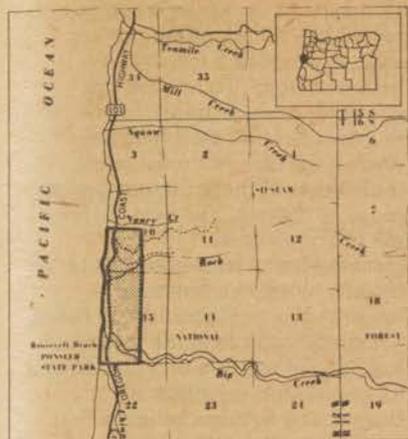
2. Section 17.95(i) is amended by adding Critical Habitat for the Oregon Silverspot butterfly as follows:

**Oregon Silverspot Butterfly**

(*Speyeria zerene hippolyta*)

Oregon. Lane County T. 16 S., R. 12 W. Those portions of section 15 and of the south

half of section 10 which are west of a line parallel to, and 1500 feet west of, the eastern section boundaries of sections 10 and 15. Constituent biological elements essential to the continued existence of the Oregon



silverspot butterfly within the Critical Habitat include the larval foodplant (*Viola adunca*), grasses and forbs in which the larvae find shelter, the composite plants from which the adults obtain nectar, and the spruce woods in which the adults find shelter.

Dated: June 26, 1980.

Lynn A. Greenwalt,  
Director, Fish and Wildlife Service.

[FR Doc. 80-19829 Filed 7-1-80; 8:45 am]

BILLING CODE 4310-55-M

## 50 CFR Part 17

### Listing the Palos Verdes Blue Butterfly as an Endangered Species With Critical Habitat

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** The Service determines the Palos Verdes blue butterfly (*Glaucopsyche lygdamus palosverdesensis*) to be an Endangered species. This action is being taken because all known populations of the butterfly are small, limited in range, and threatened by weed control practices and in one location, development. The Palos Verdes blue butterfly is known to occur only at three sites on the Palos Verdes Peninsula, Los Angeles County, California. Critical Habitat is included with this final rule. The final rule would provide protection to wild populations of this species.

**DATE:** This rule becomes effective on August 1, 1980.

**ADDRESSES:** Questions concerning this action may be addressed to Lynn A. Greenwalt, Director, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

**FOR FURTHER INFORMATION CONTACT:** Mr. John L. Spinks, Jr., Chief, Office of

Endangered Species, U.S. Fish and Wildlife Service (703/235-2771).

#### SUPPLEMENTARY INFORMATION:

##### Background

The Palos Verdes blue butterfly is a small lycaenid butterfly restricted to the Palos Verdes peninsula, Los Angeles County, California. The butterfly was originally known from only one site (Perkins and Emmel, 1977) where it was extirpated by housing development; three other small colonies were subsequently discovered (Mattoni, 1978). The main threats to these colonies are overgrowth of weeds, weed control practices that adversely affect the butterfly's larval foodplant, the locoweed *Astragalus trichopodus leucopsis* (Arnold, 1980), and, in the case of one colony, recreational development.

On July 3, 1978, the Service published a proposed rulemaking in the *Federal Register* (43 FR 28938-45) advising that sufficient evidence was on file to support a determination that the Palos Verdes blue butterfly was an Endangered species pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 *et. seq.*). That proposal summarized the factors thought to be contributing to the likelihood that this species could become Endangered within the foreseeable future, specified the prohibitions which would be applicable if such a determination were made, and solicited comments, suggestions, objections, and factual information from any interested person. Section 4(b)(1)(A) of the Act requires that the Governor of each State or Territory, within which a resident species of wildlife is known to occur, be notified and be provided 90 days to comment before any such species is determined to be a Threatened species or an Endangered species. A letter was sent to the Governor of the State of California on July 14, 1978, notifying him of the proposed rulemaking for the Palos Verdes blue butterfly. On July 14, 1978, a memorandum was sent to the Service Directorate and affected Regional personnel, and letters were sent to other interested parties notifying them of the proposal and soliciting their comments and suggestions. On March 26, 1980, the Service published a rulemaking in the *Federal Register* (45 FR 19880-61) proposing Critical Habitat for the Palos Verdes blue butterfly. A letter notifying the Governor of the State of California of this action, a memorandum to affected Regional personnel, and letters to other interested parties were sent on May 31, 1980. A public meeting and a public hearing on the proposal of Critical Habitat for the Palos Verdes

blue butterfly were held at Rancho Palos Verdes, California on April 18 and May 2, 1980.

Official comment was received from the Governor of California through his Resources Agency and Department of Fish and Game.

#### Sources Cited

- Arnold, R. A. 1980. Status of proposed threatened or endangered California Lepidoptera. Contract report to California Department of Fish and Game, 48 p.
- Mattoni, R. M. T. 1978. September 8 letter to Mr. Harold O'Connor, Deputy Associate Director, U.S. Fish and Wildlife Service.
- Perkins, E. M., and J. F. Emmel. 1977. A new subspecies of *Glaucopsyche lygdamus* from California. *Proc. Entomol. Soc. Wash.* 79:468-71.

#### Summary of Comments and Recommendations

Section 4(b)(1)(C) of the Act requires that a summary of all comments and recommendations received be published in the *Federal Register* prior to adding any species to the list of Endangered and Threatened Wildlife and Plants.

In the July 3, 1978 proposal (43 FR 28938-45) to list the Palos Verdes blue butterfly as an Endangered species, the March 26, 1980 proposal of Critical Habitat (45 FR 19860-61), and the respective Press Releases, all interested parties were invited to submit factual reports or information which might contribute to the formulation of a final rulemaking.

On October 3, 1978, the Governor of California commented through the Secretary of Resources of that State. Federal listing of the Palos Verdes blue butterfly was opposed until more information became available. Mr. Arnold's previously cited report provided corroborative evidence; in response to the March 26, 1980 proposal of Critical Habitat for the butterfly, the Governor responded through an April 17, 1980 letter from the Director of Fish and Game. This letter supported the proposed listing and Critical Habitat designation, and waived the Governor's 90 day comment period.

All public comments received from July 3 to September 1, 1978 regarding the proposal to list the Palos Verdes blue butterfly as Endangered were considered.

Comments regarding the proposal of Critical Habitat received from March 26 to May 27, 1980, were considered. Additional opportunity for public comment was provided by the public meeting and hearing.

In addition to the official comments summarized above, several comments were received from individuals and

organizations. In response to the July 3, 1978 listing proposal, seven comments were received. Support for the listing came from the Survival Service Commission of the IUCN and three lepidopterists. Two of the lepidopterists, Dr. Rudolph Mattoni and Mr. Richard Arnold, commented that the type locality of the Palos Verdes blue butterfly had been eliminated by housing development. Dr. Mattoni provided information on three other colonies of the butterfly on the Palos Verdes peninsula. Three lepidopterists opposed the listing proposal. Dr. Frederick Rindge of the Department of Entomology of the American Museum of Natural History commented that the butterfly might occur much more widely over the Palos Verdes peninsula and not be in danger of extinction. Mr. Donald Eff suggested that the subspecies had been proposed to protect real estate development on the peninsula. Dr. Lee O. Miller of the Allyn Museum of Entomology of Sarasota, Florida questioned whether the proposal to list the butterfly was a "political decision" and felt that the biological information was inadequate to support the proposal. Dr. Miller stated that the Service should return to the intent of the Endangered Species Act, and that subspecies and local populations of animals should not be protected.

In response to the March 26, 1980 proposal of Critical Habitat for the Palos Verdes blue butterfly, four comments were received. The official response of the Governor of California was summarized above. Dr. Rudolph Mattoni presented additional information on the status of the three known butterfly populations. One population had been nearly extirpated due to destruction of the larval foodplant (*Astragalus trichopodus leucopsis*), another colony appeared extinct due to the larval foodplant being overgrown by weeds, and the third colony was still extant, although not large. The Director of Planning of the city of Rancho Palos Verdes provided information about an August, 1976 attempt to transplant the butterfly and its larval foodplant from the type locality to another site. The fate of this attempt is unknown. During the comment period, Mr. Richard A. Arnold submitted a report entitled "Status of Proposed, Threatened or Endangered California Lepidoptera", prepared under contract to the California Department of Fish and Game. Mr. Arnold stated that weed control practices (rototilling) at two of the known butterfly colonies had been responsible for nearly eliminating the larval foodplant, provided information on the butterfly's life

history, and reported that new colonies had not been discovered, despite search. One non-substantive comment was received.

At the April 17, 1980 public meeting on the reproposal of Critical Habitat for the Palos Verdes blue butterfly, Mr. John Emeterio, Assistant Planner for the city of Rancho Palos Verdes stated that the city would be willing to cooperate in reestablishing the butterfly and its larval foodplant in portions of the area from which it had been extirpated, and amateur lepidopterist described additional areas on the Palos Verdes peninsula where he believed the butterfly might be found.

At the May 2, 1980 public hearing, comments were received from Mr. Klaus K. Schuegraf of the Rancho Palos Verdes Environmental Committee. He supported the listing of the Palos Verdes blue butterfly and designation of its Critical Habitat.

#### Conclusion

With respect to Dr. Rindge's comments, the Service feels that although additional colonies of the Palos Verdes blue butterfly may be discovered, the butterfly will continue to be very restricted in distribution and numbers. The Palos Verdes blue butterfly is replaced by another subspecies away from the Palos Verdes peninsula, and on the peninsula it must compete for the larval foodplant with another, much more common butterfly, the Western tailed blue (*Everes amyntula*). Regarding Mr. Eff's comments that the subspecies may have been described to protect a real estate development, the Service has no indication that this is the case. Listing this butterfly as Endangered, and designating its Critical Habitat, would not necessarily protect or prevent real estate development on the Palos Verdes peninsula.

The potential effects of this rulemaking were discussed in the July 3, 1978 proposal to list the butterfly and in the March 26, 1980 reproposal of its Critical Habitat. A restatement of these effects is to be found in the "Effect of the Rulemaking Section" of this document. The Service has received no comments requesting protection of private property, nor has any individual or organization suggested that the Service attempt to prevent specific development within the range of the Palos Verdes blue butterfly by listing this species. The areas designated as Critical Habitat are all city-owned, and designated as open space or parklands. Little, if any effect on currently planned activities is anticipated.

With regard to Dr. Miller's comments, the Service has no intention, nor any authority, to propose a species as a "political decision." To initiate the listing process, one or more of the five factors under Section 4(a)(1) of the Endangered Species Act must apply. The application of these factors depends on biological criteria. The Service felt at the time of the proposal that the biological evidence was sufficient to list the butterfly; evidence obtained subsequently has confirmed this belief. The Act specifically extends protection to subspecies of wildlife and plants, and distinct population segments of vertebrates. The Service believes that the listing of the Palos Verdes blue butterfly complies with the intent of the Endangered Species Act, and that to take no action regarding this butterfly would not fulfill its responsibilities pursuant to the Act.

After a thorough review and consideration of all the information available, the Director has determined that the Palos Verdes blue butterfly is in danger of becoming extinct throughout all of its range. Two of the five factors described in Section 4(a) of the Act, and affecting the butterfly, were outlined in the July 3, 1978 proposal (43 FR 28938-45) to list this butterfly as Endangered. The five criteria as described in that proposal are reprinted below:

(1) *The present or threatened destruction, modification, or curtailment of its habitat or range.* This species is exclusively peninsular, being restricted to the cool, fog-shrouded side of the Palos Verdes Hills. The only presently known population occupies several acres near the intersection of Los Verdes Drive and Hawthorne Boulevard. Accelerated residential and commercial development of the Palos Verdes Peninsula is threatening the continued existence of this species.

(2) *Overutilization for commercial, sporting, scientific or educational purposes.* Not applicable to this species.

(3) *Disease or predation.* This factor is not known to affect the present status of this species.

(4) *The inadequacy of existing regulatory mechanisms.* There currently exist no State or Federal laws protecting this species or its habitat.

(5) *Other natural or manmade factors affecting its continued existence.* None.

Since the July 3, 1978 proposal, the status of the Palos Verdes blue butterfly has changed with respect to the first factor. This changed status was described in the March 26, 1980, proposal of Critical Habitat for the butterfly. The colony of the butterfly at the type locality was extirpated by housing development. The three

presently known remaining colonies are threatened by weed control practices (rototilling) that adversely affect the larval food plant of the butterfly in two areas; overgrowth of weeds in another area; and recreational development.

#### Critical Habitat

Subsection 4(a)(1) of the Act states:

At the time any such regulation (to determine a species to be 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.

50 CFR Part 424 defines Critical Habitat as:

(i) The specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and

(ii) Specific areas outside the geographical area occupied by the species at the time it is listed in accordance upon a determination by the Secretary that such areas are essential for the conservation of the species.

The Service has concluded that three areas on the Palo Verde peninsula, Los Angeles County, California, should be designated as Critical Habitat for the Palos Verdes blue butterfly. Because these very limited areas are the only known sites where the butterfly still occurs, the areas are essential for the conservation of the butterfly. The physical and biological features of the butterfly's habitat are such as to require management considerations and protection.

Section 4(b)(4) of the Act requires the Service to consider economic and other impacts of specifying a particular area as Critical Habitat. The Service has prepared an impact analysis which has been used as the basis for a decision that economic and other impacts of this action are insignificant for the foreseeable future.

#### Effect of the Rulemaking

All prohibitions of 50 CFR 17.21 will apply to the Palos Verdes blue butterfly. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take, import, or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale in interstate of foreign commerce this species.

It also will be illegal to possess, sell, deliver, carry, transport or ship any specimens illegally taken. Certain exceptions will apply to agents of the

Service and State conservation agencies. Permits for scientific purposes or for the enhancement of propagation or survival will be available in accordance with 50 CFR 17.22. Economic hardship permits would be available under 50 CFR 17.23.

Section 7(a) of the Act provides:

Federal Agency Actions and Consultations—(1) The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act.

(2) Each Federal agency shall, in consultation with and with the assistance of the Secretary, insure that any action authorized, funded, or carried out by such agency (hereinafter in this section referred to as "agency action") is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with affected States, to be critical, unless such agency has been granted an exemption of such action by the Committee pursuant to subsection (h) of this section. In fulfilling the requirements of this paragraph each agency shall use the best scientific and commercial data available.

(3) Each Federal agency shall confer with the Secretary on any agency action which is likely to jeopardize the continued existence of any species proposed to be listed under section 4 or result in the destruction or adverse modification of critical habitat proposed to be designated for such species. This paragraph does not require a limitation on the commitment of resources as described in subsection (d).

Provisions for Interagency Cooperation were published in the **Federal Register** on January 4, 1978 (43 FR 870-876), and codified at 50 CFR Part 402. These regulations are intended to assist Federal agencies in complying with Section 7 of the Act. The rule now being issued will require Federal agencies to satisfy these statutory and regulatory obligations with respect to the Palos Verdes blue butterfly. These agencies will be required not only to insure that actions authorized, funded, or carried out by them are not likely to jeopardize the continued existence of this species, but also to insure that their actions do not result in the destruction or adverse modifications of the habitat that has been determined by the Secretary to be critical.

Section 4(f)(4) of the Act requires, to the maximum extent practicable, that any final regulation specifying Critical Habitat be accompanied by a brief description and evaluation of those

activities which, in the opinion of the Director, may adversely modify such habitat if undertaken, or may be impacted by such designation. Such activities are identified below for the Palos Verdes blue butterfly.

(1) Weed control (rototilling) has eliminated much of the butterfly's larval food plant (*Astragalus trichopochus leucopsis*) in two of the Critical Habitat areas. Overgrowth of weeds has eliminated much of the food plant in the third Critical Habitat area.

(2) Recreational development may adversely affect one of the Critical Habitat areas (Frank Hesse Park).

No Federal involvement is known or anticipated in relation to the above activities. Critical Habitat designation is not expected to impact these activities.

#### Effect Internationally

The Service will review the status of the Palos Verdes blue butterfly to determine whether it should be proposed to the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora for placement upon the appropriate appendix to that Convention and whether it should be considered under the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, or other appropriate international agreements.

#### National Environmental Policy Act

A final environmental assessment has been prepared and is on file in the Service's Office of Endangered Species. This assessment is the basis for a decision that this rule is not a major Federal action that significantly affects the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

**Note.**—The Department of the Interior has determined that this is not a significant rule and does not require preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

The primary author of this rule is Dr. Michael M. Bentzien, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240. (703/235-1975).

#### Regulations Promulgated

Accordingly, subparts B and I of Part 17 of Chapter I of Title 50 of the U.S. Code of Federal Regulations are amended as follows:

#### § 17.11 [Amended]

1. Section 17.11 is amended by adding the Palos Verdes blue butterfly to the list, alphabetically, under "Insecta" as indicated below:

Species	Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name					
Butterfly: Palos Verdes blue	<i>Glaucopsyche lygdamus palosverdesensis</i>	U.S.A.-California	NA	E	§ 17.95(f)	NA

### § 17.95 [Amended]

2. Section 17.95(i) is amended by adding Critical Habitat for the Palos Verdes blue butterfly as follows:

#### Palos Verdes Blue Butterfly

(*Glaucopsyche lygdamus palosverdesensis*)

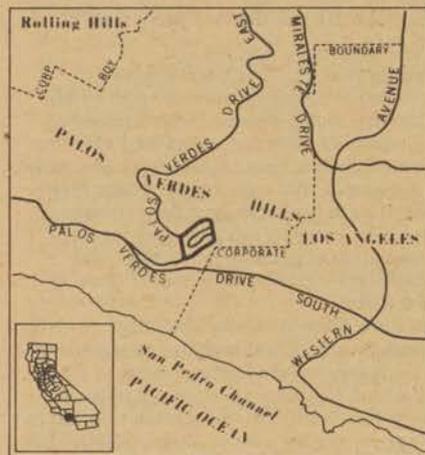
California. Los Angeles County.

1. Agua Amarga Canyon Zone. Palos Verdes Estates. A square area of land 0.4 x 0.4 kilometers located at the southeast corner of the southernmost corporate boundary of Palos Verdes Estates.

2. Frank Hesse Park Zone. Rancho Palos Verdes. An area enclosed by Hawthorne Boulevard, Locklenna Lane, and Verde Drive.

#### Palos Verdes Blue Butterfly

(*Agua Amarga Canyon and Frank Hesse Park Zones*) Los Angeles County, California



Dated: June 26, 1980.

Lynn A. Greenwalt,  
Director, Fish and Wildlife Service.

[FR Doc. 80-19830 Filed 7-1-80; 8:45 am]  
BILLING CODE 4310-55-M

### DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration 50 CFR Part 296

#### Fishermen's Contingency Fund

**AGENCY:** National Marine Fisheries Service/National Oceanic and Atmospheric Administration, Commerce.

**ACTION:** Final regulations.

**SUMMARY:** These regulations implement the administrative hearings provisions of Title IV of the Outer Continental Shelf Lands Act Amendments of 1978 (Title IV). Title IV establishes a Fishermen's Contingency Fund (Fund) to compensate fishermen for certain losses caused by obstructions associated with Outer Continental Shelf (OCS) oil and gas exploration, development, or production. These regulations establish procedures for the review and adjudication of each claim by an administrative law judge (ALJ). Several minor changes are made in previously issued regulations, to conform to these new regulations. Also, several minor changes have been made to previously issued regulations, to improve their clarity or to delete from the required contents of a claim application several items of information which generally are not necessary for resolution of the claim.

**EFFECTIVE DATE:** August 1, 1980.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Michael L. Grable or Ms. Kathryn E. Hensley, Financial Services Division, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C. 20235. Telephone (202) 634-4688.

**SUPPLEMENTARY INFORMATION:** A notice of proposed rulemaking for implementation of Title IV, the Fishermen's Contingency Fund, was published in the *Federal Register* on May 24, 1979 (44 FR 30292).

On January 24, 1980 (45 FR 6062), NOAA published final regulations implementing Title IV, but reserved § 296.10, which deals with procedures for adjudication of claims by an ALJ. This preamble addresses the public comments received on § 296.10 as proposed, and discusses additional changes in the regulations.

#### I. Response to Public Comments

NOAA received a number of comments concerning § 296.10 of the proposed regulations. The comments, NOAA's responses, and certain changes in these final regulations as a result of the comments are discussed below.

#### § 296.10 Hearings.

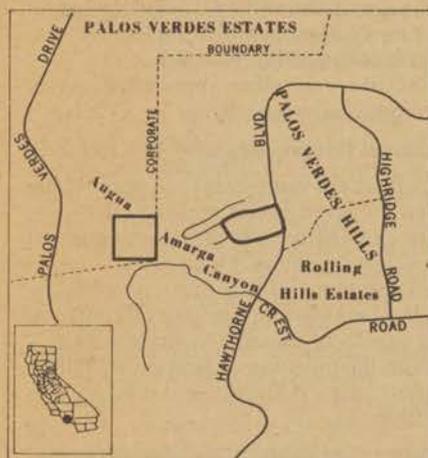
##### Prehearing Process.

*Notice of intent to submit evidence.* Section 296.10(d) of the proposed regulations dealt with notification provided to an ALJ by any interested person who intends to submit evidence at a hearing.

*Comment:* One commenter suggested that respondents should be provided all claims and amendments in order to be assured of due process of law.

*Response:* This section of the final rules has been changed to specify that any interested person may request a copy of any claim and of any amendment. The NOAA General Counsel will determine which portion of the claim and amendments are disclosable under applicable law. The General Counsel's decision may be appealed to the ALJ. In addition, any interested person who has been allowed by the ALJ to submit evidence or to participate otherwise at the hearing is entitled, upon request, to be provided a copy of such portion of the claim as the ALJ determines is disclosable under applicable law. (See §§ 296.8(g) and 296.10(d)(4) of the final rules.)

*Location and time of hearing.* Section 296.10(e) specifies that any hearing will be held in the United States judicial



3. Palos Verdes Drive Zone. Rancho Palos Verdes. The Switchback area of Palos Verdes Drive East, bounded by a line connecting the two eastern curves, a line parallel to and 0.3 kilometers southwest of this line, and the upper and lower portions of Palos Verdes Drive East.

#### Palos Verdes Blue Butterfly

(*Palos Verdes Drive Zone*) Los Angeles County, California

Within these Critical Habitat areas, the known biological constituent elements essential to the conservation of this species are colonies of the larval foodplant,

*Astragalus trichopodus leucopsis*.

district within which the matter giving rise to the claim occurred.

*Comment:* One commenter preferred hearings to be held at the claimant's home port to minimize expenses.

*Response:* The Fund's authorizing legislation requires only that hearings be held within the applicable United States judicial district. Although convenience of the parties is a factor in determining the site of a hearing, it may not be practical to have a hearing at a precise location requested by a claimant, and NOAA believes the ALJ should have some discretion in determining the location. The final regulations allow the hearing to be conducted outside the statutorily prescribed U.S. judicial district if the claimant, the NOAA General Counsel, and all other parties so agree. The ALJ will determine the location of the hearing (note that the ALJ cannot move the hearing outside of the statutorily prescribed judicial district without the consent of the claimant and the other parties). (See § 296.10(e) of the final regulations.)

*Notice of Hearing.* Section 296.10(f) describes the process by which the ALJ issues a notice of hearing.

*Comment:* One commenter suggested the ALJ's notice of hearing should be issued at least thirty days prior to the hearing date.

*Response:* NOAA believes that thirty days advance notice of a hearing is too long and could encroach upon the 120-day statutory decisionmaking time period. However, these final rules have been changed so that the notice of hearing will be issued at least fifteen days prior to the hearing date.

*Prehearing conference.* Section 296.10(h) of the proposed regulations described the calling, and purposes, of pre-hearing conferences.

*Comment:* One commenter stated that the ALJ's option to call a pre-hearing conference should not be exercisable any later than thirty days before a scheduled hearing date.

*Response:* NOAA believes the ALJ should have substantial flexibility in determining the progress and pace of the case. We believe that no change to these final rules is warranted in response to this comment. (See § 296.10(g) of the final regulations.)

*Settlement.* Section 296.10(j) of the proposed regulations provided for the suspension of hearings and for Fund compensation based upon recommended settlements if the ALJ finds that there is no evidence on record which would result in a bar to the payment of a claim or limitation of the compensation to an amount less than in the recommended settlement. Section 296.14 describes the process for claimants' subrogation of

their rights at the time of payment of a claim by the Fund.

*Comment:* One commenter stated that early settlement of claims, with subsequent subrogation rights, may abridge respondents' (oil and gas companies) constitutional rights.

*Response:* We do not believe that the settlement and subrogation process will abridge oil and gas companies constitutional rights. The Fund's post-settlement rights (acquired by subrogation) against an oil or gas company will be no greater (with the possible exception of certain administrative costs incurred by the Fund) than the claimant's pre-settlement rights. The final regulations provide that the ALJ may allow other parties or interested persons to comment on a proposed settlement; this procedure will help provide the oil and gas industry an opportunity to make their views known on a potential settlement. (See § 296.10(i) of the final regulations.)

*Decision of the hearing examiner. Proposed findings of fact, conclusions of law, and order.* Section 296.10(m)(1) of the proposed regulations dealt with submission to the hearing examiner of proposed findings of fact, conclusions of law, and with submission of replies thereto. Parties replying to such proposals would have ten days after receipt of such proposals within which to reply.

*Comment:* One commenter wanted the time within which to file a reply increased from ten to twenty days.

*Response:* We recognize that a ten-day reply period is short, but a prompt response is required in the interest of promptly compensating successful claimants and the fact that the Fund's authorizing legislation requires the ALJ to decide claims within 120 days after their referral to the ALJ. The final regulations allow the ALJ to extend the 10-day period.

*Time of Decision.* Section 296.10(m)(2) of the proposed regulations required the ALJ to issue decisions within 120 days after the date a claim is referred to the ALJ.

*Comment:* One commenter suggested the statutory claim processing time of 120 days should be stated in the rules.

*Response:* NOAA believes this matter is adequately addressed in the final rules (see § 296.10(m)(2)(ii) of the final regulations).

*Contents of Decisions.* Section 296.10(m)(3) of the proposed regulations stated that the ALJ's decision shall specify from which area account any award shall be made.

*Comment:* One commenter stated that the final rules should provide a means of assigning to the proper area account

damages occurring in non-Outer Continental Shelf waters which are, nevertheless, found to be the result of Outer Continental Shelf oil and gas activities.

*Response:* The final rules cross-reference § 296.5, which allows payment for damage or loss occurring in non-OCS waters in certain circumstances. NOAA believes the final regulations allow the ALJ sufficient flexibility to designate which area account (or accounts) should pay for such damage. We believe it is impractical to specify a particular means for doing so, because such decisions depend upon the circumstances and evidence of each claim. (See § 296.10(m)(3)(i) of the final regulations).

## II. Additional Changes in the Regulations

### A. Section 296.2. Definitions

A generalized definition of "consequential damage" has been added to aid fishermen in understanding what types of damage, loss, or expense may be compensable under the Title IV program.

The definition of "interested person" in the final regulations issued January 24, 1980, was restricted to oil and gas industry members who had conducted activities in the vicinity where the claimant's damage occurred. While reviewing the hearing procedures in § 296.10 of the proposed regulations, NOAA determined that it may be desirable in some cases to allow a broader class of persons to participate in any hearing that may be held. Accordingly, the definition of "interested person" is amended to mean "any person with an interest in the claim, including but not limited to" oil and gas industry members who have conducted activities in the vicinity where the claimant's damage occurred. This revised definition, in conjunction with new § 296.10 (d) and (i), will give the ALJ flexibility to allow appropriate participation by any person with a demonstrated interest in the claim.

### B. Section 296.6 Amount of Awards

Section 296.6(b) has been amended to clarify the standards for the amount of compensation for gear that is lost, and for gear that is not repairable at a cost less than its replacement cost minus its salvage value.

Section 296.6(c)(2)(vii) has been amended to specify that the Chief of the NMFS Financial Services Division will not attempt to settle a claim for lost profits unless the claimant submits a Federal income tax return and other specific documentation of income and

expenses pertaining to the vessel involved (or, in the discretion of the Chief of the Financial Services Division, a similar vessel). The tax return and supplemental documentation will be used in applying an administrative standard which NMFS believes will provide a fair estimate of the amount of lost profits. For further information concerning how the administrative standard will be applied, please contact the Financial Services Division, NMFS (see the portion of this preamble entitled "For Further Information Contact"). Claimants would not be forced to submit a tax return. However, if the claimant does not submit the requested Federal income tax return and supplemental documentation, the claimant will have to submit other detailed types of income and expense information to the Administrative Law Judge who will then determine the amount of lost profits.

The text concerning computation of the crew members' shares of an award has been deleted. Awards computed under the administrative standard may include an amount for income lost by crew members. The owner or operator will be responsible for distributing the appropriate portion of the award to each crew member. Awards computed by the ALJ may include separate subawards to crew members.

*Section 296.6(c)(3)*. A new subsection has been added to clarify that fuel costs incurred as a result of damaging or losing gear due to an obstruction can be compensated under the Title IV program. *Section 296.6(c)(3)* of the January 24, 1980 regulations is renumbered as § 296.6(c)(4).

#### C. *Section 296.7 Instructions for Filing Claims*

*Section 296.7(e)(10)(ii)* has been amended by deleting the requirement that claimants state the "age and the estimated remaining useful economic life" of each component of gear lost or damaged. From experience gained in processing Title IV claims to date, NMFS has found that this information is not useful in determining the replacement cost of damaged or lost gear.

*Section 296.7(e)(11)* has been amended to clarify that if a claimant is willing to submit a Federal income tax return and supplemental documentation of income and expenses, for use in determining lost profits, the claimant and the Chief, FSD, may negotiate a proposed settlement agreement concerning the amount of lost profits. If the claimant does not submit the requested Federal income tax return and supplemental documentation of income and expenses, of if the claimant does

not accept the Chief of the Financial Services Division's computation of the amount of lost profits, then information such as catch logs, landing receipts, crew share information, and expense receipts will be required in order for the Administrative Law Judge to determine the amount of lost profits. The requirement that crew share information be submitted has been modified, for the reasons described above concerning § 296.6(c)(2)(vii).

*Section 296.7(e)(12)* has been amended to ask the claimant to specify amounts claimed for fuel costs as well as other consequential damages (see discussion of § 296.6(c)(3) above).

*Sections 296.7(e)(15), (19) and (21)* of the January 24, 1980 regulations have been deleted, as discussed below. All subsections following § 296.7(e)(14) have been appropriately renumbered; most have not been amended otherwise.

*Sections 296.7(e)(22), (23), (25), (26) and (27)* of the January 24, 1980 regulations have been amended, as discussed below.

*Sections 296.7(e)(15) and (19)* of the January 24, 1980 regulations have been deleted because NMFS has found that the information requested generally has not been necessary or helpful in processing or resolving Title IV claims. In cases where such information may be necessary, NMFS will request that it be provided under § 296.7(f).

*Section 296.7(e)(21)* of the January 24, 1980 regulations has been deleted for the same reason as § 296.7(e)(15) and (19), discussed immediately above. *Section 296.7(e)(22)* of these regulations (formerly § 296.7(e)(25)) has been amended to incorporate much of the substance of former § 296.7(e)(21), by including persons on nearby vessels as potential witnesses to the damage or loss of fishing gear.

*Section 296.7(e)(22)* of the January 24, 1980 regulations has been renumbered as § 296.7(e)(19), and amended to clarify what information the claimant must submit concerning the identity of the item or obstruction causing the loss or damage.

*Section 296.7(e)(23)* of the January 24, 1980 regulations has been renumbered as § 296.7(e)(20), and amended to clarify what information the claimant must submit concerning buoys or markers near the obstruction.

*Section 296.7(e)(25)* of the January 24, 1980 regulations has been renumbered as § 296.7(e)(22), and amended as described in the discussion above concerning § 296.7(e)(21).

*Section 296.7(e)(26)* of the January 24, 1980 regulations has been renumbered as § 296.7(e)(23), and amended to clarify what information the claimant must

submit, when the full claim is filed, concerning any 5-day report the claimant made.

*Section 296.7(e)(27)* of the January 24, 1980 regulations has been renumbered as § 296.7(e)(24), and amended to clarify what information must be submitted concerning the location of the obstruction causing the damage or loss.

*Section 296.7(h)*. A new subsection has been added to clarify when a claimant may request that the Administrative Law Judge (ALJ) hold an oral hearing concerning the claim. Such requests are to be made before the case is forwarded to the ALJ. The claimant must state the reason why the claimant believes an oral hearing should be held. The ALJ will decide whether to grant the request. NOAA believes the ALJ also may require, on the ALJ's own motion, that an oral hearing be held. *Section 296.7(h)* of the January 24, 1980 regulations is redesignated as § 296.7(i).

#### D. *Section 296.8 NMFS Processing of Claims*

*Section 296.8(a)(1)(i)* of the January 24, 1980 regulations has been deleted. The General Counsel, rather than the Chief, FSD, will request that an Administrative Law Judge be assigned to decide a claim (see § 296.8(f)(1) of these final regulations).

*Section 296.8(a)(1)(iii)* of the January 24, 1980 regulations has been amended to clarify that NMFS reports to the National Ocean Survey only those obstructions which are not recovered and retained by the fishing vessel (see § 296.8(a)(1)(ii)).

*Section 296.8(a)(1)(iv)(C)* of the January 24, 1980 regulations has been amended to clarify that, in response to the **Federal Register** notice announcing the claim, interested persons may submit a description or photograph of evidence, rather than submitting physical evidence at that time. This amendment more closely tracks § 296.8(a)(3)(i). (See § 296.8(a)(1)(iii)(C).)

*Section 296.8(c) and (d)*. NOAA believes that Congress intended that NOAA consider the interests of the Fund when handling claims. NOAA has designated its General Counsel as the person within the agency who will have final authority to represent the Fund's interest in the disposition of a claim (e.g., approval, disapproval, or settlement at a compromise level). However, NOAA recognizes that the National Marine Fisheries Service (NMFS) has substantial experience in dealing with fishermen and their damage claims. Accordingly, NMFS (through the Chief, Financial Services Division) will be the primary actor in contacting claimants and negotiating a

settlement or otherwise formulating an agency recommendation on the claim. Sections 296.8(c)(4), (d)(1), and (d)(2) have been amended to clarify the respective roles of the Chief, FSD, and the General Counsel. Section 296.8(d) has been amended to provide that the official agency recommendation will be given to the claimant in writing, and published in the **Federal Register**, before the claim is referred to the Administrative Law Judge.

Section 296.8(e) has been amended to allow any interested person to request to be admitted as a party to a hearing, after the General Counsel publishes the **Federal Register** notice of the official agency recommendation. Any interested person requesting at that time to be admitted as a party would have to provide reasons why the person did not make the request at the time of the first **Federal Register** notice announcing receipt of the claim.

Section 296.8(f) of the January 24, 1980 regulations has been amended to clarify that the case file which the General Counsel refers to the ALJ will include any requests from an interested person to be admitted as a party to any hearing, and any requests from the claimant or any interested person for an oral hearing on the claim (see § 296.8(f)(2) (iv) and (v)).

In addition, cross-references in § 296.8 to § 296.10 ("Reserved" in the January 24 publication) are amended.

#### E. Section 296.10 Hearings

Section 296.10(c)(3) states the powers of the administrative law judges who must adjudicate claims under Title IV. The term "hearing examiner" in the proposed regulations has been replaced by the term "administrative law judge" or "ALJ" in these final regulations, to conform to present usage in 5 U.S.C. section 3105.

The powers of the ALJ have been reorganized into a more logical order, and have been modified in some respects. The powers of the ALJ in the final regulations clarify that the ALJ has discretion as to whether to hold an oral hearing concerning a claim. NOAA believes that 5 U.S.C. section 554 does not require an oral hearing as an essential element of each claim adjudication. The final regulations (§ 296.10(c)(3)(i)) allow the ALJ to require the submission of part or all of the evidence in written form if the ALJ determines that a party will not be prejudiced thereby; this procedure is authorized by 5 U.S.C. section 556(d).

The final regulations (§ 296.10(m)(1)) allow the ALJ to make a decision on a claim without first allowing the parties an opportunity to submit proposed

findings of fact and conclusions of law; this procedure is authorized by 5 U.S.C. section 557(c).

The final regulations (§§ 296.10(c)(3)(iv) and 296.10(d)) clarify that the ALJ may limit the participation of certain persons in the hearing, including persons who have been admitted as "parties." However, the claimant and the NOAA General Counsel will always be entitled to participate as full parties.

Sections 296.10(c)(4) and (5) of the proposed regulations contained sections concerning *ex parte* consultations and disqualification of the ALJ. These sections have been deleted in these final regulations because NOAA believes that administrative case law adequately addresses these matters.

Section 296.10(j) of the proposed regulations ("Settlement") has been revised to clarify that any settlement involving a potential payment by the Fund may be submitted to the ALJ only with the approval of the NOAA General Counsel. The requirement in the proposed regulations that the ALJ not approve a settlement sooner than 15 days after it is filed has been deleted in the final regulations, and is replaced by a provision allowing the ALJ to allow other parties or interested persons the opportunity to comment on a proposed settlement. NOAA believes that most settlements will in fact have a 15-day advance public notice. We expect that most proposed settlements will emerge before the claim is formally referred to the ALJ; § 296.8(d)(2) requires that a notice of such pre-referral proposed settlements be published in the **Federal Register** 15 days before the proposed settlement is referred to the ALJ. The ALJ has discretion to allow parties or interested persons to comment on any settlement proposals that arise while the claim is pending before the ALJ. (See § 296.10(i) of the final regulations.)

Section 296.10(1) of the final regulations has been added to facilitate the dismissal of claims that appear to be clearly ineligible for compensation under Title IV (for example, because they are filed after the statutory 60-day filing deadline). If the General Counsel believes a claim is clearly ineligible, the claimant is given written notice, a notice is published in the **Federal Register**, and the claim is sent to the ALJ for review of its eligibility (see § 296.8(d)). If the ALJ finds that the claim is not eligible for compensation under Title IV, the claim is dismissed. If the ALJ finds the claim is eligible for Title IV compensation, the claim is returned to NMFS for further processing under § 296.8. The claimant may appeal the ALJ's finding of ineligibility immediately, but appeals of

an ALJ's decision that a claim is eligible cannot be taken until after the claim has been processed by NMFS and fully adjudicated by the ALJ.

Section 296.10(m)(2) of the proposed regulations required the ALJ to issue a decision within 15 days after the close of the hearing and submission of findings of fact and conclusions of law, and proposed orders. The 15-day requirement has been deleted in the final regulations because it is deemed unnecessary and, in practice, unenforceable. The ALJ still must issue an opinion within 120 days after the claim was referred to the ALJ for adjudication. NOAA also believes the 120-day time limitation should be waivable upon the agreement of the claimant, the General Counsel, and all parties to the hearing; we believe that the 120-day limit is essentially designed to assure a timely decision about whether a claimant will be paid by the Fund for damage, and that if the claimant is willing to wait longer, it may be helpful to have an official procedure for deferring the ALJ's decision beyond the period specified in Title IV (see § 296.10(m)(2)(ii) of the final regulations).

Section 296.10(m)(2)(iii) of the final regulations has been added to allow the ALJ to stay the effective date of the decision in appropriate cases, until, for example, after an appeal has been decided by the appropriate U.S. Court of Appeals or the U.S. Supreme Court. Such stays may serve the interests of justice in cases where the ALJ finds a financially responsible party responsible for claimant's damage. The stay would allow the claimant to appeal the ALJ's finding without finally terminating the claim's adjudication by the ALJ.

Section 296.10(q)(3) of the proposed regulations has been amended to allow additional flexibility in determining the amount of advance notice prior to taking a deposition (see § 296.10(r)(3) of the final regulations).

Section 296.10(r) of the proposed regulations has been amended to clarify that the ALJ may issue subpoenas for witnesses or documentary or other evidence on the ALJ's own motion (see § 296.10(s) of the final regulations).

#### F. Section 296.12 Appeals, and Section 296.13 Payment of Award for Claim

Sections 296.12(a), 296.13(a) and 296.13(b) of the final regulations published January 24, 1980 are amended to revise cross-references to § 296.10.

In addition to the changes described above, NOAA has made a number of changes in the final regulations which generally are of a technical or "house-keeping" nature.

**Note.**—The Assistant Administrator for Fisheries made an initial determination that these regulations are not significant under Executive Order 12044. The Assistant Administrator has also determined that these regulations do not require the preparation of an environmental impact statement under the National Environmental Policy Act.

Signed this 27th day of June, 1980, in Washington, D.C.

**Winfred H. Meibohm,**  
Executive Director, NMFS.

(Pub. L. 95-372; 92 Stat. 629; 43 U.S.C. section 1641 *et seq.*)

Accordingly, 50 CFR Part 296 is amended as follows:

**§ 296.1 [Amended]**

1. In the list of contents preceding § 296.1, delete the term "[Reserved]" from the caption of § 296.10 *Hearings*.

**§ 296.2 [Amended]**

2. Section 296.2 is amended by:

a. Adding, after the definition of "Commercial fishing vessel" and before the definition of "Easement," a new definition of "Consequential damage", to read as follows:

"Consequential damage" means, generally, damage, loss, or expense, that reasonably could be expected to occur as a result of physical contact between fishing gear and an obstruction or other object. Some types of consequential damage are described in § 296.6(c) of this part; and

b. Amending the definition of "interested person" to read as follows:

"Interested person" means any person with an interest in the claim, including but not limited to a person (including a lessee or permittee or such person's contractor or subcontractor) known to have engaged in activities associated with OCS oil and gas exploration, development or production in the vicinity where the claimant's damage or loss occurred.

**§ 296.6 [Amended]**

3. Section 296.6 is amended by:

a. Revising paragraph (b) to read as follows:

(b) *Fishing gear.* If the fishing gear with respect to which the claim is filed can be repaired to a condition substantially similar to its condition immediately before the damage was suffered, at a cost less than its replacement cost minus its salvage value, then the amount of compensation is its repair cost. If the fishing gear is not

lost but cannot be repaired to a condition substantially similar to its condition immediately before the damage was suffered, at a cost less than its replacement cost minus its salvage value, then the amount of compensation is the damaged gear's replacement cost minus its salvage value. If the fishing gear is lost, the amount of compensation is the lost gear's replacement cost. For the purposes of this § 296.6, the term "replacement cost" means the cost of supplying new fishing gear of the same or substantially similar size, type, grade and material of construction, without reference to the age or condition of the gear damaged or lost;

b. Revising paragraph (c)(2)(vii) to read as follows:

(c) \*\*\*  
(2) \*\*\*  
(vii) In making either an agency recommendation or a proposed settlement under § 296.8(c), the Chief, FSD, will use an administrative standard to determine lost profit. Awards computed under the administrative standard may include an amount for income lost by crew members. The owner or operator of the commercial fishing vessel involved in the claim will be responsible for distributing the appropriate portion of the award to each crew member. The administrative standard will be based on the most recent filed Federal income tax return, and on supplemental documentation of income and expenses of the vessel involved in the loss or damage (or, in the discretion of the Chief, FSD, a different vessel). Information concerning the application of the administrative standard for determining lost profits may be obtained from the Chief, FSD (see § 296.7(a)(3) of this Part for the Chief, FSD's address). The Chief, FSD, will not attempt to settle a claim for lost profits if such a Federal income tax return, and supplemental documentation of income and expenses, are not made available; in such cases, the compensation for lost profits will be determined by the ALJ. If the claimant does not accept the Chief, FSD's computation of the amount of lost profits, the amount of lost profits will be determined by the ALJ. Awards computed by the ALJ may include separate sub-awards to crew members. (See also § 296.7(e)(11)).

c. Amending paragraph (c)(3), by renumbering it as paragraph (c)(4); and  
d. Inserting a new paragraph (c)(3), reading as follows:

(c) \*\*\*  
(3) *Fuel.* An award under this Part will include compensation for fuel consumed as a result of the damage or loss of fishing gear compensable under this Part (for example, if a fishing vessel must return to port in order to repair or replace a net damaged or lost due to an obstruction).

**§ 296.7 [Amended]**

4. Section 296.7 is amended by:  
a. In paragraph (a)(4)(iii), deleting the term "paragraph (e)(27)" and inserting instead the term "paragraph (e)(24)";  
b. In paragraph (b), deleting the term "paragraphs (e)(1) through (29)" and inserting instead the term "paragraph (e)(1) through (26)";  
c. Amending paragraph (e)(10)(ii) to read as follows:

(e) \*\*\*  
(10) \*\*\*  
(ii) A list of all components of fishing gear damaged or lost, together with the size, type, grade, and material of construction of each component damaged or lost;

d. Amending paragraph (e)(11) to read as follows:

(e) \*\*\*  
(11)(i) The amount, if any, claimed for lost profits. The claimant shall describe fully the basis upon which the amount claimed is calculated. Each claim also shall contain a full statement of why the length of the time period which is the subject of the claim for lost profits is reasonable, and what action, if any, the claimant took to reduce or mitigate the amount of lost fishing time.

(ii) If an amount is claimed for lost profits, and if the claimant wants to negotiate a proposed settlement with the Chief, FSD, concerning the lost profits, the claimant shall submit the claimant's most recent filed Federal income tax return and supplemental documentation of income and expenses (for the vessel involved in the loss or damage). (See also § 296.6(c)(2)(vii)).

(iii) If the claimant does not want to negotiate a proposed settlement concerning the lost profits (for example, because the claimant does not want to submit the most recent filed Federal income tax return) or if the claimant does not accept the Chief, FSD's computation of the amount of lost profits, the amount of the lost profits will be determined by the ALJ. If the ALJ is to determine the amount of the lost profits, the claimant will be required to submit to the ALJ records documenting

the claimant's profits during the 12 month period preceding the time period during which the lost profits were suffered. The claimant may be required to submit catch logs, landing receipts, receipts for expenses, crew share information and any other additional documentation concerning the claim for lost profits.

(iv) The Chief, FSD, or the ALJ may allow the claimant to submit a Federal income tax return, or other evidence of income and expenses pertaining to a different vessel than the vessel involved in the damage or loss, instead of the information for the vessel involved, if there exists good cause allowing such substitution;

e. Amending paragraph (e)(12) to read as follows:

(e) \* \* \*

(12) The amount, if any, claimed for consequential damages under § 296.6(c) (1), (3), and (4), together with a full description of what each amount claimed represents;

f. Deleting paragraph (e)(15) in its entirety;

g. Renumbering paragraphs (e)(16) through (18) as paragraphs (e)(15) through (17);

h. Deleting paragraph (e)(19) in its entirety;

i. Renumbering paragraph (e)(20) as § 296.7(e)(18);

j. Deleting paragraph (e)(21) in its entirety;

k. Renumbering paragraph (e)(22) as paragraph (e)(19), and amending it to read as follows:

(e) \* \* \*

(19) A statement concerning whether or not the item or obstruction which caused the damage or loss was sighted and/or recovered. Describe any item or obstruction sighted or recovered (include a description of any identification markings). If the item or obstruction was physically recovered, it should be retained until the claim is resolved. Submit with the claim any available photographs of the item or obstruction;

1. Renumbering paragraph (e)(23) as paragraph (e)(20), and amending it to read as follows:

(e) \* \* \*

(20) A statement concerning whether or not a lighted buoy or surface marker was attached to or anchored by the item

or obstruction. If a buoy or marker was present, describe it;

m. Renumbering paragraph (e)(24) as § 296.7(e)(21);

n. Renumbering paragraph (e)(25) as paragraph (e)(22), and by amending it to read as follows:

(e) \* \* \*

(22) The names and addresses of all known witnesses to the incident which caused the damage or loss (for example, crew members on your vessel who witnessed the incident, and the captain and crew of other vessels in the vicinity if they witnessed the incident). Statements from each witness should be submitted if available;

o. Renumbering paragraph (e)(26) as paragraph (e)(23), and amending it to read as follows:

(e) \* \* \*

(23) A statement concerning whether or not the claimant filed a 5-day report of the damage or loss as provided in § 296.7(a). If a 5-day report was filed, state when it was filed, in what form it was filed (for example, in writing, or by telephone), and to whom in NMFS the report was made;

p. Renumbering paragraph (e)(27) as paragraph (e)(24), and by amending the first sentence of paragraph (e)(24) to read as follows:

(e) \* \* \*

(24) The position of the obstruction causing the damage or loss (if the obstruction was dragged, give positions for both before and after it was dragged, if known), to be specified by using one or more of the following methods of position fixing. \* \* \*

Note.—The rest of that paragraph (e)(24) is unchanged.

q. Renumbering paragraphs (e) (28) and (29) as paragraphs (e) (25) and (26);

r. Redesignating paragraph (h) as paragraph (i); and

s. Inserting a new paragraph (h), reading as follows:

(h) *Request for oral hearing before ALJ.* At any time before the claim is referred to the ALJ under § 296.8(f), a claimant may request the ALJ to hold an oral hearing concerning the claim. Any such request for an oral hearing must be filed in writing with the Chief, FSD, or with the General Counsel, and must

state the claimant's reason for requesting an oral hearing.

#### § 296.8 [Amended]

5. Section 296.8 is amended by:

a. Deleting (a)(1)(i) in its entirety;

b. Renumbering (a)(1)(ii) as (a)(1)(i);

c. Renumbering (a)(1)(iii) as (a)(1)(ii), and amending it to read as follows:

(a) \* \* \*

(1) \* \* \*

(ii) Transmit the reported location of any obstruction which was not recovered and retained to the National Ocean Survey, which will inform the Defense Mapping Agency Hydrographic/Topographic Center; and;

d. Renumbering paragraph (a)(1)(iv) as paragraph (a)(1)(iii);

e. Amending paragraph (a)(1)(iii)(C) [as renumbered] to read as follows:

(a) \* \* \*

(1) \* \* \*

(iii) \* \* \*

(C) A statement that any interested person is allowed 30 days following publication of the notice in the **Federal Register** to submit to the Chief, FSD, any evidence (or a description or photograph of any physical evidence) concerning the claim.;

f. In paragraph (a)(3)(i), deleting the term "[Reserved]";

g. In paragraph (a)(3)(v), deleting the term "§ 296.10(c)(3)(ix) [Reserved]" and inserting instead the term "§ 296.10(c)(3)(iv)";

h. Amending paragraph (c) to read as follows:

(c) *Proposed settlement or other proposed agency recommendation.* (1) After determining that the claim is timely filed, properly completed, and eligible on its face, the Chief, FSD, may contact the claimant and negotiate a proposed settlement of the claim.

(2) If the Chief, FSD, and the claimant agree to a proposed settlement, the Chief, FSD, will forward the proposed settlement to the General Counsel for action under paragraph (d) of this section.

(3) The Chief, FSD, will not forward any proposed settlement to the General Counsel sooner than thirty (30) days after publication of notice of the claim in the **Federal Register** under paragraph (a)(1) of this section.

(4) The Chief, FSD, may forward to the General Counsel a proposed agency recommendation concerning the claim. The proposed agency recommendation may be, among other things, to:

- (i) Approve the claim;
- (ii) Approve a proposed settlement of the entire claim or part of the claim; or
- (iii) Deny the claim.;

i. Amending paragraph (d) to read as follows:

(d) *Action by General Counsel—(1) Concerning timeliness, completeness and eligibility of claims.* The General Counsel will review any finding made by the Chief, FSD, under paragraphs (b) (2), (3), or (4) of this section, and will determine whether to send the claim, together with an official agency recommendation that the claim be denied, to the ALJ for an expedited proceeding under § 296.10(1) of this part.

(2) *Concerning proposed settlement or other proposed agency recommendation.* The General Counsel will review any proposed agency recommendation made by the Chief, FSD, under paragraph (c) of this section and will determine the official agency recommendation, if any, that will be forwarded to the ALJ.

(3) *Notice of official agency recommendation.* After determining the official agency recommendation (if any) under paragraph (d)(1) or (d)(2) of this section, the General Counsel will:

- (i) Give written notice to the claimant concerning the official agency recommendation;
- (ii) Publish a notice of the official agency recommendation in the **Federal Register**; and
- (iii) Not sooner than 15 days after publication of the notice referred to in paragraph (d)(3)(ii) of this section, refer the claim to the ALJ under paragraph (f) of this section for consideration under § 296.10.

j. In paragraph (e), deleting the term "paragraph (d)(2)", and inserting instead the term "paragraph (d)(3)";

k. Amending paragraph (e), by adding at the end two new sentences reading as follows:

(e) \* \* \* During such 15-day period, any interested person also may file with the General Counsel a request to be admitted as a party to any hearing concerning the claim. Each such request shall be in writing and shall include a statement of the reasons why the request was not filed in a timely manner under § 296.8(a)(3)(v).

l. Amending paragraph (f):

- 1. By designating the existing text as paragraph (f)(2);
- 2. By renumbering former § 296.8(f) (1) through (5) as § 296.8(f)(2) (i) through (v);

3. By deleting the term "paragraph (d)(2)" the first time that it appears in paragraph (f)(2), and inserting instead the term "paragraph (d)(3)";

4. By amending paragraph (f)(2)(iv) to read as follows:

(f) \* \* \*  
(2) \* \* \*  
(iv) Any request under paragraph (a)(3)(v) or (e) of this section, by an interested person to be admitted as a party to any hearing; and:

5. By amending paragraph (f)(2)(v) to read as follows:

(f) \* \* \*  
(2) \* \* \*  
(v) Any request, by a claimant under § 296.7(h) or by an interested person under paragraph (e) of this section, that an oral hearing be conducted concerning the claim.;

6. By adding a new paragraph (f)(1), reading as follows:

(f) \* \* \*  
(1) The General Counsel will request that an ALJ be assigned to adjudicate the claim.;

m. By adding a new paragraph (g), to read as follows:

(g) *Disclosure of Copy of Claim.* Any interested person shall upon written request be provided with a copy of such portion of a claim as the General Counsel determines is disclosable under applicable law. If the General Counsel determines that a portion of a claim requested by such person is not disclosable, the requesting interested person may appeal the General Counsel's decision to the ALJ.

6. Section 296.10 is amended by deleting the term "[Reserved]" and inserting instead the following:

**§ 296.10 Hearings.**

(a) *General.* Hearings on claims filed under this part are governed by 5 U.S.C. section 554 and this part.

(b) *Beginning the hearing process.* The General Counsel institutes a hearing by referring the claim to the ALJ.

(c) *Administrative Law Judges.* (1) *Who presides.* All hearings shall be presided over by an ALJ appointed under 5 U.S.C. section 3105.

(2) *How assigned.* The General Counsel will assure that an ALJ is designated.

(3) *Powers.* ALJ's have the powers and duties necessary for the conduct of fair

and impartial hearings, as specified by 5 U.S.C. section 556 or this part, including the power to:

(i) Regulate the course of the hearing and the conduct of the parties and their counsel therein, including but not limited to the power to determine whether to conduct an oral hearing concerning the claim (for example, in response to requests under § 296.7(h) or § 296.8(e)), and the power (when the ALJ determines that a party will not be prejudiced thereby) to require the submission of part or all of the evidence in written form;

(ii) When necessary to expedite the proceeding in order to render a decision within 120 days after the claim is referred to the ALJ, consider and rule upon motions for, or require in the ALJ's discretion, special procedures including but not limited to the rendering of a decision without the opportunity for written briefs submitted by the parties;

(iii) Hold conferences for the settlement or simplification of the issues by consent of the parties;

(iv) Rule upon requests submitted under § 296.8(a)(3)(v) or § 296.8(e) of this Part to participate as a party in the proceedings, by allowing, denying, or limiting such participation, provided, however, that the claimant and the General Counsel shall be allowed to participate as full parties;

(v) Administer oaths and affirmations;

(vi) Rule upon requests for, and issue, subpoenas for the attendance or testimony of witnesses and the production of books, records, and other evidence, upon proper application as provided in paragraph (s) of this section;

(vii) Rule on discovery requests, impose discovery schedules, and take or cause depositions or interrogatories to be taken;

(viii) Rule on requests for protective orders to protect persons in the discovery process from undue burden or expense, or for other good cause;

(ix) Require, at or prior to any hearing, the submission and exchange of evidence including, but not limited to, that described in § 296.7(f) of this part;

(x) Rule upon offers of proof and receive relevant evidence;

(xi) Introduce documentary or other evidence into the record;

(xii) Examine and cross-examine witnesses;

(xiii) Consider and rule upon motions (including motions for summary judgment), procedural requests, and similar matters;

(xiv) Make and file decisions in conformity with this Part; and

(xv) Take any action authorized by the rules in this part or in conformance with 5 U.S.C. section 554.

**Prehearing Process**

(d) *Participation in hearings by interested persons.* (1) *Notice of intent to submit evidence.* Any interested person who intends to submit evidence at any hearing conducted concerning the claim, shall file notice under § 296.8(a)(3)(i) of this part. The ALJ may waive the 30-day rule of § 296.8(a)(3)(i) for good cause shown, such as the grounds stated in that section.

(2) *Determination by the ALJ.* (i) An interested person may submit evidence at any hearing conducted with respect to a claim if the ALJ determines that such evidence is relevant to facts in dispute concerning the claim being adjudicated.

(ii) That an interested person may submit evidence under this paragraph (d)(2) at a hearing does not entitle the interested person to participate in other ways in the hearing unless allowed by the ALJ under paragraph (d)(3) of this section.

(3) *Participation in addition to submission of evidence.* The ALJ may allow an interested person to submit oral testimony, oral arguments, briefs, or to cross-examine witnesses or participate in other ways if the ALJ determines:

(i) That the interests of justice would be better served by allowing such participation by the interested person; and

(ii) That there are compelling circumstances favoring such participation by the interested person.

(4) *Copy of claim.* Any interested person who is allowed by the ALJ to submit evidence or to participate otherwise under this paragraph (d) shall, upon the interested person's request to the ALJ, be provided with a copy of such portion of the claim as the ALJ determines is disclosable under applicable law. The ALJ will decide any appeal by an interested person of any determination by the General Counsel under § 296.8(g) of this part that a portion of a claim is not disclosable under applicable law.

(5) *Claimant, General Counsel and other parties.* Nothing in this paragraph (d) shall affect the right of participation of the claimant, the General Counsel, and any other person admitted as a full party by the ALJ.

(e) *Location and time of hearing.* (1) Except as provided in paragraph (e)(3) of this section, any hearing under this section shall be conducted within the United States judicial district within which the matter giving rise to the claim occurred.

(2) Except as provided in paragraph (e)(3) of this section, if the matter occurred within two or more districts,

the hearing shall be conducted in any of the affected districts, or, if the matter occurred outside of any district, in the nearest district.

(3) The requirements of paragraphs (e)(1) and (e)(2) of this section concerning the location of any hearing may be waived upon agreement by the claimant, the General Counsel, and all other parties to the hearing.

(4) The ALJ shall determine the location and time of any hearing, after giving due regard to the convenience of all parties and interested persons allowed to participate under paragraph (d) of this section.

(f) *Notice of hearings.* As soon as practicable after the claim is referred to the ALJ, the ALJ shall serve notice upon the claimant, the Chief, FSD, the General Counsel, any other parties, and any interested person allowed to participate under paragraph (d) of this section, concerning the time and place for, and the nature of, any hearing. The notice shall include the legal authority and jurisdiction under which the hearing is to be held, and shall describe the general substance of the matters of fact and law asserted. All notices of hearing will be issued at least 15 days before the date for which a hearing is scheduled.

(g) *Prehearing conference.* (1) Upon the ALJ's own motion or the motion of any party, the ALJ may direct the parties or their counsel to meet (in person, by telephone conference call, or otherwise) in a prehearing conference to consider:

(i) Simplification of the issues;  
 (ii) The necessity or desirability of amendments to the claim, settlement agreement, or agency recommendation for purposes of clarification, simplification, or limitation of the issues;  
 (iii) Stipulations, admissions of fact and of contents, and authenticity of documents;

(iv) The necessity or desirability of conducting an oral hearing concerning the claim;

(v) Exchange of evidence, witness lists, and summaries of expected testimony;

(vi) Limitation of the number of witnesses; and

(vii) Such other matters as may tend to expedite the disposition of the proceedings.

(2) The record shall show the matters disposed of by order and by agreement in such prehearing conferences.

(h) *Amendment of claims.* At any time after the claim is referred to the ALJ and before the close of the hearing, the ALJ may, in the ALJ's discretion and on such terms as the ALJ may approve, allow the claimant to amend the claim. The 120-day decision period described in 43 U.S.C. section 1845(d) shall begin on the

date the amended claim is received by the ALJ.

(i) *Settlement.* (1) *Between claimant and the Fund.* (i) If a written agreement to settle part or all of the claim is signed by the claimant, and approved by the General Counsel, and filed with the ALJ before the ALJ issues a decision under paragraph (m)(2) of this section, then the hearing shall be suspended and the ALJ shall consider the proposed settlement. The ALJ may allow any other parties or interested persons allowed to participate under paragraph (d) of this section the opportunity to comment upon the proposed settlement.

(ii) The ALJ may certify an amount to be paid by the Fund on the basis of the proposed settlement, without conducting an oral hearing, if the ALJ determines, taking into consideration such facts of the claim as are available at the time of the proposed settlement, that the terms and amount of the proposed settlement are consistent with §§ 296.5 and 296.6 of this part.

(2) *Between claimant and a person other than the Fund.* A written agreement between the claimant and any person to settle part or all of the claim by means other than by payment from the Fund under this part, if filed with the ALJ before the ALJ issues a decision under paragraph (m)(2) of this section shall, upon its filing, terminate the hearing proceeding with respect to the part of the claim covered by the agreement. Upon receipt of the agreement, the ALJ shall dismiss the part of the claim covered by the agreement, and neither the claimant nor any party to such agreement shall be charged any costs under § 296.11 of this part concerning the part of the claim covered by the agreement.

**Hearings and Related Matters**

(j) *Appearances.* (1) *Representation.* A party may appear at a hearing under this part in person, by counsel, or by other representative.

(2) *Failure to appear.* Failure of a party to appear at a hearing (i) constitutes waiver of the right to a hearing under this Part; (ii) constitutes consent of the party to the making of a decision on the record of the hearing; but (iii) shall not be deemed to be a waiver of the right to be served with a copy of the ALJ's decision.

(k) *Hearings.* (1) *Order of presenting evidence.* Except as may be determined otherwise by the ALJ, the claimant shall present evidence first at the hearing.

(2) *Evidence.* (i) *General.* The testimony of witnesses shall be upon oath or affirmation administered by the ALJ and shall be subject to such cross-examination as may be required for a

full and true disclosure of the facts. The ALJ shall exclude evidence which is immaterial, irrelevant, or unduly repetitious.

(ii) *Objections.* If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination or the failure to limit such scope, the party shall state briefly the grounds for such objections. Rulings on each objection shall appear in the record.

(iii) *Exceptions.* Formal exception to an adverse ruling is not required.

(iv) *Surveyed obstructions.* The ALJ shall consider evidence of any obstructions in the area concerned identified by a survey conducted by the National Ocean Survey under 43 U.S.C. section 1847.

(3) *Authority of ALJ to expedite adjudication.* To prevent unnecessary delays or an unnecessarily large record, the ALJ may:

(i) Limit the number of witnesses whose testimony may be cumulative;

(ii) Strike argumentative, repetitious, cumulative, or irrelevant evidence;

(iii) Take necessary and proper measures to prevent argumentative, repetitious, or cumulative cross-examination; and

(iv) Impose such time limitations on arguments as the ALJ determines appropriate, having regard for the volume of the evidence and the importance and complexity of the issues involved.

(4) *Official notice.* Official notice may be taken of any material fact not appearing in evidence in the record, which is among the traditional matters of judicial notice or concerning which the Department of Commerce, by reason of its functions, is presumed to be expert. The parties shall be given adequate notice, at the hearing or otherwise, before the ALJ's decision, of the matters so noticed, and upon timely request by a party shall be given adequate opportunity to show the contrary.

(5) *Verbatim record.* The ALJ or NOAA will arrange for a verbatim tape or other record of any oral hearing proceedings. A transcript will not be prepared unless either an appeal is taken under § 296.12 of this part or the ALJ specifically so orders. Any person may obtain a transcript upon written request filed with the reporter and upon payment of the fees at the rate provided in the agreement with the reporter.

(l) *Expedited Proceeding to Determine Eligibility of a Claim.* (1) If the General Counsel Recommends denial of a claim under § 296.8(d)(1) of this part, the ALJ may conduct an expedited proceeding to

determine whether the claim is eligible for compensation under this Part. For the purposes of the 120-day time period described in 43 U.S.C. section 1845(d), sending a claim to an ALJ for a determination of eligibility under this paragraph (1) shall not be construed as a referral to the ALJ for adjudication of the case.

(2) If the ALJ determines that the claim is eligible for compensation under this part, the claim will be returned to the Chief, FSD, and such claim will be processed under § 296.8. A determination by the ALJ that a claim is eligible is not a final decision appealable under § 296.12 of this part.

(3) A determination by the ALJ that a claim is ineligible for compensation under this Part shall constitute a final decision appealable under § 296.12 of this part.

#### Decision

(m) *Decision of the hearing examiner.*

(1) *Proposed findings of fact, conclusions of law, and order.* The ALJ may allow each party to file with the ALJ proposed findings of fact, conclusions of law, and order, together with a supporting brief expressing the reasons for such proposals. Such proposals and briefs must be filed within ten (10) days after the hearing or within such additional time as the ALJ may allow. Such proposals and briefs shall refer to all portions of the record and to all authorities relied upon in support of each proposal. Reply briefs must be submitted within ten (10) days after receipt of the proposed findings and conclusions to which they respond, unless the ALJ allows additional time.

(2) *Time of Decision.* (i) the ALJ shall issue a written decision upon the record in the case, which shall become the final decision in the administrative process, as specified by 43 U.S.C. section 1845(h)(1), upon service thereof on the claimant, the Chief, FSD, the General Counsel, and all other parties.

(ii) The ALJ shall issue a decision not later than one hundred and twenty (120) days after the date the ALJ received the claim from the General Counsel. This time limitation may be waived upon agreement by the claimant, the General Counsel, and all other parties to the hearing.

(iii) The ALJ may stay the effective date of the decision until, for example, after an appeal under § 296.12 of this part has been decided by the appropriate United States Court of Appeals or the Supreme Court of the United States, if the ALJ determines, stating the reasons in the ALJ's decision, that the interests of justice would be better served by the stay.

(3) *Contents of decision.* The decision of the ALJ shall state:

(i) The ALJ's findings and conclusions, and the reasons or basis therefor, on all material issues of fact, law, or discretion presented on the record. In determining the amount of an award, the ALJ shall state reasons in view of the applicable factors which must be considered, as set forth in §§ 296.5 and 296.6 of this part. The ALJ shall specify from which area account any award shall be made and may, in appropriate cases, apportion the award between two or more area accounts. The ALJ shall assess costs under § 296.11 of this part if the ALJ finds that the claimant, or any person who denies responsibility for damages with respect to which the claim is made, is responsible for the damage which is the subject of the claim;

(ii) The ALJ's reasons for rejecting the findings and conclusions, if any, proposed by the parties; and

(iii) Such other matters as the ALJ considers appropriate.

(4) *Transmittal of decision.* The ALJ shall serve a copy of the decision on the claimant, the Chief, FSD, the General Counsel and all other parties.

(n) *Storage of Record.* The ALJ shall arrange for safe storage of the record of the proceeding. The record shall include: the pleadings, motions, and requests filed in written form, rulings thereon, the verbatim record of the testimony and proceedings taken at the hearing, together with the exhibits admitted in evidence, any documents or papers filed in connection with prehearing conferences, such proposed findings of fact, conclusions of law, order, and supporting reasons, and reply briefs, as may have been filed, the ALJ's decision, and such exceptions, statements of objections, and briefs in support thereof, as may have been filed in the proceeding.

#### Miscellaneous

(o) *Motions and Requests.* Motions or requests shall be filed in writing with the ALJ or shall be stated orally and made part of the hearing record. Each motion or request shall state the particular order, ruling, or action desired, and the grounds therefor.

(p) *Service of documents.* (1) *Documents to be served.* All papers filed by or with the ALJ (including, but not limited to, orders, briefs, proposed findings of fact and conclusions of law, motions, requests, and proposed settlements) shall be served upon the claimant, the Chief, FSD, the General Counsel, and all other parties at the same time as they are filed.

(2) *Manner of service.* Service upon any party shall be made by delivering or

mailing a copy to the known address of the party. If a party is represented by counsel, the service shall be made upon the counsel.

(3) *Proof of service.* A certificate of the person serving the document by personal delivery or by mailing, setting forth the manner of said service, shall be proof of the service.

(q) *Witnesses and fees.* Witnesses subpoenaed shall be paid the same fees and mileage, and in the same manner, as are paid for like services in the District Court of the United States for the district in which the hearing is located.

(r) *Depositions.* (1) *Application.* Any party desiring to take the deposition of a witness shall make application in writing to the ALJ, setting forth the reasons why such deposition should be taken; the time when, the place where, and the name and mailing address of the person before whom the deposition is requested to be taken; the name and address of each witness to appear for deposition; and the subject matter concerning which each is expected to testify.

(2) *How, and by whom taken.* Depositions may be taken orally or upon written interrogatories before any person (the "Officer") designated by the ALJ.

(3) *Notice.* Such notice as the ALJ shall order shall be given for the taking of a deposition, but this ordinarily will not be less than five (5) days' written notice when the deposition is to be taken within the United States and ordinarily will not be less than twenty (20) days' written notice when the deposition is to be taken elsewhere.

(4) *Taking and receiving in evidence.* Each witness testifying upon deposition shall be sworn and any party shall have the right to cross-examine. The questions propounded and the answers thereto, together with all objections made, shall be reduced to writing, read to the witness, signed by the witness unless waived, and certified by the Officer. Thereafter, the Officer shall deliver or mail the same to each party. Subject to such objections to the questions and answers as were noted at the time of taking the deposition which would be valid were the witness personally present and testifying, such deposition may be read and offered in evidence by any party taking it as against any party who was present or represented at the taking of the deposition or who had due notice thereof.

(s) *Subpoenas.* A party may request the ALJ to issue, or the ALJ on the ALJ's own motion may issue, a subpoena for the attendance and testimony of witnesses and for production of

documentary or other evidence. Applications for subpoenas shall be in writing, and shall specify the general relevance and reasonable scope of the evidence sought to be produced.

(t) *Extension of time.* The time for the filing of any document under this section may be extended by the ALJ if:

(1) The request for the extension of time is made before or on the final date allowed for the filing; and

(2) The ALJ, after giving written or oral notice to and considering the views of all other parties (when practicable), determines that there is good reason for the extension.

#### § 296.12 [Amended]

7. Section 296.12 is amended by deleting from paragraph (a) the term "[Reserved]".

#### § 296.13 [Amended]

8. Section 296.13 is amended by:

a. In paragraph (a), by deleting the term "[Reserved]"; and

b. In paragraph (b), by deleting the term "[Reserved]".

[FR Doc. 80-19924 Filed 7-1-80; 8:45 am]

BILLING CODE 3510-22-M

## GENERAL SERVICES ADMINISTRATION

### 41 CFR Ch. 101

[FPMR Temp Reg. A-15]

#### Use of Contract Airline Service Between Selected City-Pairs

**AGENCY:** General Services Administration.

**ACTION:** Temporary regulation.

**SUMMARY:** GSA, on behalf of Federal agencies, including the Department of Defense, has entered into contracts of 6-months duration with certificated air carriers to provide transportation at reduced fares for official travel between selected cities (city-pairs). This regulation prescribes policies, procedures, and requirements that apply to Federal agencies when contract airline passenger transportation is provided.

**DATES:** Effective date: July 1, 1980. Expiration date: July 1, 1981.

**FOR FURTHER INFORMATION CONTACT:** Mary Hegarty, Transportation Management Division, Transportation and Public Utilities Service (202-275-1049).

**SUPPLEMENTARY INFORMATION:** The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and,

therefore, is not significant for the purposes of Executive Order 12044.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

In 41 CFR Chapter 101, the following temporary regulation is added to the appendix at the end of subchapter A to read as follows:

June 30, 1980.

Federal Property Management Regulations; Temporary Regulation A-15

To: Heads of Federal agencies

Subject: Use of contract airline service between selected city-pairs

1. *Purpose.* This regulation prescribes policies, procedures, and requirements applicable to Federal agencies when scheduled airline passenger transportation service is needed for official travel between selected cities (city-pairs).

2. *Effective date.* This regulation is effective on July 1, 1980.

3. *Expiration date.* This regulation expires on July 1, 1981, unless sooner superseded or canceled.

4. *Background.*

a. The General Services Administration, Transportation and Public Utilities Service (TPUS), has entered into contracts of 6-months duration with certificated air carriers to furnish air passenger transportation for official Government travel at reduced fares between selected city-pairs as shown in attachment A.

b. Except for the travel conditions indicated in paragraph 10b, the Government has agreed to place all of its official air travel with the contractor air carriers providing scheduled service between the listed city-pairs.

5. *Scope.*

a. This regulation applies to executive and other Federal agencies to the extent specified in the Federal Property and Administrative Services Act of 1949, as amended, and 5 U.S.C. 5701 et seq.

b. The Department of Defense (DOD) shall follow the procedures established in the Military Traffic Management Regulation, AR 55-355/NAVSUP 4600.70/MCO P4600.14A/DLAR 4500.3.

c. Uniformed members of the Public Health Service, the National Oceanic and Atmospheric Administration; the U.S. Coast Guard; employees of the Judicial Branch of the Government; the U.S. Postal Service; Foreign Service Officers; and employees of any agency having independent statutory authority to prescribe travel allowances and who are not subject to 5 U.S.C. 5701-5709 are exempt from the mandatory use of this contract. However, all exempt personnel are authorized and encouraged to obtain

contract services when acceptable to the contract airline.

6. *Applicability.* The provisions of this regulation are mandatory for all official travel by air between the city-pairs listed in attachment A.

7. *Carrier obligation.* Under the terms of each contract, the carrier is required to furnish the official Government traveler with the same services as the commercial full-fare traveler in scheduled jet coach service or better. If the carrier's scheduled flight is fully booked at the time of the reservation request, the carrier is not required to furnish additional equipment to meet the transportation requirement.

8. *Procedures for obtaining service.*

a. Contract air service shall be ordered by the issuance of Standard Form 1169, U.S. Government Transportation Request (GTR). If cash is used in the absence of a GTR under the provisions of FPMR 101-41.203-2, participating airline carriers may furnish contract fares at their option. If the contract carriers do not provide contract fares with the use of cash, the required service may be procured at the noncontract fares.

b. Agencies may obtain airline schedules and reservations for each specified city-pair at the individual airline telephone number(s) listed in attachment A. When requesting reservations the trip shall be identified as official Government business and the carrier's ticket agent shall be instructed to apply the appropriate contract fare. Agencies using teletype ticketing equipment should examine airline tickets to determine whether the correct contract fare has been applied. Improperly rated or fared tickets shall be canceled and new tickets shall be requested. Tickets picked up at airline ticket offices should be verified to ensure that the contract air class of service symbol is shown on the ticket.

c. Agencies shall request reservations from the contract airline offering the lowest percentage of the Standard Industry Fare Level (SIFL) as provided by the Civil Aeronautics Board, for the appropriate city-pair as shown in attachment A. If that carrier cannot provide the required service, the carrier(s) offering the next higher percentage of the SIFL, in progressive order, shall be used. For example, carriers A and B offer percentages of 65 and 70, respectively. If carrier A cannot provide transportation service at 65 percent, carrier B will be requested to furnish service at 70 percent. (See note in attachment A.)

d. The use of connecting flights is encouraged where contract carriers do not provide through service and this

connection produces lower transportation costs than direct flights using noncontract carriers. However, agencies are cautioned that lower transportation costs may be offset by increased travel costs, such as per diem, subsistence, allowable overtime, or lost productive time due to layovers. For example, if direct service from San Francisco, California, to Washington, DC, is unavailable from a contract carrier, a noncontract carrier may be used to the closest connecting city offering service (i.e., Salt Lake City, Utah; Denver, Colorado; or Los Angeles, California), then using a contract carrier to Washington, DC. In these cases, when making reservations with a noncontract carrier, the ticket agent should be advised of the portion(s) of the trip that will be taken at the reduced contract fare.

9. *Class of service identification.* The contract air class of service designation shall be shown on all Standard Forms 1169, U.S. Government Transportation Request, and airline tickets.

10. *Airline service using noncontract carriers instead of contract carriers.*

a. Heads of agencies may delegate authority to authorize or approve the use of noncontract air carriers when justified under the conditions listed in paragraph b, below. This authority shall be held to as high an administrative level as practicable to ensure adequate consideration and review of the circumstances of the travel assignment and to ensure compliance with this regulation.

b. Justification for the use of air carriers other than those shown in attachment A is limited to the following conditions which shall be certified on individual travel orders or travel vouchers by the authorizing official:

(1) Airline seating capacity on any scheduled flight of the contract carrier is not available in sufficient time to accomplish the purpose of the travel;

(2) The scheduled flight of the contract carrier is not compatible with the agency policies and practices regarding travel during regularly scheduled work hours. (For further information see the Federal Personnel Manual, Supplement 990-2); or

(3) On the basis of a comparison of total costs for each individual trip, the use of an airline fare in existence on March 13, 1980, is less costly to the Government considering such factors as actual transportation cost, subsistence, allowable overtime, or lost productive time.

11. *Contract airline city-pair report.*

a. Heads of agencies shall submit two reports on the use of these city-pair contracts. The reports will be analyzed

to determine if the contracts were successful and if future contracts are justified. The first report will cover air travel performed between each listed city-pair during July, August, and September 1980. The second report will cover the period October, November, and December 1980. Each report shall be submitted within 30 calendar days after the close of the reporting period. Negative reports are required. Reports shall be sent to the General Services Administration, Office of Transportation and Travel Management (TT), Washington, DC 20406. Interagency Report Number 0242-GSA-XX has been assigned to this report in accordance with FPMR 101-11.11.

b. The travel information, identified by each city-pair listed in attachment A, shall be submitted in the order shown below for official air passenger travel performed during the period of the city-pair contracts:

(1) Name of agency submitting report;

(2) Total number of trips by air between each city-pair shown in attachment A (specify whether one-way or round trip);

(3) Total number of trips using the contract fares for each city-pair (specify whether one-way or round trip);

(4) Total savings by city-pair (the difference between the contract fare and the published applicable tariff or noncontract fare for the class of service that normally would have been used);

(5) Reason(s), including the total number of trips for each reason, for not using the specified contract air carrier(s); and

(6) Other remarks as considered appropriate.

12. *Collective bargaining agreements.* This regulation shall not be interpreted to render null and void any valid, negotiated agreement between management and a union covering any provision of employee travel in effect on the effective date of this regulation. Upon the expiration of agreements exempted hereunder, the provisions of this regulation shall apply.

13. *Comments.* Comments and recommendations concerning the use of this regulation and its provisions may be submitted to the General Services Administration, Office of Transportation and Travel Management (TT), Washington, DC 20406.

R. G. Freeman III,

Administrator of General Services.

*City-Pairs and Percentage of SIFL (See Note)*

Contract airline(s) offering transportation between cities  
1. Boston, MA/Washington, DC  
Northwest Airlines, Inc. Reservations:

- Boston, MA (617) 267-7500, DC (202) 337-0611; 62.65%
2. Chicago, IL/Washington, DC  
Midway Airlines, Inc. Reservations:  
Chicago, IL (312) 471-4710, DC (800) 621-5700; 68.9%
3. Denver, CO/Washington, DC  
Texas International Airlines, Inc.  
Reservations: Denver, CO (303) 892-1900, DC (202) 347-4777; 58.5%
4. Dallas-Ft. Worth, TX/Washington, DC  
Texas International Airlines, Inc.  
Reservations: Dallas, TX (214) 268-2300, DC (202) 347-4777; 68.5%
5. Los Angeles, CA/Washington, DC  
World Airways, Inc. Reservations: Los Angeles, CA (213) 646-9404, DC (800) 227-2297; 35.0%\*\*
- Texas International Airlines, Inc.  
Reservations: Los Angeles, CA (213) 680-1150, DC (202) 347-4777; 58.5%
6. New Orleans, LA-Washington, DC  
Texas International Airlines, Inc.  
Reservations: New Orleans, LA (504) 581-2965, DC (202) 347-4777; 58.5%
7. San Francisco, CA/Washington, DC  
World Airways, Inc. Reservations:  
San Francisco, CA (415) 577-2500, DC (800) 227-2297; 34.5%\*\*
8. Salt Lake City, UT/Washington, DC  
Texas International Airlines, Inc.  
Reservations: Salt Lake City, UT (801) 364-4383, DC (202) 347-4777; 58.5%
9. San Antonio, TX/Washington, DC  
Texas International Airlines, Inc.  
Reservations: San Antonio, TX (515) 225-5805, DC (202) 347-4777; 58.5%
10. Salt Lake City, UT/Denver, CO  
Texas International Airlines, Inc.  
Reservations: Salt Lake City, UT (801) 364-4383, Denver, CO (303) 892-1900; 48.5%\*\*
11. Los Angeles, CA/San Francisco, CA  
World Airways, Inc. Reservations: Los Angeles, CA (213) 646-9404, San Francisco, CA (415) 577-2500; 45.0%\*\*

Note—Fares are based on a percentage of the Standard Industry Fare Level (SIFL). Because of economic conditions the SIFL, as provided by the Civil Aeronautics Board, may be increased or decreased during the period of this contract. However, the percentage of the SIFL will not change.

[FR Doc. 80-20098 Filed 7-1-80; 10:30 am]

BILLING CODE 6820-AM-M

#### 41 CFR Ch. 101

[FPMR Temp Reg. A-11, Supp. 10]

#### Change to Federal Travel Regulations

AGENCY: General Services Administration.

\*\*—This fare is under review by the Civil Aeronautics Board (CAB) and is not effective on July 1, 1980. Upon CAB approval, Heads of Federal agencies will be notified as to the effective date and duration of this fare.

**ACTION:** Temporary regulation.

**SUMMARY:** GSA, on behalf of Federal agencies, including the Department of Defense, has entered into contracts of 6-months' duration with certificated air carriers to provide transportation at reduced fares for official travel between selected cities (city-pairs). This regulation amends the Federal travel regulations to require agencies to follow the requirements set forth in FPMR temporary regulation A-15.

**DATES:** Effective date: July 1, 1980.  
Expiration date: July 1, 1981.

**FOR FURTHER INFORMATION CONTACT:** Phyllis Hickman, Federal Travel Management Division, Transportation and Public Utilities Service (202-275-6144).

**SUPPLEMENTARY INFORMATION:** The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

In 41 CFR Chapter 101, the following temporary regulation is added to the appendix at the end of subchapter A to read as follows:

June 30, 1980.

Federal Property Management Regulations; Temporary Regulation A-11 Supplement 10

To: Heads of Federal agencies

Subject: Change to Federal Travel Regulations

1. *Purpose.* This regulation amends the Federal Travel Regulations (FTR), FPMR 101-7, to require the use of FPMR Temporary Regulation A-15 when air passenger service is needed for official travel between selected cities (city-pairs).

2. *Effective date.* The provisions of this supplement are effective for travel performed on or after July 1, 1980.

3. *Expiration date.* This regulation expires on July 1, 1981, unless sooner superseded or canceled.

4. *Background.* The General Services Administration, Transportation and Public Utilities Service (TPUS), on behalf of all Federal civilian agencies and the Department of Defense, has entered into contracts of 6-months duration with certificated air carriers to furnish air passenger transportation for official travel at reduced rates between selected city-pairs. Under the terms of the contracts, except for certain travel situations as outlined in paragraph 10b of Temporary Regulation A-15, the Government has agreed with limited exceptions to place all of its official air

travel requirements for these locations with the participating air carriers.

5. *Explanation of changes.* Attachment A to this supplement amends paragraph 1-3.4 of the FTR to require agencies to follow the requirements set forth in FPMR Temporary Regulation A-15 for the use of contract air carriers for official travel between certain cities (city-pairs).

6. *Effect on other directives.* Supplements 4, 8, 9 and 10 to FPMR Temporary Regulation A-11 contain all current amendments to the Federal Travel Regulations.

R. G. Freeman III,  
Administrator of General Services.

Changes to Federal Travel Regulations, FPMR 101-7

Paragraph 1-3.4b(1) and 1-3.4c are revised to read as follows:

#### 1-3.4. Special fares.

\* \* \* \* \*

##### b. Reduced rates.

##### (1) Use of special lower fares.

(a) Through fares, special fares, commutation fares, excursion, and reduced-rate round trip fares shall be used for official travel when it can be determined before the start of a trip that this type of service is practical and economical to the Government. Round trip tickets shall be secured only when, on the basis of the journey as planned, it is known or can be reasonably anticipated that these tickets will be used.

(b) All agencies, except DOD, shall follow the policies, procedures, and requirements established in FPMR Temporary Regulation A-15 for the use of contract air carriers for official air travel between certain cities (city-pairs). DOD shall follow procedures established in the Military Traffic Management Regulation, AR 55-355/NAVSUP 4600.70/MCO P4600.14A/DLAR 4500.3.

##### (2) \* \* \*

c. *Unequal fares available.* Except as provided in FPMR Temporary Regulation A-15, when common carriers furnish the same method of travel at different fares between the same points for the same type of accommodations, the lowest cost service shall be used unless use of a higher cost service is advantageously determined to be more advantageous to the Government.

\* \* \* \* \*

[FR Doc. 80-20099 Filed 7-1-80; 10:30 am]

BILLING CODE 6820-AM-M

# Proposed Rules

Federal Register

Vol. 45, No. 129

Wednesday, July 2, 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.

## GENERAL ACCOUNTING OFFICE

### 4 CFR Parts 2, 3, 4, 5, 6, 7, 8, 9

#### Personnel Management System

**AGENCY:** General Accounting Office.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would establish a personnel management system for the General Accounting Office. This proposed rule is necessary because of the enactment of the General Accounting Office Personnel Act of 1980, Pub. L. 96-191. This proposed rule constitutes the notice and opportunity for public comment required by Section 3(a) of that act.

**DATES:** Comments will be considered if received no later than August 1, 1980.

**ADDRESS:** Send written comments to Mr. Clifford I. Gould, Special Assistant to the Comptroller General, U.S. General Accounting Office, Room 4830, 441 G Street, NW., Washington, D.C. 20548.

**FOR FURTHER INFORMATION CONTACT:** Clifford Gould or Charles Schuler (202) 275-5940.

**SUPPLEMENTARY INFORMATION:** The General Accounting Office (GAO) personnel system will be self-contained, generally not subject to regulation and oversight by the Office of Personnel Management (OPM) or other executive branch agencies.

The GAO Personnel Act of 1980 preserves the basic substantive rights of GAO employees. In the area of benefits, GAO employees remain under the civil service retirement system and are eligible for the same health, insurance, and unemployment compensation benefits. They may appeal adverse rulings on insurance matters to OPM and retirement matters to the Merit Systems Protection Board.

The act gives wide discretion to the Comptroller General in designing the personnel management system. The act, however, limits the flexibility in areas of important employee rights, such as appeals from removals and other

adverse actions, prohibited personnel practices, labor organization rights, and veterans' preference. In matters which are not specifically limited by the statute, however, the Comptroller General is no longer bound by such statutory provisions of the civil service system as rank in position, the rule of three in hiring, and time in grade. GAO is not required to conduct competitive examinations or establish registers for appointments to positions in GAO, but its appointments must be based solely on merit and fitness.

The Comptroller General's flexibility is limited in the following areas:

- The comptroller General is required to establish the personnel system by regulation in advance, clearly notifying employees of the system's requirements.
- The personnel system must be based on merit principles in section 2301 of title 5, United States Code.
- The same personnel practices prohibited by section 2302 of title 5, United States Code, must be prohibited in the GAO personnel system. The General Counsel of the GAO Personnel Appeals Board is responsible for investigating allegations.
- Appointment, promotion, and assignment of personnel must be based solely on merit and fitness.
- The Comptroller General is required to establish a pay system within GAO, subject to certain limitations. The system must be consistent with the pay comparability principles. Except for supergrades and executive-level positions, the maximum salary payable is the same as the maximum rate payable for GS-15 of the General Schedule. Except as provided under regulations for merit pay and the GAO Senior Executive Service, the pay of GAO employees must be adjusted at the same time and to the same extent as pay under the General Schedule.
- A Performance appraisal system must be established which is true to performance appraisal goals in the Civil Service Reform Act.
- The Comptroller General is required to issue regulations providing for labor-management relations consistent with title VII of the Civil Service Reform Act. The GAO Personnel Appeals Board will serve as an appeals forum concerning prohibited labor practices and certain other labor-management disputes.

—The Comptroller General is required to establish procedures for removals, reductions in grade, and other personnel actions. Appeals from these decisions will go to the GAO Personnel Appeals Board. The procedures will provide the same rights of advance written notice, representation, an opportunity to respond, and a written decision as provided in the executive branch.

—GAO is covered by title VII of the Civil Rights Act of 1964, as amended, and other laws prohibiting employment discrimination on the basis of race, color, religion, age, sex, national origin, political affiliation, marital status, or handicapping conditions. The Comptroller General must undertake a minority recruitment program consistent with the program mandated by the Civil Service Reform Act. Employee complaints of discrimination will be handled by procedures established by the Comptroller General. Appeals will be heard by the GAO Personnel Appeals Board.

—The Comptroller General must establish a system of preference for veterans consistent with the system used in the executive branch. The GAO Personnel Appeals Board will consider appeals of preference eligibles in GAO.

—GAO employees are entitled to grade and pay retention consistent with the principles in the Civil Service Reform Act.

The act established within the General Accounting Office a GAO Personnel Appeals Board to handle appeals from such matters as adverse actions, prohibited personnel practices, union elections, determination of bargaining units, unfair labor practices, and discrimination appeals. In handling such cases the Board acts in the place of OPM, Merit Systems Protection Board, Federal Labor Relations Authority, and Equal Employment Opportunity Commission. The General Counsel to the GAO Personnel Appeals Board acts in the place of the Special Counsel to the Merit Systems Protection Board.

After 1 year of service in GAO, employees acquire competitive status, allowing them to receive noncompetitive appointments to positions in the executive branch.

The Comptroller General may, within his discretion, establish a GAO Senior

Executive Service and a merit pay system for GAO employees. The act does not limit the GAO merit pay system to mid-level supervisors and managers.

Accordingly it is proposed that Subchapters A and B of Title 4 of the Code of Federal Regulations be amended to read as follows:

(1) Subchapter A is redesignated Personnel System.

(2) Subchapter B is designated General Procedures.

(3) Parts 1 and 6 of Subchapter A are redesignated Parts 11 and 12, respectively.

(4) Parts 10, 20, and 21 of Subchapter A are redesignated Parts 20, 21, and 22 of Subchapter B.

(5) Subchapter A is amended as follows:

## PART 2—PURPOSE AND GENERAL PROVISION

### Subchapter A—Personnel System

#### Sec.

2.1 Purpose, Scope, and Applicability.

2.2 References.

2.3 GAO Personnel Appeals Board.

2.4 Merit System Principles.

2.5 Prohibited Personnel Practices.

2.6 Veterans' Preference.

**Authority:** Sec. 3, Pub. L. 96-191, 94 Stat. 27 (31 U.S.C. 52-2).

#### § 2.1 Purpose, scope, and applicability.

This order establishes and sets forth the basic policy for the General Accounting Office (GAO) personnel system. Personnel management is a primary responsibility of all who plan, direct, or supervise the work of employees. The objective of personnel management is to contribute to the effective accomplishment of GAO's mission through proper acquisition, development, fair treatment, motivation, compensation and production utilization of employees.

Nothing in this order prohibits or restricts any lawful effort to achieve equal employment opportunity through affirmative action.

#### § 2.2 References.

(a) Pub. L. 96-191, 94 Stat. 27 "The General Accounting Office Personnel Act of 1980."

(b) Title 5, United States Code.

#### § 2.3 GAO Personnel Appeals Board.

The General Accounting Office Personnel Act of 1980 established a board to be known as the General Accounting Office Personnel Appeals Board. This board will promulgate regulations providing for employee appeals and establishing its operating procedures.

#### § 2.4 Merit system principles.

Merit personnel systems are based on the principle that an organization is best served by motivated, competent, honest and productive workers. In a merit system, employees are hired, promoted, rewarded, and retained on the basis of individual ability and fitness for employment without regard to race, color, sex, religion, age, or national origin. Central to this principle is the protection of employees from discrimination, improper political influence and personal favoritism.

Equal employment opportunity is an integral part of every merit system. Affirmative action plans, designed to provide a work force reflective of the Nation's diversity, must assure that both in operation and results the merit system reflects equal opportunity at every step of the personnel process.

GAO personnel systems shall embody the following merit system principles:

(a) Recruitment should be from qualified individuals from appropriate sources in an endeavor to achieve a work force from all segments of society, and selection and advancement should be determined solely on the basis of relative ability, knowledge, and skills, after fair and open competition which assures that all receive equal opportunity.

(b) All employees and applicants for employment should receive fair and equitable treatment in all aspects of personnel management without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or handicapping condition, and with proper regard for their privacy and constitutional rights.

(c) Equal pay should be provided for work of substantially equal value, with appropriate consideration of both national and local rates paid by employers in the private sector, and appropriate incentives and recognition should be provided for excellence in performance.

(d) All employees should maintain high standards of integrity, conduct, and concern for the public interest.

(e) The Federal work force should be used efficiently and effectively.

(f) Employees should be retained on the basis of the adequacy of their performance, inadequate performance should be corrected, and employees should be separated who cannot or will not improve their performance to meet required standards.

(g) Employees should be provided effective education and training in cases in which such education and training would result in better organizational and individual performance.

(h) Employees should be protected against arbitrary action, personal favoritism, or coercion from partisan political purposes and prohibited from using their official authority or influence for the purpose of interfering with or affecting the results of an election or a nomination for election.

(i) Employees should be protected against reprisal for the lawful disclosure of information which the employees reasonably believes evidences: a violation of any law, rule or regulation; or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

#### § 2.5 Prohibited personnel practices.

Any GAO employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority engage in the following prohibited personnel practices.

(a) *Discrimination.* GAO employees shall not discriminate for or against any employee or applicant for employment—

(1) On the basis of race, color, religion, sex, or national origin, as prohibited under section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16);

(2) On the basis of age, as prohibited under section 12 and 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 631, 633a);

(3) On the basis of sex, as prohibited under section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d));

(4) On the basis of handicapping condition, as prohibited under section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791); or

(5) On the basis of marital status or political affiliation, as prohibited under any law, rule, or regulation.

(b) *Recommendations or statements.* GAO employees shall not solicit or consider any recommendation or statement, oral or written, with respect to any individual who requests or is under consideration for any personnel action unless such recommendation or statement is based on the personal knowledge or records of the person furnishing it and consists of—

(1) An evaluation of the work performance, ability, aptitude, or general qualifications of such individual, or

(2) An evaluation of the character, loyalty, or suitability of such individual.

(c) *Political activity.* GAO employees shall not coerce the political activity of any person (including the providing of any political contribution or service), or take any action against any employee or applicant for employment as a reprisal for the refusal of any person to engage in such political activity.

(d) *Compete for employment.* GAO employees shall not deceive or willfully obstruct any person with respect to such person's right to compete for employment.

(e) *Influencing competition.* GAO employees shall not influence any person to withdraw from competition for any position for the purpose of improving or injuring the prospects of any other person for employment.

(f) *Preference or advantage.* GAO employees shall not grant any preference or advantage not authorized by law, rule, or regulation to any employee or applicant for employment (including defining the scope or manner of competition or the requirements for any position) for the purpose of improving or injuring the prospects of any particular person for employment.

(g) *Relatives.* GAO employees who are serving as public officials (as defined in section 3110(a)(2) of title 5, United States Code) shall not appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a GAO position any individual who is a relative (as defined in section 3110(a)(3) of title 5, United States Code) of such employee.

(h) *Reprisals.* GAO employees shall not take or fail to take a personnel action with respect to any employee or applicant for employment as a reprisal for—

(1) A disclosure of information by an employee or applicant which the employee or applicant reasonably believes evidences—

(i) A violation of any law, rule, or regulation, or

(ii) Mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, if such disclosure is not specifically prohibited by law and if such information is not specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs; or

(2) A disclosure to the General Counsel of the GAO Personnel Appeals Board of information which the employee or applicant reasonably believes evidences—

(i) A violation of any law, rule, or regulation, or

(ii) Mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

(i) *Reprisals for appeals.* GAO employees shall not take or fail to take any personnel action against any employee or applicant for employment as a reprisal for the exercise of any

appeal right granted by any law, rule, or regulation.

(j) *Discrimination for conduct.* GAO employees shall not discriminate for or against any employee or applicant for employment on the basis of conduct which does not adversely affect the performance of the employee or applicant or the performance of others; except that nothing in this paragraph shall prohibit an agency from taking into account in determining suitability or fitness any conviction of the employee or applicant for any crime under the laws of any State, of the District of Columbia, or of the United States.

(k) *Other personnel actions.* GAO employees shall not take or fail to take any other personnel action if the taking of or failure to take such action violates any law, rule or regulation implementing, or directly concerning, the merit system principles described in § 2.4.

(l) *Information to the Congress.* Nothing in this section shall be construed to authorize the withholding of information from the Congress or the taking of any personnel action against an employee who discloses information to the Congress.

#### § 2.6 Veterans' preference.

GAO will provide preference, for any individual who would be a preference eligible in the executive branch, in a manner and to an extent consistent with preference eligibles in the executive branch. Appeals from preference decisions will be heard by the GAO Personnel Appeals Board.

### PART 3—EMPLOYMENT

Sec.

3.1 Appointment, Promotion, and Assignment.

3.2 Oath of Office.

3.3 Assignments to and from States.

Authority: Sec. 3, Pub. L. 96-191, 94 Stat. 27 (31 U.S.C. 52-2).

#### § 3.1 Appointment, promotion, and assignment.

Employees of GAO shall be appointed, promoted and assigned solely on the basis of merit and fitness, but without regard to the provisions of title 5, United States Code, governing appointments and other personnel actions in the competitive service.

#### § 3.2 Oath of office.

The provisions of Subchapter II of Chapter 33 of title 5, United States Code, and Office of Personnel Management implementing regulations apply to General Accounting Office employees.

#### § 3.3 Assignments to and from States.

The provisions of Subchapter VI of Chapter 33 of title 5, United States Code, and Office of Personnel Management implementing regulations apply to General Accounting Office employees.

### PART 4—EMPLOYEE PERFORMANCE AND UTILIZATION

Sec.

4.1 Training.

4.2 Performance Appraisal.

4.3 Removal for Unacceptable Performance.

4.4 Incentive Awards.

Authority: Sec. 3, Pub. L. 96-191, 94 Stat. 27 (31 U.S.C. 52-2).

#### § 4.1 Training.

The provisions of Chapter 41, of title 5, United States Code and Office of Personnel Management implementing regulations apply to General Accounting Office employees.

#### § 4.2 Performance appraisal.

The GAO shall develop one or more performance appraisal systems which provide for periodic appraisals of job performance of employees; encourages employee participation in establishing performance standards; and uses the results of performance appraisal as a basis for training, rewarding, reassigning, promoting, reducing in grade, retaining, and removing employees. Each performance appraisal system shall provide for—

(a) Establishing performance standards which will, to the maximum extent feasible, permit the accurate evaluation of job performance on the basis of job-related criteria (which may include the extent of courtesy demonstrated to the public) for each GAO employee.

(b) As soon as practicable, but not later than October 1, 1981, with respect to initial appraisal periods, and thereafter at the beginning of each following appraisal period, communicating to each GAO employee the performance standards and the critical elements of the employee's position.

(c) Evaluating each employee during the appraisal period on such standards.

(d) Recognizing and rewarding employees whose performance so warrants.

(e) Assisting employees in improving unacceptable performance.

(f) Reassigning, reducing in grade, or removing employees who continue to have unacceptable performance but only after an opportunity to demonstrate acceptable performance.

#### § 4.3 Removal for unacceptable performance.

GAO may reduce in grade or remove an employee for unacceptable performance in accordance with the provisions of this chapter.

(a) *Employee entitlement.* A GAO employee whose reduction in grade or removal is proposed under this chapter is entitled to—

(1) 30 days' advance written notice of the proposed action which identifies—

(i) Specific instances of unacceptable performance by the employee on which the proposed action is based; and

(ii) The critical elements of the employee's position involved in each instance of unacceptable performance.

(2) Be represented by an attorney or other representative.

(3) A reasonable time to answer orally and in writing.

(4) A written decision which—

(i) Specifies the instances of unacceptable performance by the employee on which the reduction in grade or removal is based.

(ii) Unless proposed by the Comptroller General, has been concurred in by an employee who is in a higher position than the employee who proposed the action.

(b) *Extension of notice period.* Under regulations prescribed by the Comptroller General, the notice period may be extended beyond 30 days.

(c) *Decisions to retain, reduce in grade or remove.* The decision to retain, reduce in grade or remove a GAO employee—

(1) Shall be made within 30 days after the date of expiration of the notice period

(2) In the case of reduction in grade or removal, may be based only on those instances of unacceptable performance by the employee—

(i) Which occurred during the 1-year period ending on the date of the notice of the proposed action

(ii) For which the notice and other requirements of this section are complied with.

(d) *Performance improvement.* If because of performance improvement by the employee during the notice period, the employee is not reduced in grade or removed, and the employee's performance continues to be acceptable for 1 year from the date of advance written notice, any entry or other notation of the unacceptable performance for which the action was proposed under this section shall be removed from any agency record relating to the employee.

(e) *Appeals.* After administrative remedies have been exhausted, any GAO employee who has been reduced

in grade or removed under this section is entitled to appeal the action to the GAO Personnel Appeals Board.

(f) *Nonapplicability.* This section does not apply to—

(1) The reduction to the grade previously held of a supervisor or manager who has not completed the probationary period

(2) The reduction in grade or removal of a GAO employee who is serving a probationary period or trial period under an initial appointment or who has not completed 1 year of current continuous employment under other than a temporary appointment limited to 1 year or less

(3) Appointments in the GAO Senior Executive Service.

#### § 4.4 Incentive Awards.

The provisions of Chapter 45 of title 5, United States Code and Office of Personnel Management implementing regulations apply to General Accounting Office employees.

### PART 5—COMPENSATION

Sec.

5.1 Pay.

5.2 Grade and pay retention.

5.3 Merit pay.

5.4 Pay administration.

5.5 Travel, transportation, and subsistence.

5.6 Allowances.

Authority: Sec. 3, Pub. L. 96-191, 94 Stat. 27 (31 U.S.C. 52-2).

#### § 5.1 Pay.

(a) *Pay principles.* Pay of the employees of GAO shall be fixed by the Comptroller General consistent with the principles that—

(1) There be equal pay for substantially equal work.

(2) Pay distinctions be maintained in keeping with work and performance distinctions.

(3) Pay rates be comparable with private enterprise pay rates for the same levels of work.

(4) Pay levels be interrelated to the General Schedule.

(b) *Pay rates.* (1) The Comptroller General shall publish a schedule of pay rates which shall apply to GAO employees. Except as provided in subparagraph (2) of this paragraph and regulations for the GAO Senior Executive Service, the highest rate under such schedule shall not exceed the highest rate of basic pay payable for grade GS-15 under the General Schedule.

(2) Such schedule may provide for rates which do not exceed the maximum rate payable for grade GS-18 of the General Schedule for up to one hundred employees, reduced by the number of

employees who are in the GAO Senior Executive Service, other than those in such service pursuant to section 5(a)(4) of the GAO Personnel Act of 1980.

(c) *Pay adjustments.* Except as provided in regulations for the GAO Senior Executive Service and the Merit Pay System, the pay of GAO employees shall be adjusted at the same time and to the same extent as rates of basic pay are adjusted for the General Schedule.

#### § 5.2 Grade and pay retention.

(a) *Change of positions.* Any GAO employee who is placed in a lower grade position as a result of a reduction-in-force may be entitled to the retained grade of the higher position he or she previously held. The employee receives this entitlement (which is for a period of 2 years) if he or she has served for at least 52 consecutive weeks in one or more positions at a grade or grades higher than the new position. The 2-year period begins on the date of placement to the lower grade position.

(b) *Reclassification.* Any GAO employee who is in a position which is reduced in grade is entitled to have the grade of such position before reduction be treated as the retained grade of such employee for the 2-year period beginning on the date of reduction in grade. However, this section shall not apply to any reduction in the grade of a position which had not been classified at the higher grade for a continuous period of at least 1 year immediately before such reduction.

(c) *Retained grade.* For the 2-year period referred to in paragraphs (a) and (b) of this section, the retained grade of GAO employees shall be treated as the grade of the employee's position for all purposes (including pay and pay administration, retirement, life insurance and eligibility for training and promotion except—

(1) For purposes of § 5.2(a).

(2) For purposes of applying any reduction-in-force procedures.

(3) For purposes of determining whether the employee is covered by a merit pay system.

(4) For such other purposes as the Comptroller General may provide by regulation.

(d) *Termination of retained grade.* The foregoing provisions of this section shall cease to apply to any GAO employee who—

(1) Has a break in service of 1 workday or more;

(2) Is demoted for personal cause or at the employee's request;

(3) Is placed in, or declines, a reasonable offer of, a position the grade of which is equal or higher than the retained grade; or

(4) Elects in writing to have the benefits of this chapter terminate.

(e) *Pay retention.* Any GAO employee: Who ceases to be entitled to a retained grade by reason of the expiration of the 2-year period; or who (but for this paragraph) would be subject to a reduction in pay under circumstances prescribed by the Comptroller General by regulation to warrant the application of this paragraph is entitled to—basic pay at a rate equal to the employee's allowable former rate of basic pay, plus 50 percent of the amount of each increase in the maximum rate of basic pay payable for the employee's position immediately after such reduction in pay if such allowable former rate exceeds such maximum rate for such grade.

(f) "Allowable former rate of basic pay." This means the lower of—

(1) The rate of basic pay payable to the employee immediately before the reduction in pay; or

(2) 150 percent of the maximum rate of basic pay payable for the grade of the employee's position immediately after such reduction in pay.

(g) *Termination of retained pay.* The pay retention provisions in § 5.2(e) shall cease to apply to a GAO employee who—

(1) Has a break in service of 1 workday or more.

(2) Is entitled by operation of §§ 5.1, 5.2, and 5.3 to a rate of basic pay which is equal to or higher than, or declines a reasonable offer of a position the rate of basic pay for which is equal to or higher than, the rate to which the employee is entitled under § 5.2(e); or

(3) Is demoted for personal cause or at the employee's request.

(h) *Remedial actions.* Under regulations prescribed by the Comptroller General, Personnel shall—

(1) Obtain and make available to employees receiving benefits under this section, information on vacancies in other Federal agencies.

(2) Take such steps as may be appropriate to assure employees receiving benefits under this section have the opportunity to obtain necessary qualifications for the selection to positions which would minimize the need for the application of this section; and

(3) Establish a program under which employees receiving benefits under this section are given priority in the consideration for or placement in positions which are equal to their retained grade or pay.

(i) *Appeals.* In the case of the termination of any benefits to a GAO employee under this section on the grounds that such employee declined a

reasonable offer of a position the grade or pay of which was equal to or greater than their retained grade or pay, after administrative remedies have been exhausted, such termination may be appealed to the GAO Personnel Appeals Board under procedures prescribed by the Board.

#### § 5.3 Merit pay.

The Comptroller General may promulgate regulations establishing a merit pay system for such employees of the General Accounting Office as the Comptroller General considers appropriate. The merit pay system shall be designed to carry out purposes consistent with those set forth in section 5401(a) of title 5, United States Code, which provides—

#### § 5401. Purpose.

(a) It is the purpose of this chapter to provide for—

(1) a merit pay system which shall—

(A) within available funds, recognize and reward quality performance by varying merit pay adjustments;

(B) use performance appraisals as the basis for determining merit pay adjustments;

(C) within available funds, provide for training to improve objectivity and fairness in the evaluation of performance; and

(D) regulate the costs of merit pay by establishing appropriate control techniques; and

(2) a cash award program which shall provide cash awards for superior accomplishment and special service.

#### § 5.4 Pay administration.

The provisions of Chapter 55 of title 5, United States Code and the Office of Personnel Management implementing regulations apply to General Accounting Office employees.

#### § 5.5 Travel, transportation, and subsistence.

The provisions of Chapter 57 of title 5, United States Code and the implementing regulations for the Executive Branch apply to General Accounting Office employees.

#### § 5.6 Allowances.

The provisions of Chapter 59 of title 5, United States Code and the implementing regulations for the Executive Branch apply to General Accounting Office employees.

### PART 6—ATTENDANCE AND LEAVE

Sec.

6.1 Applicable law and regulations.

Authority: Sec. 3, Pub. L. 96-191, 94 Stat. 27 (31 U.S.C. 52-2).

#### § 6.1 Applicable law and regulations.

The provision of Subpart E, Title 5, United States Code and the Office of

Personnel Management implementing regulations regarding "Attendance and Leave" apply to General Accounting Office employees. This includes hours of work, annual leave, sick leave, and other paid leave.

### PART 7—PERSONNEL RELATIONS AND SERVICES

Sec.

7.1 Labor management relations.

7.2 Equal employment opportunity.

7.3 Political activities.

7.4 Employment limitations, foreign gifts, and decorations and misconduct.

7.5 Adverse actions: suspensions for 14 days or less.

7.6 Adverse actions: removal, suspension for more than 14 days, reduction in grade or pay, or furlough for 30 days or less.

7.7 Other appeals and grievances.

Authority: Sec. 3, Pub. L. 96-191; 94 Stat. 27 (31 U.S.C. 52-2).

#### § 7.1 Labor management relations

(a) *Policy.* Each employee of GAO has the right, freely and without fear of penalty or reprisal, to form, join, or assist an employee organization or to refrain from such activity.

(b) *Labor relations program.* A labor relations program consistent with chapter 71 of title 5, United States Code will be developed for the General Accounting Office.

#### § 7.2 Equal employment opportunity

(a) *Policy.* All personnel actions affecting employee or applicants for employment in GAO shall be taken without regard to race, color, religion, age, sex, national origin, political affiliation, marital status or handicapping condition.

(b) *Equal opportunity recruiting program.* GAO shall conduct continuing programs for the recruitment of members of minorities and women for positions in GAO in a manner designed to eliminate underrepresentation of minorities and women in the various categories of employment in GAO. Special efforts will be directed at recruiting in minority communities, in educational institutions, and from other sources from which minorities can be recruited. GAO will conduct a continuing program of evaluation and oversight of such recruiting programs to determine their effectiveness in eliminating minority and women underrepresentation.

(c) *Statutory rights and remedies.* Nothing in this order shall be construed to abolish or diminish any right or remedy granted to employees of or applicants for employment in GAO—

(1) By section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16);

(2) By sections 12 and 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 631, 633a);

(3) By section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d));

(4) By sections 501 and 505 of the Rehabilitation Act of 1973 (29 U.S.C. 791, 794a); or

(5) By any other law prohibiting discrimination in Federal employment on the basis of race, color, religion, age, sex, national origin, political affiliation, marital status or handicapping condition.

Authorities granted thereunder to the Equal Employment Opportunity Commission, Office of Personnel Management, the Merit Systems Protection Board, or any other agency in the executive branch concerning oversight and appeals shall be exercised by the GAO Personnel Appeals Board. Other responsibilities shall be exercised by the Comptroller General.

### § 7.3 Political activities.

(a) *Political contributions and services.* GAO employees are not obliged, by reason of employment, to contribute to a political fund or to render political service, and they may not be removed or otherwise prejudiced for refusal to do so.

(b) *Use of authority or influence.* GAO employees may not use their official authority or influence to coerce the political action of a person or body.

(c) *Political contributions.* GAO employees may not request or receive from, or give to, an employee, a Member of Congress, or an officer of the uniformed service a thing of value for political purposes. An employee who violates this section shall be removed from employment.

(d) *Elections; political campaigns.* GAO employees may not use their official authority or influence for the purpose of interfering with or affecting the results of an election; or take part in political management or in political campaigns. Employees retain the right to vote as they choose and to express their opinions on political subjects and candidates. An employee who violates this section shall be removed from employment. However, if the GAO Personnel Appeals Board, finds by unanimous vote that the violation does not warrant removal, a penalty of not less than 30-days suspension without pay shall be imposed by direction of the GAO Personnel Appeals Board.

(e) *Nonpartisan political activity permitted.* Section 7.3(d) does not prohibit political activity in connection with (1) a nonpartisan campaign and election (where none of the candidates represent a political party which had

candidates for presidential elector in the last presidential election), or (2) a question which is not specifically identified with a National or State political party or political party of a territory or possession of the United States. (This includes questions relating to constitutional amendments, referendums, approval of municipal ordinances and others of a similar nature.)

(f) *Political activity permitted in certain municipalities.* The Comptroller General may permit GAO employees to take an active part in political management and political campaigns involving the municipality or other political subdivision in which they reside, to the extent the Comptroller General considers it to be in their domestic interest, when—

(1) The municipality or political subdivision is in Maryland or Virginia and in the immediate vicinity of the District of Columbia, or is a municipality in which the majority of voters are employed by the United States Government; and

(2) The Comptroller General determines that because of special or unusual circumstances which exist in the municipality or political subdivision it is in the domestic interest of the employees to permit that political participation.

### § 7.4 Employment limitations, foreign gifts and decorations, and misconduct.

The provisions of Subchapters II, IV, and V of Chapter 73 of title 5, United States Code and implementing regulations thereunder continue to apply to this office.

### § 7.5 Adverse actions: Suspensions for 14 days or less.

(a) *Policy.* A GAO employee may be suspended for 14 days or less for such cause as will promote the efficiency of GAO (including discourteous conduct to the public confirmed by an immediate supervisor's report of four such instances within any 1-year period or any other pattern of discourteous conduct). Suspension means placing an employee, for disciplinary reasons, temporarily in a status without duties and pay.

(b) *Employee entitlement.* An employee against whom a suspension for 14 days or less is proposed is entitled to—

(1) An advance written notice stating the specific reasons for the proposed action;

(2) A reasonable time to answer orally and in writing and to furnish affidavits and other documentary evidence in support of the answer;

(3) Be represented by an attorney or other representative; and  
(4) A written decision and the specific reasons therefor at the earliest practicable date.

(c) *Documentation.* Copies of the notice of proposed action, the answer of the employee if written, a summary thereof if made orally, the notice of decision and reasons therefor, and any order effecting the suspension, together with any supporting material, shall be maintained by the Office of Personnel and shall be furnished to the GAO Personnel Appeals Board upon its request and to the employee affected upon the employee's request.

(d) *Nonapplicability.* This section is not applicable to—(1) A GAO employee who is serving a probationary or trial period under an initial appointment or who has not completed 1 year of current continuous employment in the same or similar positions under other than a temporary appointment limited to 1 year or less.

(2) A suspension in the interest of national security.

### § 7.6 Adverse actions: Removal, suspension for more than 14 days, reduction in grade or pay, or furlough for 30 days or less.

(a) *Policy.* A GAO employee may be removed, suspended for more than 14 days, reduced in grade, reduced in pay or furloughed for 30 days or less for such cause as will promote the efficiency of GAO. Furloughed means placing an employee in a temporary status without duties and pay because of lack of work or funds or other nondisciplinary reasons.

(b) *Employee entitlement.* An employee against whom an action is proposed under this section is entitled to—

(1) At least 30 days' advance written notice, unless there is reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed, stating the specific reasons for the proposed action.

(2) A reasonable time to answer orally and in writing and to furnish affidavits and other documents in support of the answer.

(3) Be represented by an attorney or other representative; and

(4) A written decision and the specific reasons therefor at the earliest practicable date.

(c) *Hearing.* The Comptroller General may provide, by regulation, for a hearing which may be in lieu of or in addition to the opportunity to answer.

(d) *Appeals.* After administrative remedies have been exhausted, an

employee against whom an action is taken under this section is entitled to appeal to the GAO Personnel Appeals Board.

(e) *Documentation.* Copies of the notice of proposed action, the answer of the employee if written, a summary thereof when made orally, the notice of decision and reasons therefor, and any order affecting an action covered by this section, together with any supporting material, shall be maintained by Personnel and shall be furnished to the GAO Personnel Appeals Board upon its request and to the employee affected upon the employee's request.

(f) *Nonapplicability.* This section does not apply to—

(1) Employees who are serving a probationary or trial period under an initial appointment or who has not completed 1 year of current continuous employment under other than a temporary appointment limited to 1 year or less.

(2) A suspension or removal of an employee in the interest of national security.

(3) A reduction in force.

(4) The reduction in grade of a supervisor or manager who has not completed the probationary period.

(5) A reduction in grade or removal for unacceptable performance under Part 4 of this subchapter.

(6) An action ordered by the GAO Personnel Appeals Board.

#### § 7.7 Other appeals and grievances.

The personnel system shall provide procedures for the processing of complaints and grievances which are not otherwise provided for.

### PART 8—INSURANCE AND ANNUITIES

Sec.

8.1 Applicable law and regulations.

*Authority:* Sec. 3, Pub. L. 96-191; 94 Stat. 27 (31 U.S.C. 52-2).

#### § 8.1 Applicable law and regulations.

The provisions of Subpart G, title 5, United States Code and implementing regulations for the Executive Branch covering compensation for work injuries, retirement, unemployment compensation, life insurance, and health insurance apply to Central Accounting Office employees.

### PART 9—SENIOR EXECUTIVE SERVICE

Sec.

9.1 GAO Senior Executive Service.

*Authority:* Sec. 5, Pub. L. 96-191; 94 Stat. 31 (31 U.S.C. 52-4).

#### § 9.1 GAO Senior Executive Service.

(a) The Comptroller General may promulgate regulations establishing a General Accounting Office Senior Executive Service which meets the requirements set forth in section 3131 of title 5, United States Code, which provides—

#### § 3131 The GAO Senior Executive Service

The Senior Executive Service shall be administered so as to—

(1) provide for a compensation system, including salaries, benefits, and incentives, and for other conditions of employment, designed to attract and retain highly competent senior executives;

(2) ensure that compensation, retention, and tenure are contingent on executive success which is measured on the basis of individual and organizational performance (including such factors as improvements in efficiency, productivity, quality of work or service, cost efficiency, and timeliness of performance and success in meeting equal employment opportunity goals); (3) assure that senior executives are accountable and responsible for the effectiveness and productivity of employees under them;

(4) recognize exceptional accomplishment;

(5) enable the head of an agency to reassign senior executives to best accomplish the agency's mission;

(6) provide for severance pay, early retirement, and placement assistance for senior executives who are removed from the Senior Executive Service for nondisciplinary reasons;

(7) protect senior executives from arbitrary or capricious actions;

(8) provide for program continuity and policy advocacy in the management of public programs;

(9) maintain a merit personnel system free of prohibited personnel practices;

(10) ensure accountability for honest, economical, and efficient Government;

(11) ensure compliance with all applicable personnel laws, rules, and regulations, including those related to equal employment opportunity, political activity, and conflicts of interest;

(12) provide for the initial and continuing systematic development of highly competent senior executives;

(13) provide for an executive system which is guided by the public interest and free from improper political interference; and

(14) appoint career executives to fill Senior Executive Service positions to the extent practicable, consistent with the effective and efficient implementation of agency policies and responsibilities.

(b) Requirements for positions included in the GAO Senior Executive System. The GAO Senior Executive Service may include—

(1) The 100 positions authorized by section 3(c)(3) of the GAO Personnel Act of 1980;

(2) The position of the General Counsel authorized by section 203(c) of the Federal Legislative Salary Act of 1964 (31 U.S.C. 51a); and

(3) The 5 positions authorized by section 203(i) of the Federal Legislative Salary Act of 1964 (31 U.S.C. 51b); and

(4) The 10 positions authorized by section 204(d) of the Legislative Reorganization Act of 1970 (31 U.S.C. 1154(d)).

Milton J. Socolar,

*Acting Comptroller General of the United States.*

[FR Doc. 80-19803 Filed 7-1-80; 8:45 am]

BILLING CODE 1610-01-M

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 999

#### Amendment of Filbert Import Regulation; Extension of Time for Filing Comments

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Extension of time for filing comments.

**SUMMARY:** The time for filing comments regarding proposed changes in the filbert import regulation is extended from July 1 to July 21.

**DATES:** Written comments must be received by July 21, 1980.

**ADDRESS:** Written comments should be submitted in duplicate to the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, Agricultural Marketing Service, Washington, D.C. 20250 (202) 447-5053.

**SUPPLEMENTARY INFORMATION:** Notice was published in the April 9, 1980, *Federal Register* (45 FR 24167) to revise the grade requirements for shelled filberts (§ 999.400 Exhibit A) as required by section 8e (7 U.S.C. 608e-1) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "act". The time for filing written comments was subsequently extended to July 1, 1980, by an action published in the June 11, 1980 *Federal Register* (45 FR 39507).

This action to extend the time for filing comments is based on a request of representatives of the Association of Food Distributors for an additional 30 days to review the April 9 proposal. However, the requirements proposed in the April 9, 1980 issue of the *Federal Register* for imported filberts become

mandatory August 1, 1980 for domestic filberts regulated under Federal Marketing Order No. 982, as amended (7 CFR Part 982). As required by the Act, the same or comparable standards must be applied to all imported filberts. Therefore, it is not practical to grant any further extension.

Dated: June 27, 1980.

Charles R. Brader,

Director, Fruit and Vegetable Division.

[FR Doc. 80-19913 Filed 7-1-80; 8:45 am]

BILLING CODE 3410-02-M

## DEPARTMENT OF ENERGY

### 10 CFR Parts 210, 211, and 212

#### Gasohol Allocation and Pricing Rulemaking; National Environmental Policy Act Finding of No Significant Impact

**AGENCY:** Department of Energy.

**ACTION:** National Environmental Policy Act (NEPA) Finding of No Significant Impact for the Gasohol Pricing and Allocation Rulemaking and Notice of Availability of an Environmental Assessment.

**SUMMARY:** The Department of Energy (DOE) has prepared a Finding of No Significant Impact for the Gasohol Pricing and Allocation Rulemaking published on May 22, 1980, 45 FR 34846, and solicits public comments on that finding. The DOE also announces the availability of the environmental assessment which was prepared for this proposed rulemaking and which is the basis for the Finding of No Significant Impact.

**DATES:** Written comments should be received at DOE on or before August 1, 1980.

**ADDRESSES:** For further information concerning the Finding of No Significant Impact and for submission of written comments contact: Linda Desell, NEPA Affairs Division, Office of Environment, Room 4C-057, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-6374.

Single copies of the EA may be obtained from:

Office of Public Information, Room B-110, Economic Regulatory Administration, 2000 M Street NW., Washington, D.C. 20461, (202) 653-4055.

James Berry, Economic Regulatory Administration, 2000 M Street NW., Room 7202, Washington, D.C. 20461, (202) 653-3263.

**FOR FURTHER INFORMATION CONTACT:**

Linda Desell, Telephone (202) 252-6374,

**SUPPLEMENTARY INFORMATION:** The Department of Energy has prepared an environmental assessment (EA) on its pending proposed rulemaking regarding gasohol. The rulemaking consists of a proposal concerning the pricing of gasohol and the allocation of the unleaded gasoline which is used as its blend stock, and on an alternate proposal which would exempt gasohol and the unleaded blend stock from DOE's allocation and pricing regulations. The proposed regulation was issued May 22, 1980, 45 FR 34846. Based on the EA, which is available to the public on request, DOE has determined that neither proposal constitutes a major Federal action significantly affecting the quality of human environment, within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* Therefore, no environmental impact statement will be prepared in conjunction with this rulemaking.

Under the proposed allocation rule, DOE would assign volumes of unleaded gasoline to firms which demonstrate access to an assured supply of at least 800 gallons per month of ethanol. Ethanol production firms would use the unleaded gasoline assigned to them to remove water from ethanol and also as a gasohol blend stock. DOE unleaded blend stock assignments would be limited to firms which meet certain criteria concerning marketing plans, boiler fuel, and ethanol quality and source. The proposed allocation rule would permit refiners to test market gasohol to base period purchasers of unleaded gasoline who agree to accept gasohol for unleaded on a ten-for-nine basis. Under the proposed price rules, refiners would allocate all ethanol costs to gasohol as a distinct grade of gasoline, and resellers and retailers would be permitted higher margins than those for other grades of gasoline. The alternative proposal would decontrol the price and allocation of unleaded gasoline sold as a gasohol blend stock and exempt gasohol from price and allocation controls as well. (The statutory authority for DOE's price and allocation regulation of gasoline will expire September 30, 1981.)

The proposed allocation and pricing rule and its deregulation alternative are two of numerous Federal actions designed to encourage industry to produce, by the end of 1981, the Administration goal of 30,000 barrels per day (B/D) of ethanol for blending with unleaded gasoline (in a one-to-nine ratio). Other actions include tax exemptions for gasohol, entitlement subsidies for ethanol producers, and

loan guarantees for construction of ethanol production facilities. Since it is not possible to quantify the contribution of the proposed rule toward achievement of the goal, the EA assesses the environmental impacts of reaching the goal of 30,000 B/D, as well as, the environmental impacts of the use of that quantity of ethanol in gasohol. The impacts of the rule by itself are expected to be less than the environmental impacts associated with reaching the goal because the rule alone is not expected to bring about the production of 30,000 B/D of ethanol.

The EA shows that the level of gasohol use under the goal would increase nationwide nitrous oxide (NO<sub>x</sub>) emissions about 0.5 percent and evaporative emissions about 2.4 percent, but would decrease exhaust hydrocarbons (HC) about 0.9 percent and carbon monoxide (CO) emissions by about 1.4 percent. If, for purposes of a worst case analysis, all gasohol consumption were concentrated in the Midwest states, where about 40 percent of U.S. gasoline is consumed, NO<sub>x</sub> emissions would increase by about 1.3 percent, evaporative emissions would increase about 6.3 percent, but exhaust hydrocarbons would decrease about 2.3 percent and CO emissions would decrease by about 3.5 percent. In the context of either situation, these changes are not considered environmentally significant. The EA also shows no significant air quality impacts from increased ethanol production.

With respect to water quality, the EA shows that water quality could be affected by run off from farm land used to grow feedstock for the ethanol production facilities. However, the amount of land required to produce feedstock is small and existing techniques of land pesticide management will prevent any significant level of water quality deterioration. Water quality will not deteriorate due to effluents from ethanol production facilities because presently available primary and secondary treatment methods are capable of keeping effluents within Federal standards. Thus, increased ethanol production will not result in significant impacts on water quality.

The amount of land required for corn production to support 30,000 B/D of ethanol production (1.7 million acres) is only about 3 percent of current corn acreage, and no significant deterioration of crop land quality is expected to result from its use to support ethanol production. Increased corn demand to meet the ethanol production goal by the end 1981 might increase the national

average price of corn by about 3 cents per bushel, but this increase would not have a significant effect on food prices.

The EA shows that no significant imbalances of unleaded gasoline supply would result from increased use of gasohol. If gasohol is substituted for unleaded gasoline in the Midwest, suppliers will be able to supply additional unleaded gasoline to other regions through exchange agreements. Supplier flexibility to move product among regions is well established: about 50 percent of the nation's gasoline is the subject of exchange agreements.

The EA also shows that the proposed rule and its alternative would not result in significant changes in the price or availability of unleaded gasoline, and therefore would not induce significant fuel switching. (Fuel switching is the consumption of leaded gasoline in automobiles designed for unleaded fuels.)

Issued in Washington, D.C., on June 27, 1980.

Ruth C. Clusen,

*Assistant Secretary for Environment.*

[FR Doc. 80-19699 Filed 7-1-80; 8:45 am]

BILLING CODE 6450-01-M

## FEDERAL RESERVE SYSTEM

### 12 CFR Part 204

[Docket No. R-0309]

#### Proposed Required Reserve Balance Pass-Through Guidelines

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Notice of Proposed Guidelines.

**SUMMARY:** The Monetary Control Act of 1980 (Title I of Pub. L. 96-221) imposes Federal reserve requirements on all depository institutions that maintain transaction accounts or nonpersonal time deposits. A depository institution may satisfy reserve requirements by holding vault cash or by placing a balance at the Federal Reserve. The Act authorizes a depository institution that is not a member of the Federal Reserve System to hold its required reserve balance at the Federal Reserve in one of two ways. It may deposit its required reserve balance directly with the Federal Reserve Bank or Branch which serves the territory in which it is located.

Alternatively, in accordance with procedures adopted by the Board, it may elect to pass through its required reserve balance through a correspondent. In order to implement the pass-through provisions of the Monetary Control Act, the Board is proposing guidelines under

which pass-through arrangements could be maintained.

**DATE:** Interested parties are invited to submit relevant data, views and other comments. Comments must be received by July 31, 1980.

**ADDRESS:** Comments, which should refer to Docket No. R-0309, should be addressed to Theodore E. Allison, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551, or delivered to room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected in 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:** Benjamin Wolkowitz, Section Chief (202/452-2686), Paul P. Burik, Economist (202/452-2556), Gilbert T. Schwartz, Assistant General Counsel (202/452-3625), or Lee S. Adams, Senior Attorney (202/452-3623), Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

**SUPPLEMENTARY INFORMATION:** Under the provisions of the Monetary Control Act of 1980 (Title I of Pub. L. 96-221), federal reserves are required for all depository institutions with nonpersonal time deposits or transaction accounts as those terms are defined in Section 103 of the Act. If these reserve requirements are not met by holdings of vault cash, a depository institution that is a member of the Federal Reserve System *must* hold its required reserve balance at its local Federal Reserve Bank or Branch. A depository institution that is *not* a member of the Federal Reserve System may hold its required reserve balance in one of two ways. It may deposit its required reserve balance directly with the Federal Reserve Bank or Branch which serves the territory in which it is located, just as member banks do. Alternatively, such a depository institution may elect to pass its required reserve balance through a correspondent. Such a correspondent may be a (i) Federal Home Loan Bank, (ii) the National Credit Union Administration Central Liquidity Facility, or (iii) a depository institution which holds a reserve balance directly at a Federal Reserve Bank or Branch. However, the depository institution passing through required reserve balances to one of these correspondents must be permitted by law or regulation to maintain an account at the institution it has selected. The correspondent will pass through these required reserve balances dollar-for-dollar to the Federal Reserve Bank or Branch in the territory

in which the main office of the respondent institution is located.

If a nonmember depository institution (respondent) chooses the pass-through option, the Federal Reserve Board proposes that the following procedures apply:

#### I. Pass-through Correspondent

1. The nonmember respondent may select only one correspondent to pass through its required reserves. An institution may act as a pass-through correspondent only if it maintains its own required reserves at a Federal Reserve office. The correspondent chosen subsequently must pass through the required reserve balances of its respondents and its own required balances to the appropriate Federal Reserve office. The correspondent placing funds with the Federal Reserve on behalf of respondents will be responsible for reserve account maintenance as described below.

2. The Board requests comments on an alternative to the above pass-through procedures that would permit a nonmember pass-through correspondent the option of subsequently passing through to another depository institution its own required reserves and those of its respondents. The second correspondent would be required to pass through these reserve balances dollar-for-dollar to the appropriate Federal Reserve office and would be responsible for reserve account maintenance for the first correspondent and its respondents as described below.

3. Respondent depository institutions or pass-through correspondents may institute, terminate, or change pass-through arrangements for the maintenance of required reserve balances by providing all documentation required for the establishment of the new arrangement and/or termination of the existing arrangement to the Federal Reserve Bank or Branch in whose territory the respondent or prospective respondent is located. The effective date of such change will be the beginning of the fifth reserve maintenance period following notification, of an earlier date as determined by the affected Reserve Bank or Branch.

#### II. Reports

1. Every depository institution that maintains transaction accounts or nonpersonal time deposits is required to file its report of deposits (or any other required form or statement) directly with its local Federal Reserve Bank or Branch, regardless of the manner in which it chooses to maintain required reserve balances.

2. The Federal Reserve Bank or Branch receiving such reports shall notify the reporting depository institution of its reserve requirements. Where a pass-through arrangement exists, the Reserve Bank or Branch will also notify the correspondent passing reserves through to the Federal Reserve of the respondent's required reserve balance.

### III. Account Maintenance

1. A correspondent that passes through required reserve balances of respondents shall maintain such balances in a single commingled account in each Federal Reserve Bank or Branch in whose territory its respondent's main office is located. The required reserve balance of each correspondent, maintained at the Federal Reserve office for the territory in which its main office is located, shall be commingled in a single account with the required reserve balances of its respondents with main offices in the correspondent's Federal Reserve territory.

2. The Federal Reserve Board requests comments on an alternative to the above account maintenance procedure. Under this alternative, a correspondent would maintain its own required reserves in one account with the Federal Reserve office in whose territory its main office is located. The correspondent would maintain in a separate account required reserve passed through for respondents whose main office is located in that same Federal Reserve territory. For respondents located in other Federal Reserve territories, the correspondent would maintain a separate commingled account for passing through respondent's required reserves at each Federal Reserve Bank or Branch in whose territory the respondent's main office is located.

### IV. Responsibilities of Parties to Pass-through Arrangements

1. The responsibility of maintaining reserve requirements is with the individual depository institution. However, where pass-through arrangements exist for purposes of reserve maintenance, the correspondent passing through reserves to the Federal Reserve shall be responsible for assuring the maintenance of the appropriate level of its respondent's required reserve balances in the same manner as if the balances were maintained by the respondent directly with the Reserve Bank or Branch. Reserve Bank or Branches will treat each correspondent account as a single account for purposes of determining required reserve deficiencies, imposing

or waiving penalties for deficiencies in required reserves, paying interest on supplemental reserves, and for other reserve maintenance purposes. However, correspondents will be required to maintain records in order to pass through penalties for reserve deficiencies or interest on supplementary reserves to individual respondents as if those respondents held their required balances directly with the Federal Reserve.

2. The Board's proposed Regulation D does not contemplate the imposition of supplemental reserve requirements at this time. If, however, supplemental reserves are ever required in the future the Federal Reserve would credit earnings on such balances to the pass-through accounts maintained by the correspondent. Arrangements for the subsequent distribution of the earnings would be the responsibility of the correspondent and its respondent, not the Federal Reserve. If a supplemental reserve requirement is ever imposed, and a reserve account is deficient in total required reserves, the balances maintained will be used first to satisfy basic reserve requirements, and if any unused balances remain, they will be used next to satisfy the supplemental reserve requirement. A penalty will then be assessed for any remaining deficiency on total required reserve balances.

3. A correspondent passing through a respondent's reserve balances shall maintain records and make reports as the Federal Reserve System requires in order to insure the correspondent's compliance with its responsibilities for the maintenance of a respondent's reserve balances. Such records shall be available to the Federal Reserve System as required. The Federal Reserve System may terminate any pass-through relationship in which the correspondent is deficient in its recordkeeping or other responsibilities.

4. Each Federal Reserve Bank or Branch will provide reserve account statements to the depository institutions maintaining required reserve or to correspondents passing through reserve balances to the Federal Reserve.

### V. Services

1. A depository institution maintaining its reserve balances on a pass-through basis may obtain available Federal Reserve System services directly from its local Federal Reserve office. For this purpose, the pass-through account in which an institution's required reserve balance is maintained may be used by the institution for the posting of entries arising from transactions involving the use of such Federal Reserve services, if

the posting of the individual transactions or types of transactions have been authorized by the correspondent and the Federal Reserve. For example, access to the wire transfer, securities transfer, and settlement services that involve charges to the commingled reserve account at the Reserve Bank or Branch will require authorization from the correspondent and the Reserve Bank for a specific transaction or for the type of transaction that is occurring.

2. Accounts at Federal Reserve offices consisting of respondents' reserve balances which are passed through by a correspondent to a Federal Reserve Bank or Branch at which the correspondent does not maintain its own required reserve balance may be used only for transactions for the account of the respondents. A correspondent will not be permitted to use pass-through accounts maintained outside of the Federal Reserve territory in which the correspondent maintains its own required reserves for purposes other than serving its respondent's needs.

3. In obtaining Federal Reserve services, respondents maintaining their required reserves on a pass-through basis may choose to have entries arising from the use of Federal Reserve services posted to any of the following accounts maintained at the local Federal Reserve office: (1) The pass-through reserve account in which its required reserves are maintained, (2) with the prior authorization of all parties concerned, the reserve account maintained by any other depository institution at the local Federal Reserve office, or (3) a clearing account maintained by the respondent institution directly with its local Federal Reserve office. A statement concerning the clearing balance procedure will be announced when the Federal Reserve publishes its proposed pricing schedule.

Board of Governors of the Federal Reserve System, June 26, 1980.

Griffith L. Garwood,  
Deputy Secretary of the Board.

[FR Doc. 80-19917 Filed 7-1-80; 8:45 am]

BILLING CODE 6210-01-M

### 12 CFR Part 225

[Reg. Y, Docket No. R-0310]

### Application to Continue to Engage in Real Estate Advisory Services and Real Estate Appraisal Services and of Possible Rulemaking with Respect Thereto

AGENCY: Board of Governors of the Federal Reserve System.

**ACTION:** Notice of application and proposed rule.

**SUMMARY:** In connection with an application by First Chicago Corporation, Chicago, Illinois, to retain the shares of a subsidiary, the Board has been requested to add to the list of activities permissible for bank holding companies certain real estate advisory and appraisal services. The Board requests comments as to whether the proposed activity of "performing appraisals of any type of real estate, other than single-family residences" is closely related to banking or managing or controlling banks.

Applicant states that certain real estate-related advisory services, provided to State and local governments, have been previously specified by the Board as being permissible for bank holding companies as "providing financial advice to State and local governments, such as with respect to the issuance of their securities." The Board also requests comments as to whether these proposed activities are closely related to banking.

With respect to these activities and others that have been previously determined to be closely related to banking, the Board requests interested persons to comment on whether retention of the nonbanking company would result in public benefits that outweigh possible adverse effects.

**DATE:** Comments must be received by August 1, 1980.

**ADDRESS:** Comments, which should refer to Docket No. R-0310, may be mailed to Theodore E. Allison, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, D.C. 20551, or delivered to Room B-2223 between 8:45 a.m. and 5:15 p.m. Comments may be inspected in Room B-1122, 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:** Michael E. Bleier, Senior Counsel (202-452-3721), or Michael L. Kadish, Attorney (202-452-3428), Legal Division, Board of Governors of the Federal Reserve System.

**SUPPLEMENTAL INFORMATION:** The Board of Governors has received an application filed pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(B)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)) by First Chicago Corporation, Chicago, Illinois, for prior approval to retain shares of its subsidiary, Real Estate Research Corporation ("RERC"), Chicago, Illinois,

a company engaged in a wide variety of real estate-related advisory and appraisal activities. Some of the activities that are the subject of the application have not previously been determined by the Board to be closely related to banking.

Section 225.4(a) of Regulation Y provides that a bank holding company may file an application to engage in activities, other than those determined to be permissible for bank holding companies, if it is of the opinion that the proposed activity in the circumstances surrounding a particular case is closely related to banking or managing or controlling banks. The regulation further provides that the Board will publish in the *Federal Register* a notice of opportunity for hearing regarding the proposed activity only if it believes that there is a reasonable basis for the bank holding company's opinion.

Applicant acquired RERC in June 1970, and has been engaged since that time<sup>1</sup> in the following activities: (1) providing financial advice to State and local governments; (2) providing portfolio investment advice; (3) providing branch location, financial feasibility, and specialized market studies for nonaffiliated banks; (4) providing general economic information and advice, general economic statistical forecasting services, and industry studies; (5) advising State and local governments about methods available to finance real estate development projects; (6) evaluating projected income to determine for State and local governments whether debt resulting from proposed development projects can be adequately serviced; and (7) performing appraisals of all types of real estate, other than single-family residences. These activities are performed from offices of RERC in Chicago, Illinois; Atlanta, Georgia; Dallas and Houston, Texas; Miami, Florida; San Diego and San Francisco, California; and the District of Columbia. The geographic area served is the entire continental United States. RERC also engages in other real estate advisory activities that are not subjects of this notice because the Board has determined that there is no reasonable basis for Applicant's opinion that the activities are closely related to banking.

Applicant states that activity (5), "advising State and local governments about methods available to finance real estate development projects," and

<sup>1</sup> Section 4 of the Act provides, *inter alia*, that nonbanking activities acquired between June 30, 1968, and December 31, 1970, by a company which became a bank holding company as a result of the 1970 Amendments may not be retained beyond December 31, 1980, without Board approval.

activity (6), "evaluating projected income to determine for State and local governments whether debt resulting from proposed development projects can be adequately serviced," are within the scope of the activity previously determined by the Board to be permissible for bank holding companies in § 225.4(a)(5)(v) of Regulation Y (12 CFR 225.4(a)(5)(v)). Applicant cites as examples of these activities, (a) analyzing the financial feasibility of converting obsolete urban buildings to new uses, and (b) examining the impact of a proposed freeway on land use, property values, tax receipts, and public expenditures. While the administrative history of that provision of Regulation Y indicates that the Board intended to restrict the scope of the activity, the Board believes nevertheless that these proposed activities may be encompassed within the language of the provisions. In addition, it appears that the provision of such services by a banking organization may be consistent with factors considered by the Board under its Regulation BB (12 CFR § 228.7) in assessing a State member bank's record of performance under the Community Reinvestment Act (12 U.S.C. 2901 *et seq.*). Therefore, regardless of whether these activities currently are specifically authorized, the Board believes it is reasonable to secure comments on whether these activities should be permissible for bank holding companies.

Under guidelines established by a federal circuit court,<sup>2</sup> an activity may be found to be closely related to banking if it is demonstrated (1) that banks generally have in fact provided the proposed service; or (2) that banks generally provide services that are operationally or functionally so similar to the proposed services as to equip them particularly well to provide the proposed service; or (3) that banks generally provide services that are so integrally related to the proposed service as to require their provision in a specialized form.<sup>3</sup> The Board has previously found the *National Courier* guidelines useful in determining whether there is a reasonable basis for an

<sup>2</sup> *National Courier Association v. Board of Governors of the Federal Reserve System*, 516 F.2d 1229 (D.C. Cir. 1975) (hereinafter referred to as "*National Courier*").

<sup>3</sup> These guidelines are cited, for example, in *NCNB Corporation v. Board of Governors of the Federal Reserve System*, 599 F.2d 609 (4th Cir. 1979); *Association of Bank Travel Bureaus, Inc. v. Board of Governors of the Federal Reserve System*, 568 F.2d 549, 551 (7th Cir. 1978); *Alabama Association of Insurance Agents v. Board of Governors of the Federal Reserve System*, 553 F.2d 224, 241 (5th Cir. 1976), rehearing denied 558 F.2d 729 (1977), cert. denied 435 U.S. 904 (1978).

applicant's opinion that a proposed new nonbanking activity is closely related to banking.<sup>4</sup>

With respect to the activity of performing appraisals of real estate other than single-family residences (RERC's activity (7)), the Board finds that the record of this application currently contains little evidence, other than Applicant's unsubstantiated assertions, that this activity meets the guidelines established by the Board and the courts. There is evidence to indicate that banks perform real estate appraisals for internal use, but this is not a basis upon which an activity may be found to be closely related to banking; otherwise, any administrative support service could be found to be closely related to banking. Nevertheless, since the Board is inviting comment on other aspects of the proposal, it appears that it would be desirable to also secure comments as to whether this activity is "so closely related to banking or managing or controlling banks as to be a proper incident thereto." It is noted that appraisals accounted for a larger percentage of RERC's sales in 1979 than any other single activity. Under the Board's Regulation Y, the Board's decision to publish notice of a proposed new activity does not obligate the Board to finally determine that the activity is closely related to banking or that the activity is permissible for bank holding companies.

Interested persons may express their views on the question of whether each of the above activities is closely related to banking or managing or controlling banks. Comments concerning this question should address the *National Courier* guidelines.

Some of RERC's activities proposed by First Chicago to be continued beyond December 31, 1980, have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b). These activities are: (1) Providing financial advice to State and local governments; (2) providing portfolio investment advice; (3) providing branch location, financial feasibility, and specialized market studies for nonaffiliated banks; and (4) providing general economic information and advice, general economic forecasting services, and industry studies. Interested persons may also express their views on the question of whether the continued performance

by Applicant of these activities, as well as those activities proposed for rulemaking discussed above, can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices."

A request for a hearing on either question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Bank of Chicago.

Board of Governors of the Federal Reserve System, June 26, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-19911 Filed 7-1-80; 8:45 am]

BILLING CODE 6210-01-M

## COMMODITY FUTURES TRADING COMMISSION

### 17 CFR Part 1

[Form 1-FR]

### Minimum Financial and Related Reporting Requirements

#### Correction

In FR Doc. 80-19022 appearing on page 42633 in the issue of Wednesday, June 25, 1980, make the following corrections:

(1) In the third column of page 42633, under **Dates**, the date given should have read "September 23, 1980" instead of "August 25, 1980".

(2) In the first column of page 42634, second paragraph, 17th line, ". . . which would be exposed. . ." should have read ". . . which could be exposed. . .".

BILLING CODE: 1505-01-M

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 48

### Tax-Free Sales of Articles To be Used for, or Resold For, Further Manufacture

AGENCY: Internal Revenue Service, Treasury.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This document contains proposed regulations relating to tax-free sales of articles to be used for, or resold for, further manufacture. The regulations would clarify the existing excise tax law with respect to sales by a manufacturer of parts which are intended for resale as replacement parts. The regulations would affect manufacturers and purchasers who buy or sell parts intended to be used for, or resold for, further manufacture.

**DATES:** Written comments and requests for a public hearing must be delivered or mailed by August 31, 1980. The amendments are proposed to be effective for taxable periods beginning after July 1, 1980.

**ADDRESS:** Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T, LR-58-79, Washington, D.C. 20224.

**FOR FURTHER INFORMATION CONTACT:** Robert B. Coplan of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3287).

#### SUPPLEMENTARY INFORMATION:

##### Background

This document contains proposed amendments to the Excise Tax Regulations (26 CFR Part 48) under section 4221 of the Internal Revenue Code of 1954 (Code). These amendments are proposed to clarify the excise tax regulations dealing with the tax-free sale of parts which are to be used for, or resold for, further manufacture. The regulations are to be issued under the authority contained in section 7805 of the Code (68A Stat. 917; 26 U.S.C. 7805).

##### In General

Under § 48.4221-2, articles that would otherwise be subject to the manufacturers excise tax may be sold by the manufacturer free of tax for use by the purchaser for further manufacture or for resale by the purchaser to a second purchaser for use by the second purchaser in further manufacture. The tax-free sale under section 4221 of the Code is permitted if the manufacturer in good faith accepts a certification from the purchaser that the article will be used for, or resold for, further manufacture. However, when a manufacturer sells parts (i.e. truck parts) under circumstances indicating that some or all of the parts are intended for resale as replacement parts or for some other nonexempt use, then the parts intended for resale as replacement parts

<sup>4</sup> *NCNB Corporation* (Superior Insurance Company and Superior Claim Service), 64 Federal Reserve Bulletin 506, 507 (1978); *aff'd sub nom. NCNB Corporation v. Board of Governors of the Federal Reserve System*, 599 F.2d 609 (4th Cir. 1979).

may not be sold tax free under section 4221 and § 48.4221-1(b)(4). The proposed regulations mention individual packaging of parts and identifiable coding of parts based on the purchaser's intended use as two examples of circumstances indicating that parts are intended for use as replacement parts. Parts intended for resale as replacement parts may still be sold tax free for a use other than further manufacture, such as export under section 4221(a)(2), provided the proper statement is filed.

#### Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the *Federal Register*.

#### Drafting Information

The principal author of these proposed regulations is Robert B. Coplan of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

#### Proposed amendments to the regulations

The proposed amendments to 26 CFR Part 48 are as follows:

**Paragraph.** Paragraph (a)(1) of § 48.4221-2 is amended by inserting the following two sentences immediately after the second sentence thereof:

**§ 48.4221-2 Tax-free sales of articles to be used for, or resold for, further manufacture.**

(a) *Further manufacture*—(1) *In general.* \* \* \* If a manufacturer sells parts under circumstances indicating to the manufacturer that all or an identifiable portion of the parts are intended for resale as replacement parts, then the parts intended for resale as replacement parts may not be sold tax free under section 4221(a)(1) and this section. Some examples of circumstances indicating that parts are intended for resale as replacement parts include individual packaging of parts

and identifiable coding of parts based on the purchaser's intended use. \* \* \*

Jerome Kurtz,

Commissioner of Internal Revenue.

[FR Doc. 80-19912 Filed 7-1-80; 8:45 am]

BILLING CODE 4830-01-M

## DEPARTMENT OF JUSTICE

### U.S. Parole Commission

#### 28 CFR Part 2

#### Paroling, Recommitting, and Supervising Federal Prisoners

**AGENCY:** United States Parole Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission is proposing to eliminate provisions in its rules that allow oral representation at appellate hearings in cases designated for the Commission's original jurisdiction, and that allow for the holding of regional appellate hearings in other cases. The Commission is proposing to consider appeals on the record only, in all cases, in order to promote a more productive use of its time and to provide a more uniform parole decision-making process.

**DATE:** Comments must be received on or before September 2, 1980.

**ADDRESS:** Send comments to the United States Parole Commission, 320 First Street NW., Washington, D.C. 20537, Attention: Office of General Counsel.

**FOR FURTHER INFORMATION CONTACT:** Toby Slawsky, Office of General Counsel, telephone 202-724-7567.

**SUPPLEMENTARY INFORMATION:** The proposed elimination of oral representation at original jurisdiction appeals and of regional appellate hearings is intended to facilitate a more efficient parole decision-making process.

The parole hearing, rather than the appeal process, is the appropriate stage of the parole procedure for the submission of evidence, and for oral questioning and discussion about the case. Prisoners and parolees are given prior notice of the time and place of their parole hearings and full disclosure of any material the Commission will consider so that they may prepare for their hearings. Additionally, prisoners and parolees may be represented at their hearings by a person of their choice. In order for the Commission to make informed initial decisions, prisoners and parolees should present all significant information to the Commission at the time of their hearing

and not delay presenting their case until the appeal stage, by way of oral argument. If after a hearing a prisoner or parolee wishes to present to the Commission significant information not known at the time of the hearing, that information can be submitted in documentary form under the Commission's Rules, § 2.26 and § 2.27. Furthermore, the Rule at § 2.28 provides that a Commissioner may, on his own motion, reopen a case at any time upon receipt of new information of substantial significance.

It has been the Commission's experience that the information provided by representatives at oral argument is often a repetition of information which has already been submitted, and that effective presentation of a case can be done in writing without any lessening of the opportunity for full consideration. Moreover, the appearance of a representative usually requires considerably more time than that in which an appeal consideration could be completed on the record. Since oral arguments add little that could not be submitted in documentary form, the Commission believes that eliminating this feature of the appeal would not depreciate the opportunity for full consideration of the merits of each case.

Additionally, the Commission believes that the current practice of allowing representatives at original jurisdiction appeals can be perceived as providing a right to prisoners and parolees whose cases have been designated for original jurisdiction consideration which is unavailable in practice to those prisoners and parolees whose cases have not been so designated. This is so because, while 28 CFR 2.25(c) provides for the possibility of representatives at regional appellate hearings, very few regional appellate hearings are held. Therefore, only prisoners and parolees who are designated for the Commission's original jurisdiction consideration have the practical opportunity to have a representative present on appeal.

To avoid the appearance that there is an unequal advantage for these persons, as well as for the reasons stated above, the Commission proposes the elimination of oral representation at original jurisdiction appeals and at regional appellate hearings.

Accordingly, pursuant to the provisions of 18 U.S.C. 4203(a)(1) and 4204(a)(6) the Commission proposes the removal of 2.25(c) and 2.27(c) from Part 2 of Title 28.

Dated: June 12, 1980.

Cecil C. McCall,

Chairman, U.S. Parole Commission.

[FR Doc. 80-19783 Filed 7-1-80; 8:45 am]

BILLING CODE 4410-01-M

## 28 CFR Part 2

### Paroling, Recommitting, and Supervising Federal Prisoners

**AGENCY:** United States Parole Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The U.S. Parole Commission proposes to add a new offense behavior example to its Paroling Policy Guidelines to clarify its policy with regard to voluntary manslaughter cases in which the actual offense behavior did not involve the traditionally required elements of that crime (i.e., "heat of passion" or "sudden quarrel"). In such cases, the voluntary manslaughter statute is usually used to account for other factors in the case that conceivably remove or lessen the element of "malice" required to obtain a conviction for murder. Nonetheless, such homicides are, in the Commission's view, generally more serious than homicides which meet the traditional definitions of voluntary manslaughter. The Commission will continue, under this amendment, to rate such cases in a higher guideline category than the category in which it rates cases that meet the traditional definitions of voluntary manslaughter, and will take mitigating circumstances into account on an individual basis.

**DATES:** Comments must be received by September 2, 1980.

**ADDRESS:** Send comments to Michael A. Stover, Staff Attorney, Office of General Counsel, U.S. Parole Commission, 320 First St. N.W. Washington, D.C. 20537; 202-724 7567.

**FOR FURTHER INFORMATION CONTACT:** Michael A. Stover, Staff Attorney, Office of General Counsel, U.S. Parole Commission, telephone: 202-724-7567.

**SUPPLEMENTARY INFORMATION:** The tendency to expand the use of 18 U.S.C. § 1112 (voluntary manslaughter) to cover various instances of intentional homicide in which the extenuating circumstance is not attributable to provocation or mutual aggression (such as a homicide committed under extreme emotional pressure or mental disorder falling short of insanity) has caused some concern as to precisely what types of offense behavior the Commission intended to include when it decided to rate voluntary manslaughter cases in the

Greatest I category of its guidelines. See 44 FR 26540 (May 4, 1979).

The Commission intended to reserve the Greatest I severity category for the type of offense that § 1112 was historically designed to cover, i.e., a killing "upon a sudden quarrel or heat of passion." Under the traditional definition, a "heat of passion" sufficient to remove the element of malice from an intentional killing is one "due to adequate provocation." See e.g., *Wakakasan v. United States*, 367 F.2d 639, 645 (8th Cir. 1966). A "sudden quarrel" refers to "mortal combat by mutual agreement." See *United States v. McRae*, 593 F.2d 700 (5th Cir. 1979). Although other sets of circumstances may from time to time be regarded by a court as extenuating enough to accept a guilty plea under § 1112 with its maximum penalty of ten years, this does not necessarily mean that for the limited purpose of determining suitability for parole, such offenses should be automatically equated with those in which the universally recognized elements of strong provocation or mutual aggression are present.

Under traditional concepts, guilt is lessened because responsibility for the crime is partly shifted to the victim, who either gave provocation adequate to cause a reasonable person to lose self-control, or entered willingly into a deadly struggle. But when the homicide results from the offender's failure to resist pressures for which the victim was blameless, such a crime cannot be placed upon the same level of severity. Otherwise, the implication would be inescapable that no greater wrong is done to the blameless victim than is done to the victim who actually provokes the aggression. Such an equation would, in the Commission's opinion, "depreciate the seriousness of the offense". See 18 U.S.C. § 4206 (a)(1).

Therefore, the Commission routinely rates these offenses in the Greatest II category, and considers each case on its own merits with regard to the weight to be given extenuating circumstances. The present rule change would make that policy explicit.<sup>1</sup>

The proposal would amend the offense behavior example of "voluntary manslaughter" for both adult and youth

<sup>1</sup> It has been noted from a review of Parole Commission decisions that in some instances the Commission in making this distinction has used the term "second degree murder" (which would be correct under a strict textbook approach to the matter). However, since the Commission looks to the "nature and circumstances of the offense" (18 U.S.C. § 4206), rather than the statutory description when it assesses offense severity, this choice of legal definition should not have affected the case outcome.

guidelines in the Greatest I category at 28 CFR 2.20 to read as follows:

"Voluntary Manslaughter (intentional homicide resulting from a heat of passion due to adequate provocation or from mutual aggression)."

A new example would be added to the Greatest II category for adult and youth guidelines to read as follows:

"Voluntary manslaughter (other than as defined in the Greatest I category)."

Finally, the referenced footnotes at the end of § 2.20 would be amended to add a fourth footnote as follows:

"4. Voluntary manslaughter convictions resulting from jury trials shall be deemed to involve either 'adequate provocation' or 'mutual aggression' and are therefore to be rated as Greatest I severity."

Dated: June 20, 1980.

Cecil C. McCall,

Chairman, U.S. Parole Commission.

[FR Doc. 80-19788 Filed 7-1-80; 8:45 am]

BILLING CODE 4410-01-M

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 943

#### Receipt of Amendments to the Texas Permanent Program

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

**ACTION:** Proposed rule: Notice of receipt of program amendments from the State of Texas; comment period and opportunity for hearing.

**SUMMARY:** On March 27, 1980, the State of Texas submitted to OSM proposed amendments to the Texas regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). This notice sets forth the times and locations where the Texas amendments are available for public inspection; the comment period during which interested persons may submit written comments on the proposed amendments; and the period during which interested persons may request a hearing.

**DATE:** Written comments from the public must be received on or before 4:00 P.M. on July 30, 1980, to be considered in the Director's decision on the proposed amendments. A public hearing will be held on the proposed amendments if a written request is received by the Regional Director on or before 4:00 P.M. on July 15, 1980.

**ADDRESSES:** Written comments or request for a hearing 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 list of scheduled public meetings and copies of all written comments are available for review at the OSM Region IV Office and the central office of the Texas Railroad Commission listed below, Monday through Friday, 8 a.m. to 4 p.m., excluding holidays:

Office of Surface Mining, Reclamation and Enforcement, Region IV, 5th Floor, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106.  
Texas Railroad Commission, Surface Mining and Reclamation Division, 1124 S. Inter-Regional Highway, Austin, Texas 78704

Copies of the full text of the Texas program and the proposed amendments are available for inspection during regular business hours at OSM Region IV Office and the central office of the Texas Railroad Commission listed above, and the OSM Headquarters Office, and field offices of the Texas Railroad Commission listed below:

U.S. Department of the Interior, Office of Surface Mining, South Interior Building, Washington, D.C. 20240  
Texas Railroad Commission, Surface Mining and Reclamation Division, Field Office, Woodgate Office Park, Suite 125, 1121 East S.W. Loop 323, Tyler, Texas 75703  
Texas Railroad Commission, Surface Mining and Reclamation Division, Field Office, Shank Office Building, 1419 3rd Street, Floresville, Texas 78114

**FOR FURTHER INFORMATION CONTACT:** Richard Rieke, Assistant Regional Director, Office of Surface Mining, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106, Telephone: (816) 374-3920

**SUPPLEMENTARY INFORMATION:** Background on the Texas Program Submission and Conditional Approval: On July 20, 1979, OSM received a proposed permanent regulatory program from the State of Texas. The program was submitted by the Texas Railroad Commission, the agency that administers the Texas program.

On February 16, 1980, the Secretary of the Interior conditionally approved the Texas program as provided for under 30 CFR 732.13(i). The conditional approval was published as 30 CFR Part 943 in the February 27, 1980, *Federal Register* (45 FR 12998-13008).

#### *Submission of Amendments*

On March 27, 1980, OSM received a proposal from the Texas Railroad Commission containing three amendments to the State regulations. One of the three related to the award of costs, including attorneys' fees in administrative proceedings, and satisfied the condition of the approval of the Texas program. On June 18, 1980, the Secretary approved this amendment (to Texas Rule 051.07.04.023) and removed the condition of the approval of the Texas program (45 FR 41136-41137).

The remaining two amendments contained in the March 27, 1980, letter pertained to Texas Rule 051.07.04.070 relative to the state process for designating areas unsuitable for mining. The two proposed amendments to Texas Rule 051.07.04.070 are the subject of this notice. 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 procedures for review of proposed permanent program amendments are contained in 30 CFR 732.17, 44 FR 15328 (March 13, 1979).

#### *Discussion of Amendments*

(a) "Valid existing rights" provision: Texas has proposed an amendment to its definition of "valid existing rights" by adding a new subsection to that definition in Texas Rule 051.07.04.070 relating to the interpretation of the document relied upon to establish valid existing rights.

In the February 6, 1980, *Federal Register* (45 FR 8244), OSM proposed an amended subsection (c) of the definition of valid existing rights in 30 CFR 761.5, adding the concept of relying on applicable state case law concerning interpretation of documents conveying mineral rights where applicable state case law exists.

In the preamble to that proposed rule, OSM states the following: In order to implement what the Secretary believes is Congress' intent that State case law on the subject not be overruled, the Secretary is proposing that Subsection (c) of Part 761.5 be changed to provide an alternative basis for valid existing rights determinations. Where a state has case law establishing some other standard for interpreting documents which convey mineral rights this law will be used to interpret documents executed in that State.

The Texas program conditionally approved on February 16, 1980, did not contain a provision similar to 30 CFR 761.5(c) relating to the interpretation of

the terms of the document relied upon to establish valid existing rights.

The Secretary determined that the absence of this provision did not prevent the approval of the Texas program; however, OSM did advise Texas that this aspect of its program would be improved by adding a similar provision to 30 CFR 761.5(c). Accordingly, Texas has proposed such a program amendment. The proposed amendment is consistent with OSM's proposed rule (See 45 FR 8244). Texas added a new subsection (c) to Rule 051.07.04.070, and the original subsection (c) has been relettered as subsection (d).

*The proposed Texas amendment reads as follows:*

"Rule 051.07.04.070 is supplemented by the following language after paragraph (b)(2) under *valid existing rights*:

(c) Interpretation of the terms of the document relied upon to establish valid existing rights shall be based upon Texas case law concerning the interpretation of documents conveying mining rights. When no Texas case law exists, interpretation shall be based upon the usage and custom at the time and place where the document came into existence and upon a showing by the applicant that the parties to the document actually contemplated a right to conduct the same underground or surface mining activities for which the applicant claims a valid existing right.

(d) "Valid existing rights does not mean mere expectation of a right to conduct surface coal mining operations or the right to conduct underground coal mining. (Examples of rights which alone do not constitute valid existing rights include, but are not limited to, coal exploration permits or licenses, applications or bids for leases, or where a person has only applied for a State or Federal permit.)"

(b) Close of public comment period provision: During the review of the Texas program prior to the Secretary's conditional approval on February 16, 1980, OSM advised Texas that its Rule 051.07.04.070 could lead to confusion as to when the public comment period actually closes during the process for designating lands unsuitable for coal mining because of the ambiguous language of the regulation. Although this was not determined to be a significant problem that would prevent approval of the Texas program, OSM did suggest that Texas clarify this language at some future time. Texas agreed that the language of Rule 051.07.04.070 could have been clearer and has accordingly proposed to amend that language by adopting the following regulation:

"Rule 051.07.04.070 is amended as follows:

*Close of public comment period* means the close of a public hearing on a surface mining permit application. When no public hearing is held, this time shall be 30 days after the last publication of the newspaper notice required by section .207(a)."

Comment Period and Opportunity for hearing: Anyone wishing to comment on the proposed program amendments may do so by writing to the Regional Director listed above under ADDRESSES.

Any person may request a hearing on the proposed amendments by writing to the Regional Director. A hearing will be held only if requested in writing.

Effect of Agency Action: Subsequent to the review of all comments, the Regional Director will transmit to the Director his recommended decision along with copies of all public comments.

Upon receipt of the Regional Director's recommendation, the Director will consider all relevant information in the record and approve or disapprove the state program amendments, in accordance with 30 CFR 732.17. If the Director decides to approve these amendments, 30 CFR Part 943 will be amended to reflect their addition to the approved program. Pursuant to 30 CFR 732.17(g), these amendments shall not take effect for purposes of the Texas program until approved by the Director.

No Environmental Impact Statement is being prepared in connection with the process leading to approval or disapproval of the proposed amendments to the Texas Permanent Program. Under Section 702(d) of SMCRA (30 U.S.C. Section 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).

The Secretary will, through OSM, solicit and publicly disclose the views of the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other Federal agencies concerned with or having special expertise pertinent to the proposed Texas program amendments.

The concurrence of the Administrator of the Environmental Protection Agency is not being sought as the proposed amendments are not aspects of the Texas program that related to air or water quality standards promulgated under the authority of the Federal Water Pollution Control Act—as amended (33 U.S.C. 1151–1175), and the Clean Air Act, as amended (42 U.S.C. 1187, et seq).

The Secretary has determined that this document would not be a significant rule under E.O. 12044 or 43 CFR Part 14

and no regulatory analysis is being prepared.

Dated: June 24, 1980.

Allyn O. Lockner,  
Acting Regional Director.

[FR Doc. 80-19780 Filed 7-1-80; 8:45 am]

BILLING CODE 4310-05-M

## National Park Service

### 36 CFR Part 7

#### Olympic National Park; Hunter Access Routes

AGENCY: National Park Service.

ACTION: Proposed rule.

**SUMMARY:** The intent of this proposed regulation is to abolish hunter access routes and special hunting camps within the Queets Corridor and Pacific Coast Area of Olympic National Park, Washington. Regulations currently found in 36 CFR 7.28 (b)(2) and (d) allow for the establishment of camping areas and the designation of access routes in these areas, during the State authorized open hunting seasons for deer and elk, for the purpose of hunting outside the park. The construction of logging roads on either side of the Queets Corridor has provided the hunters with necessary access and eliminated the need for this regulation. Neither hunting camps nor access routes have ever been established in the Pacific Coast Area also covered by this regulation.

**DATES:** Written comments, suggestions, or objections will be accepted until August 1, 1980.

**ADDRESS:** Comments should be directed to:  
Superintendent, Olympic National Park,  
Port Angeles, Washington 98362

**FOR FURTHER INFORMATION CONTACT:**  
Roger Contor, Superintendent, Olympic  
National Park, Telephone: (206) 452-  
4501.

#### SUPPLEMENTARY INFORMATION:

##### Background

In 1960 a cooperative agreement between Olympic National Park and the Washington State Game Department provided for the establishment of hunter access routes within the Queets Corridor of the park. The purpose of these routes was to allow for the harvesting of elk in the inaccessible areas adjacent to this corridor.

Special regulations (36 CFR 7.28(d)) also allowed hunters, during the State authorized open hunting seasons for deer and elk, to establish camps at locations designated by the Superintendent, for the purpose of

hunting outside the park. This regulation provided an exception to the National Park Service's general camping regulations found in 36 CFR 2.5(h) which state:

Except in those park areas where hunting is permitted, the use of a camp in a park area as a base for hunting outside the park is prohibited.

Since the 1960 agreement logging roads have been built north and south of the Queets Corridor, providing hunters with access to this area and making this special regulation unnecessary. If this proposed rule is implemented, the park access routes will be eliminated and the general camping regulations in 36 CFR 2.5(h) will be applicable to this area of Olympic National Park.

In June 1978, individual letters and maps were sent to registered hunters using the access routes and establishing camps in the Queets Corridor area. This letter explained the National Park Service's proposal to close the access routes and camps, and invited comments. During the 90-day comment period no objections were received by the park.

This regulation also provides for the establishment of hunter access routes and hunting camps within the Pacific Coast Area. Neither have ever been established, eliminating the need for this portion of the regulation.

#### Public Participation

The policy of the National Park Service is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding the proposed regulation to the address noted at the beginning of the rulemaking.

#### Impact Analysis

The National Park Service has determined that this document is not a significant rule requiring preparation of a regulatory analysis under Executive Order 12044 and Part 14 of Title 43 of the Code of Federal Regulations; nor is it a major Federal action significantly affecting the quality of the environment, which would require preparation of an environmental impact statement.

#### Drafting Information

The following persons participated in the writing of this regulation: Gordon Boyd, Chief Ranger, Olympic National Park and Maureen Finnerty, National Park Service, Division of Ranger Activities and Protection, Washington, D.C.

(Section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. § 3); 245 DM 1 (44 FR 23384); and National Park Service Order No. 77 (38 FR 7478), as amended)

F. R. Holland, Jr.,

*Acting Associate Director, Management and Operations.*

In consideration of the foregoing, it is proposed to amend Part 7 of Title 36 of the Code of Federal Regulations by:

**§ 7.28 [Amended]**

(1) Deleting the subparagraph "Queets River only at the designated elk hunters access routes during the general bull elk person" from § 7.28(b)(2); and

(2) Deleting and reserving all of § 7.28(d).

[FR Doc. 80-19856 Filed 7-1-80; 8:45 am]

BILLING CODE 4310-70-M

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[FRL 1529-8]

**Maine Receipt of Implementation Plan Revisions: Public Participation Plan**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of Receipt of Submittal to Satisfy Conditions of Plan Approval.

**SUMMARY:** This notice is to announce the receipt of State Implementation Plan (SIP) revisions for Maine. The revisions were submitted on May 28, 1980 to satisfy a condition of EPA's recent approval of Maine's Attainment Plan SIP revisions, which were required under Part D of the Clean Air Act.

Maine's submittal includes a continuing public participation/intergovernmental consultation program with a commitment to an annual work plan.

**DATES:** See Supplementary Information.

**ADDRESSES:** Copies of the Maine submittal are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and Maine Bureau of Air Quality Control, Department of Environmental Protection, State House, Augusta, Maine 04330.

**FOR FURTHER INFORMATION CONTACT:**

Gail Petersen, Office of Public Awareness, Region 1, Room 2203, JFK Federal Building, Boston, Massachusetts 02203, (617) 223-0967.

**SUPPLEMENTARY INFORMATION:** EPA published a final rulemaking notice in the *Federal Register* on February 19, 1980 (45 FR 10766), conditionally approving Maine's Attainment Plan SIP revisions. These SIP revisions were found to be in substantial compliance with the requirements of Part D of the Clean Air Act, since they implement new measures for controlling air pollution which will result in attainment of the primary National Ambient Air Quality Standards by December 31, 1982. However, one of the conditions for approval of the Attainment Plan was that by March 31, 1980, the state must submit a long-term public participation program.

Maine has submitted the required SIP revision. EPA is presently reviewing the state's submittal to determine compliance with Clean Air Act requirements, and intends to publish a final rulemaking notice in the *Federal Register* by July 14, 1980.

Dated: June 23, 1980.

William R. Adams, Jr.,

*Regional Administrator, Region I.*

[FR Doc. 80-19921 Filed 7-1-80; 8:45 am]

BILLING CODE 6560-01-M

**40 CFR Part 52**

[FRL 1529-7]

**Availability of Implementation Plan Revisions for Nonattainment Areas in the State of Illinois**

**AGENCY:** U.S. Environmental Protection Agency.

**ACTION:** Notice of Receipt and Availability.

**SUMMARY:** This notice is to announce receipt and availability for public review of proposed revisions to specific portions of the State Implementation Plan (SIP) for Illinois. The material was submitted to the U.S. Environmental Protection Agency (USEPA) as required in the conditional approval published on February 21, 1980 (45 FR 11472, 11486). A description of the revisions to the transportation control plans for the northeast Illinois area and USEPA's rulemaking action will be published in the *Federal Register* at a later date.

**DATES:** See Supplementary Information.

**ADDRESSES:** The submittal may be examined during normal business hours at the following USEPA offices:

Offices: Public Information Reference Unit, Library Systems Branch, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. U.S. Environmental Protection Agency, Region V Air Programs Branch, 230

South Dearborn Street, Chicago, Illinois 60604.

In addition the revisions may be examined at the offices of the: Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706.

Written comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:**

Judy Kertcher, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6038.

**SUPPLEMENTARY INFORMATION:** On February 21, 1980 (45 FR 11472), USEPA announced final rulemaking on revisions to the Illinois SIP. The State submitted these revisions to satisfy the requirements of Part D of the Clean Air Act, as amended in 1977. In the final rulemaking, USEPA conditionally approved the transportation control plans for the northeast Illinois area. A conditional approval requires the State to remedy identified deficiencies by specified deadlines.

On April 30, 1980, the State submitted additional information on the transportation control plans for the northeast Illinois area in response to the requirements set forth in the conditional approval published on February 21, 1980 (45 FR 11472).

USEPA has received and is reviewing the submittal to determine its adequacy. The determination of the adequacy of the State's submittal will be published in the *Federal Register* at a later date. The conditional approval status of the SIP is continued until final action is taken and published in the *Federal Register*.

All interested persons are advised that the submitted material is available for review at the locations listed above.

Dated: June 20, 1980.

James McGuire,

*Regional Administrator.*

[FR Doc. 80-19920 Filed 7-1-80; 8:45 am]

BILLING CODE 6560-01-M

**40 CFR Part 60**

[FRL 1530-1]

**California Plan to Control Fluoride Emissions From Existing Phosphate Fertilizer Plants; Standards of Performance for New Stationary Sources**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of Proposed Rulemaking

**SUMMARY:** This notice proposes to approve, with certain exceptions, California's plan for controlling fluoride emissions from existing phosphate fertilizer plants. Portions of California's plan were submitted to EPA by the Governor's designee on February 26, and July 16, 1979, and April 7, 1980 to comply with the requirements of Section 111(d) of the Clean Air Act. Section 111(d) requires States to develop plans to control emissions of designated pollutants from certain existing sources.

EPA invites interested persons to comment on the plan, the identified deficiencies, or the consistency of the plan with respect to the requirements of the Clean Air Act.

**DATES:** Comments may be submitted up to September 2, 1980.

**ADDRESSES:** Comments may be sent to: Regional Administrator, Environmental Protection Agency, Region IX, Attn: Air & Hazardous Materials Division, Planning Branch, Program Development Section (A-2-1), 215 Fremont Street, San Francisco CA 94105.

Copies of the proposed plan are available for public inspection during normal business hours at the EPA, Region IX, office at the above address, and at the following locations:

California Air Resources Board, 1102 "Q" Street, Sacramento CA 95812.  
Public Information Reference Unit, Room 2404 (EPA Library), 401 "M" Street SW., Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:** Wayne Blackard, Chief, Program Development Section (A-2-1), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco CA 94105, (415) 556-2353.

**SUPPLEMENTARY INFORMATION:****Proposed Action**

EPA evaluated California's plan, hereafter referred to as the plan, by comparing it with the requirements for State plans for designated facilities, as set forth in Subpart B of 40 CFR Part 60—Adoption and Submittal of State Plans for Designated Facilities, and with the EPA Guideline Document: Control of Fluoride Emissions From Existing Phosphate Fertilizer Plants. EPA is proposing to approve the plan, with exceptions, because it is consistent with most of the requirements of Part 60. The exceptions are summarized below.

The plan does not contain an emission inventory of designated facilities and a list of witnesses who appeared at each public hearing. Although the plan requires sources to maintain records on the nature and amount of emissions, it

does not provide for periodically reporting this information to the State; there are also no provisions for making periodic inspections of subject sources. In addition, the plan does not provide for correlating any compliance information obtained by the State with applicable emission standards and making this data available to the public.

EPA is working with the California Air Resources Board to correct these deficiencies. It is anticipated that the deficiencies will be corrected within 6 months.

**Background**

In accordance with Section 111 of the Clean Air Act (amended August 1977, Public Law No. 95-95), "Standards of Performance For New Stationary Sources," EPA has promulgated standards of performance for certain source categories. These standards include emission limits for criteria (pollutants for which National Ambient Air Quality Standards have been published) and non-criteria pollutants, and apply to "new" sources (i.e., new, modified, or reconstructed sources) which commenced construction after the date on which EPA proposed standards for that particular source category.

Paragraph (d) of Section 111 requires States to develop plans for the control of emissions of the non-criteria, or designated, pollutants from "existing" sources. "Existing" sources are defined as those which are present prior to the date on which EPA proposed new source performance standards for that

particular source category. The requirements for such plans are set forth in Subpart B of 40 CFR Part 60 (November 17, 1975; 40 FR 53346).

Subpart B states that EPA will publish a guideline document for each source category for which a State plan is required. Once a guideline document is published, and a notice of its availability announced in the **Federal Register**, States have nine months to adopt and submit a plan for the control of emissions of the designated pollutant from existing sources. The Guideline Document for the control of fluoride emissions from existing phosphate fertilizer plants was published in March, 1977.

Designated pollutants which may contribute to the endangerment of public health are called "health related pollutants" while those that do not are called "welfare related pollutants." This distinction determines the closeness with which the States must follow the Federal guidelines in developing their plans. States have considerable flexibility to consider factors other than technology and costs in establishing plans for the control of welfare related pollutants. EPA has classified fluoride as a welfare related pollutant.

**EPA Proposed Actions**

On February 26 and July 16, 1979, and April 7, 1980, the Executive Officer of the California Air Resources Board (ARB) submitted a plan for controlling fluoride emissions from existing phosphate fertilizer plants.

California's plan consists of three local regulations.

Rule No.	Rule title	District	Date submitted
Division 20, regulation 2	Phosphate Fertilizer plants.	Bay Area Air Quality Management District.	Feb. 26, 1979.
Rule 424	Fluorides—phosphoric acid plants.	San Joaquin County	Feb. 26, 1979.
Rule 424	Fluorides—phosphoric acid plants.	Fresno County	July 16, 1979.

EPA is proposing to approve the plan, with certain exceptions, because it is consistent with most of the requirements of Part 60. A discussion of how the plan compares to the requirements of 40 CFR Part 60 follows.

Public hearing requirements for State plans submitted in accordance with Section 111(d) are set forth in 40 CFR 60.23. The ARB has certified that 30 day notices were given by the local districts prior to the public hearings. The public hearing requirements of 40 CFR 60.23 have been satisfied, with the exception of paragraph (f)(2). Paragraph (f)(2) requires the State to submit a list of witnesses who appeared at each public hearing and a brief summary of their presentations. The requirements of paragraph (f)(2) have not been fulfilled.

In addition, a letter from the ARB referencing the appropriate portions of the California legal code was submitted on April 7, 1980. These references satisfy the EPA requirement that the State show that it has the legal authority to carry out the plan.

The submitted regulations specify emission standards, test methods, and compliance schedules. EPA has evaluated the California plan by comparing it with the requirements for State plans for designated facilities, as set forth in Subpart B of 40 CFR Part 60—Adoption and Submittal of State Plans for Designated Facilities, and with the EPA Guideline Document: Control of Fluoride Emissions From Existing Phosphate Fertilizer Plants.

California's plan fulfills the legal authority requirements of 40 CFR Part 60. These provisions require that the plan show both the State and local agency's legal authority to carry out the plan. California has shown this by including in the plan, references to the appropriate provisions of the State Health and Safety Code.

The plan contains the required emission standards, but does not completely provide for monitoring the status of compliance. Although the plan requires sources to maintain records on the nature and amount of emissions, it does not provide for periodically reporting this information to the State; there are also no provisions for making periodic inspections of subject sources. These requirements have not been completely fulfilled.

Related to the above requirement, the plan must also contain provisions for correlating compliance data with the applicable emission standards, and making this available to the public. This requirement has not been satisfied.

The plan does not contain an emission inventory of designated facilities, and is therefore deficient with respect to this requirement.

EPA is proposing to disapprove those portions of California's plan that do not completely satisfy EPA requirements.

#### Other Issues

Fresno County's fluoride standard is less stringent than EPA's recommended standard. Since fluoride has been classified as a welfare related pollutant, adoption of a less stringent standard is permissible, if adequate justification is provided. The State should submit justification for this deviation.

Fresno and San Joaquin County have adopted rules for only one of the six source categories contained in the Guideline Document. For the remaining five categories, the State should either certify that no sources exist, or submit the required regulations for those categories.

#### Public Comments

Under Subpart B of 40 CFR Part 60, the Administrator is required to approve or disapprove the regulations submitted as a plan to control fluoride emissions from existing phosphate fertilizer plants. The Regional Administrator hereby issues this notice setting forth this plan as a proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office. Comments received on or before September 2, 1980, will be considered. Comments received will be available for public inspection at the EPA Region IX

Office and at the locations listed in the Addresses section of this notice.

The Administrator's decision to approve or disapprove the proposed plan will be based on the comments received and on a determination of whether the plan meets the requirements of Section 111(d) of the Clean Air Act and Subpart B of 40 CFR Part 60—Adoption and Submittal of State Plans for Designated Facilities.

EPA has determined that these regulations are "specialized" and therefore not subject to the procedural requirements of Executive Order 12044.

(Sec. 111, 301(a), Clean Air Act, as amended) (42 U.S.C. 7411 and 7601(a))

Dated: June 18, 1980.

Sheila M. Prindiville,  
*Acting Regional Administrator.*

[FR Doc. 80-19851 Filed 7-1-80; 8:45 am]

BILLING CODE 6560-01-M

---

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

#### 43 CFR Part 35

#### Involvement of Minority and Female-Owned Business Enterprises in Outer Continental Shelf Leasing Activities

**AGENCY:** Department of the Interior.

**ACTION:** Extension of Comment Period to August 7, 1980.

**SUMMARY:** This notice extends the period of comments to the notice, published May 9, 1980 (45 FR 31040), proposing a program for the active participation of business enterprises owned and controlled by minorities and women in all activities relating to leasing of the Outer Continental Shelf.

**DATE:** The comment period is extended until August 7, 1980.

**FOR FURTHER INFORMATION CONTACT:** Kenneth T. Kelly, Assistant Director, Division of Small and Disadvantaged Business Utilization, Office of the Secretary, Department of the Interior, (202) 343-4907.

**ADDRESS:** Send comments to Director, Office of Small and Disadvantaged Business Utilization, Room 2527, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

**SUPPLEMENTARY INFORMATION:** Requests for extension of time were submitted by the National Ocean Industries Association, the American Petroleum Institute and the Offshore Operators Committee. All requested that the comment period be extended to September 8, 1980. The requests stated that additional comment time was necessary in order to permit the study

and evaluation of the complex social, economic, and technical considerations of the proposal.

While the Department of the Interior supports the efforts for a serious study of the proposed regulations, it has not granted the request that the comment period be extended until September 8, 1980. The Department believes it is necessary to implement these requirements as quickly as possible because of Congressional mandate and since the sale of OCS leases are ongoing. The Department of the Interior has concluded that a reasonable extension of the comment closing period is 30 calendar days from the existing (July 8, 1980) date. Accordingly, the comment period is hereby extended to August 7, 1980.

Larry E. Meierotto,  
*Assistant Secretary of the Interior.*

[FR Doc. 80-19896 Filed 7-1-80; 8:45 am]

BILLING CODE 4310-10-M

---

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 664

#### Pacific Fishery Management Council; Public Hearings

**AGENCY:** National Oceanic and Atmospheric Administration.

**ACTION:** Notice of public hearings.

**SUMMARY:** The Pacific Fishery Management Council (Council) and National Marine Fisheries Service will hold public hearings for the purpose of receiving public comments on the Draft Fishery Management Plan and Environmental Impact Statement for the Pink Shrimp Fishery Off Washington, Oregon and California.

**DATES:** Written comments should be submitted no later than August 21, 1980.

Individuals or organizations wishing to comment on the draft fishery management plan, environmental impact statement or regulatory analysis may do so at public hearings to be held as follows:

July 30, 1980—Washington  
July 31, 1980—Oregon  
August 1, 1980—California

All of the above hearings will start at 7:30 p.m. and adjourn when all testimony has been heard.

**ADDRESS:** Send comments to:

Lorry M. Nakatsu, Executive Director,  
Pacific Fishery Management Council,  
526 S.W. Mill Street, Portland, Oregon  
97201;

or:

Thomas E. Kruse, Acting Director,  
Northwest Region, National Marine  
Fisheries Service, 1700 Westlake  
Avenue North, Seattle, Washington  
98109.

The public hearings will be held at the following locations:

Washington—Ocasta High School,  
South Montesano Street, Westport  
Oregon—Pony Village Motor Lodge,  
Virginia Avenue, North Bend  
California—Red Lion Inn, 1929-4th  
Street, Eureka

The hearings will be tape recorded and an official transcript of the proceedings will be on file and available for review at the Council and Northwest Regional Office of the National Marine Fisheries Service, (addresses shown above). A written summary will be prepared on each hearing.

**FOR FURTHER INFORMATION CONTACT:**

Larry M. Nakatsu, Executive Director,  
Pacific Fishery Management Council,  
526 S.W. Mill Street, Portland, Oregon  
97201, (503) 221-6352 or Thomas E.  
Kruse, Acting Director, Northwest  
Region, National Marine Fisheries  
Service, 1700 Westlake Avenue North,  
Seattle, Washington 98109, (206) 442-  
7575.

**SUPPLEMENTARY INFORMATION:** The hearings will deal with the proposed management options for the ocean pink shrimp fishery off the coasts of Washington, Oregon and California beginning in 1981.

The primary goal of the draft plan is to encourage harvest of the optimum yield (OY) which is defined as all the pink shrimp that can be harvested during open seasons in permissible areas with legal shrimp trawls. The draft plan presents specific management objectives for the shrimp resources and proposes alternative management measures by which OY may be achieved.

Thus far, the pink shrimp fishery has been managed by the individual States acting independently of one another. The State regulations evolved according to the management policies, strategies and socio-economic needs of the fishery as perceived by the individual States. However, recent rapid growth in the number of vessels fishing for shrimp along the Pacific Coast and in the total shrimp fishing effort has prompted concern among some fishery managers and members of the fishing industry. This concern prompted the Council to give a relatively high priority to the development of a fishery management plan for pink shrimp.

The Draft Fishery Management Plan and Environmental Impact Statement for

the Pink Shrimp Fishery Off Washington, Oregon and California which includes a Draft Regulatory Analysis, will be printed and mailed to all individuals and organizations who are currently on the Council's pink shrimp plan mailing list by July 8. Single copies will be available from the Council's office and a limited number of copies will also be available at the public hearings.

Dated June 26, 1980.

**Winfred H. Meibohm,**

*Executive Director, National Marine  
Fisheries Service.*

[FR Doc. 80-20020 Filed 7-1-80; 8:45 am]

**BILLING CODE 3510-22-M**

# Notices

Federal Register

Vol. 45, No. 129

Wednesday, July 2, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Forest Service Procedures for Compliance With the Solid Waste Management Guidelines for Beverage Containers; Final Procedures

Notice is hereby given that the Forest Service is issuing final procedures for complying with the Solid Waste Management Guidelines for Beverage Containers. The procedures will be incorporated as amendments to the Forest Service Manual.

The proposed procedures were issued for public review and comments in the *Federal Register*, Vol. 45, No. 48, on March 10, 1980. One comment was received relative to our review of the economic effects of applying the Beverage Container Guidelines as evaluated by a Department of Defense study and report. The Forest Service has implemented the Beverage Container Guidelines through interim policy and direction for over 2 years and our agency's experience has not been similar.

Therefore, while the comments regarding economic effects were fully considered, we plan to issue the final procedures as originally proposed.

The final wording follows:

*7462.41—Beverage Container Guidelines.* The Solid Waste Management Guidelines for Beverage Containers (40 CFR Part 244) are a Federal requirement and describe a method of processing solid waste. The Guidelines for Beverage Containers (GBC) require that a system be established for the return of beverage containers at Federal facilities to achieve the environmental benefits of reduced solid waste and litter, and to conserve energy and material resources. As an incentive to the consumer to return empty containers to the retail dealer, the GBC require that the

consumer pay a minimum deposit of 5 cents on each beverage container. However, the GBC also recommend that Federal facilities apply higher deposit levels in localities where higher levels are ordinarily used, and lower deposit levels if the local area has an established return system with a minimum deposit level of less than 5 cents. The dealer is to return the deposit when the consumer returns the container.

1. *Non-Implementation Plans*—The Guidelines allow non-implementation reports to be filed when certain conditions and circumstances exist that make compliance with requirements cited above impracticable. The Forest Service decision process for non-implementation requires documentation in the Environmental Assessment format as a minimum (FSM 1950). The unit, facility, or individual requesting non-implementation shall prepare a non-implementation plan including all necessary and available documentation and data.

a. The following conditions are considered to be valid reasons for determining that non-implementation is appropriate:

(1) Situations in which, after trial implementation, there is no alternative available that results in meeting the objectives of the GBC in a cost effective manner (40 CFR 244.100(d)(3)(i)); or

(2) Situations in which no viable alternatives can be found to avoid excessive irrecoverable costs to the facility or agency (40 CFR 244.100(d)(3)(ii)).

b. Regional Foresters may determine on a case-by-case basis that non-implementation is appropriate. The GBC (Section 244.100(d)) specify three conditions which are necessary in order to achieve the objectives of the GBC. These conditions should be considered in making a determination regarding implementation:

(1) That consumers continue to purchase beverages from dealers at Federal facilities;

(2) That empty containers be returned and then reused or recycled;

(3) That the costs of implementation are not prohibitive.

c. It may be possible to provide the necessary supporting documentation for non-implementation without a test or trial implementation; however, it will be difficult in most cases to substantiate

claims without actual data. If a trial or test has been conducted, include in the non-implementation report a description of the test, the kind of alternatives tried, and the reason for rejecting the various alternatives.

d. The Regional Forester determines the appropriateness of a non-implementation report; the Chief will approve or disapprove it. It is anticipated and intended that successful implementation and continued experience with the GBC will provide a basis for the timely delegation of non-implementation report approval to the Regional Foresters.

(1) All approved non-implementation reports with supporting data will be forwarded to EPA.

(2) Both the non-implementation report and EPA's review will be made available to the public through notices in the *Federal Register*.

2. *Reporting*—Regional Foresters will submit to the Washington Office by December 1 of each year a status report on the implementation program for the Guidelines for Beverage Containers. This status report shall be prepared on EPA Headquarters Form 8700-9 (8-77), Beverage Containers Guidelines Implementation Status Report. The Washington Office will compile and submit the Forest Service annual status report to EPA, in accordance with Section 244.100 (f)(2) of the GBC, by January 1 of each year.

R. Max Peterson,  
Chief.

June 26, 1980.

[FR Doc. 80-19828 Filed 7-1-80; 8:45 am]

BILLING CODE 3410-11-M

### Office of the Secretary

#### Section 22 Import Fees; Determination of Quarterly Import Fees on Sugar

AGENCY: Office of the Secretary, USDA.

ACTION: Notice.

**SUMMARY:** Headnote 4(c) of Part 3 of the Appendix to the Tariff Schedules of the United States (TSUS) requires the Secretary of Agriculture to determine on a quarterly basis the amount of the fees which shall be imposed on imports of raw and refined sugar (TSUS items 956.05, 956.15, and 957.15) under the authority of Section 22 of the Agricultural Adjustment Act of 1933, as amended. This notice announces those

determinations for the third calendar quarter of 1980.

**EFFECTIVE DATE:** July 1, 1980.

**FOR FURTHER INFORMATION CONTACT:** William F. Doering, Foreign Agricultural Service, Department of Agriculture, Washington, D.C. 20250 (202-447-6723).

**SUPPLEMENTARY INFORMATION:** By Presidential Proclamation No. 4631, dated December 28, 1978, Headnote 4 of Part 3 of the TSUS was amended to provide that quarterly adjusted fees shall be imposed on imports of raw and refined sugar (TSUS items 956.05, 956.15, and 957.15). Paragraph (c)(ii) of Headnote 4 provides that the quarterly adjusted fee for item 956.15 shall be the amount by which the average of the daily spot (world) price quotations for raw sugar for the 20 consecutive market days immediately preceding the 20th day of the month preceding the calendar quarter during which the fee shall be applicable (as reported by the New York Coffee and Sugar Exchange or, if such quotations are not being reported, by the International Sugar Organization), expressed in United States cents per pound, Caribbean ports, in bulk, adjusted to a United States delivered basis by adding the applicable duty and 0.90 cents per pound to cover attributed costs for freight, insurance, stevedoring, financing, weighing and sampling, is less than 15.0 cents per pound. However, whenever the average of the daily spot price quotations for 10 consecutive market days within any calendar quarter, adjusted to a United States delivered basis, plus the fee then in effect: (1) Exceeds 16.0 cents, the fee then in effect shall be decreased by one cent; or (2) is less than 14.0 cents, the fee then in effect shall be increased by one cent. The fee, in any event, may not be greater than 50 per centum of the average of such daily spot price quotations. Paragraph (c)(i) further provides that the quarterly adjusted fee for items 956.05 and 957.15 shall be the amount of the fee for item 956.15 plus .52 cents per pound.

The average of the daily spot (world) price quotations for raw sugar for the applicable period prior to the third calendar quarter of 1980 has been calculated to be 32.04 cents per pound. This results in a fee of 0.00 cents per pound for item 956.15, since the sum of the 32.04 cents average spot price + 0.625 cents duty + .90 cents attributed costs is greater than 15.0 cents. Accordingly, the fee for items 956.05 and 957.15 for the third calendar quarter of 1980 is 0.52 cents per pound.

Headnote 4(c) requires the Secretary of Agriculture to determine and announce the amount of the quarterly

fees no later than the 25th day of the month preceding the calendar quarter during which the fees shall be applicable. The Secretary is also required to certify the amounts of such fees to the Secretary of the Treasury and file notice thereof with the **Federal Register** prior to the beginning of the calendar quarter during which the fees shall be applicable. This notice is therefore being issued in order to comply with the requirements of Headnote 4(c).

#### Notice

Notice is hereby given that, in accordance with the requirements of Headnote 4(c) of Part 3 of the Appendix to the Tariff Schedules of the United States, it is determined that the quarterly adjusted fees for raw and refined sugar (TSUS items 956.05, 956.15, and 957.15) for the third calendar quarter of 1980 shall be as follows:

Item	Fee
956.05.....	0.52 cents per lb.
956.15.....	0.00 cents per lb.
957.15.....	0.52 cents per lb.

The amounts of such fees have been certified to the Secretary of the Treasury in accordance with paragraph (c)(iii) of Headnote 4.

Signed at Washington, D.C., on June 27, 1980.

**Bob Bergland,**  
*Secretary of Agriculture.*

[FR Doc. 80-19918 Filed 7-1-80; 8:45 am]

**BILLING CODE 3410-10-M**

## DEPARTMENT OF COMMERCE

### Bureau of the Census

#### Number of Employees, Payrolls, Geographic Location, Current Status, and Kind of Business for the Establishments of Multiestablishment Companies; Determination for Surveys

In conformity with title 13, United States Code, sections 182, 224, and 225 and due notice of consideration having been published on April 17, 1980 (45 FR 26108), I have determined that a 1980 Company Organization Survey is needed to update company and establishment changes to the multiestablishment companies in the Standard Statistical Establishment List. The survey, which has been conducted for many years, is designed to collect information on the number of employees, payrolls, geographic location, current status, and kind of business for the establishment of multiestablishment companies. The data

will have significant application to the needs of the public and to governmental agencies and are not publicly available from nongovernmental or governmental sources.

Report forms will be furnished to firms included in the survey and additional copies of the form are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed that a survey be conducted for the purpose of collecting these data.

Dated: June 27, 1980.

**Vincent P. Barabba,**  
*Director, Bureau of the Census.*

[FR Doc. 80-19834 Filed 7-1-80; 8:45 am]

**BILLING CODE 3510-07-M**

## International Trade Administration

### Advisory Committee on East-West Trade; Open Meeting

Pursuant to Section 10(a) (2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the advisory Committee on East-West Trade will be held on Wednesday, July 23, 1980 at 9:30 a.m., in Room 6802, U.S. Department of Commerce, 14th & Constitution Avenue NW., Washington, D.C. 20230.

The Committee was established on February 11, 1974, to advise the Department, through the Deputy Assistant Secretary for East-West Trade, on ways to further its mission to promote and encourage the orderly expansion of commercial and economic relations between the United States and the communist countries. The Committee currently has 22 members.

The Committee meeting agenda has two parts:

Morning session: 9:30 a.m.-12:30 p.m.

- (1) Welcome and Opening Remarks by Chairman Ottmar
  - (2) Review of the Secretary's Recent Visit to Eastern Europe
  - (3) Review of Developments in East-West Trade
  - (4) The Potential for Direct Western Investment in Centrally-Planned Economies: Committee Views on the Polish Joint Venture Law
  - (5) Export Trading Companies: Committee Views on proposed Legislation
  - (6) Developments in U.S.-China Trade
- Afternoon session: 2:30 p.m.-3:30 p.m.
- (7) Developments in U.S.-PRC Scientific and Technological Exchanges

The meeting will be open to public observation. Approximately 50 seats will be available (including 5 seats reserved for media representatives) on a first-come, first-serve basis.

A period will be set aside for oral comments or questions by the public which do not exceed ten minutes each. More extensive questions or comments may be submitted in writing at any time before or after the meeting.

Copies of minutes of the meeting will be available 30 days after the meeting by contacting Deborah Lamb, Committee Control Officer, Office of East-West Policy and Planning, International Trade Administration, Room 4816, U.S. Department of Commerce, Washington, D.C. 20230, telephone, (202) 377-5896.

Dated: June 26, 1980.

Robert H. Nath,

Deputy Assistant Secretary for East-West Trade.

[FR Doc. 80-19802 Filed 7-1-80; 8:45 am]

BILLING CODE 3510-25-M

### Natural or Synthetic Menthol From Japan and the People's Republic of China; Initiation of Antidumping Investigation

June 24, 1980.

**AGENCY:** U.S. Department of Commerce.

**ACTION:** Initiation of antidumping investigation.

**SUMMARY:** This notice advises the public that on the basis of a petition filed in proper form the Department of Commerce is initiating an antidumping investigation to determine whether natural or synthetic menthol from Japan and the People's Republic of China is being, or is likely to be, sold at less than fair value. Sales at less than fair value generally occur when the prices of the merchandise sold for exportation to the United States are either less than the prices of such or similar merchandise sold for consumption in the manufacturer's or exporter's home market or to countries other than the United States, or less than the constructed value. Prices of such or similar merchandise sold at less than fair value from state-controlled economy countries are determined with reference to prices and costs of similar merchandise from non state-controlled economy countries. The Department of Commerce is notifying the International Trade Commission of this action so that, in accordance with the Tariff Act of 1930, as amended, no later than July 28, 1980, the Commission may determine whether there is a reasonable indication of material injury by reason of imports of this merchandise.

**EFFECTIVE DATE:** July 2, 1980.

**FOR FURTHER INFORMATION CONTACT:**

For the People's Republic of China:

Mary Clapp, Supervisory Import Administration Specialist, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230 (202-377-5496). For Japan: Paul Nichols, Supervisory Import Administration Specialist, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230 (202-377-1768).

**SUPPLEMENTARY INFORMATION:** On June 11, 1980, the Department of Commerce ("Department") received a petition that complies with the requirements of §§ 353.36 and 353.37 of the Department Regulations (19 CFR 353.36 and 353.37). Filed by the Haarmann and Reimer Corporation, Springfield, New Jersey, on behalf of the U.S. industry producing synthetic menthol, the petition alleges that natural or synthetic menthol from Japan and the People's Republic of China is being, or is likely to be, sold at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (93 Stat. 162, 19 U.S.C. 1673) ("the Act") and that the U.S. industry is likely to be materially injured.

Synthetic menthol is classified under item number 408.60 of the Tariff Schedules of the United States (TSUS). If exported and entered into the United States on or after the effective date of Title II of the Trade Agreements Act of 1979 (93 Stat. 194, *et seq.*), which is expected to be July 1, 1980, menthol currently provided for in item number 408.60, TSUS, will be provided for in new item number, 413.28, TSUS. Natural menthol will continue to be classified under item number 437.64, TSUS. Natural or synthetic menthol is used in cigarettes, confections, dentrifices, analgesic balms, mouth washes, flavors, and perfume.

Regarding menthol exported from Japan the petition includes sufficient evidence supporting both the allegations of material injury and of sales at less than fair value on the basis of comparisons between prices in the home market and in the U.S. market. It also contains evidence of sales below the cost of production.

The petition also includes sufficient evidence supporting both the allegations of material injury and of sales at less than fair value with reference to prices and costs of similar merchandise from non-state-controlled economy countries as regards the People's Republic of China.

The petition indicates increased volumes of aggregate imports and demonstrates either actual or potential decline in output, sales, market share, profits, productivity, and return on investments on the part of the U.S. industry.

In accordance with section 732(c) of the Act (93 Stat. 162, 19 U.S.C. 1673a(c)), I hereby determine that the Department will initiate an investigation to determine whether imports of natural or synthetic menthol from Japan and the People's Republic of China are being, or are likely to be, sold at less than fair value.

Pursuant to section 732(d) of the Act (93 Stat. 163, 19 U.S.C. 1673a(d)) the Department is notifying the U.S. International Trade Commission (ITC) and providing it with a copy of the information on which I based this determination to initiate an investigation. The International Trade Administration will make available to the ITC all nonprivileged and nonconfidential information. It will also make available all privileged and confidential information in its files, provided the ITC confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Pursuant to section 733(a) of the Act (93 Stat. 163, 19 U.S.C. 1673(a)), the ITC will determine no later than July 28, 1980, whether there is a reasonable indication that an industry in the United States is materially injured, or threatened with material injury, by reason of imports of natural or synthetic menthol from Japan and the People's Republic of China. If that determination is negative, this investigation will be deemed terminated, and the International Trade Administration will publish no further notice. Otherwise, the investigation will proceed to its conclusion.

Section 733(b) of the Act (93 Stat. 163, 19 U.S.C. 1673b(b)) requires that, normally no later than 160 days after the date on which the petition was filed, the International Trade Administration make a preliminary determination whether there is a reasonable basis to believe or suspect that merchandise which is the subject of this investigation is being, or likely to be, sold at less than fair value. Therefore, unless the investigation is terminated or extended, the International Trade Administration will make a preliminary determination not later than November 18, 1980.

This notice is published pursuant to section 732 of the Act (93 Stat. 162, 19 U.S.C. 1673a) and § 353.37(b) of the

Department Regulations, (19 353.37(b), 45 FR 8199).

June 27, 1980.

B. W. Patridge,

*Acting Deputy Assistant Secretary for Import Administration.*

[FR Doc. 80-19891 Filed 7-1-80; 8:45 am]

BILLING CODE 3510-25-M

## National Oceanic and Atmospheric Administration

### Sea Grant Review Panel Meeting

#### July 22-23, 1980—Tentative Agenda

July 22, 1980 Department of Commerce Building, Room 3708

8:15 a.m.—A. Welcoming Remarks

8:45 a.m.—B. The current posture and nature of problems facing the National Sea Grant College Program

10:30 a.m.—C. Discussion of National Program and International Cooperation Assistance Program

11:00 a.m.—D. Discussion of fellowships

1:00 p.m.—E. Election of Chairman and Vice-Chairman

1:30 p.m.—F. Program in transitional growth status. A discussion of recent site visits and grant actions: Michigan, Virginia, South Carolina, Minnesota, New Jersey, Ohio State

3:30 p.m.—G. Sea Grant College Candidates. Applicants for Sea Grant College Designation will be discussed.

4:00 p.m.—H. Closed Session Regarding Items F and G

5:00 p.m.—I. Recess

July 23, 1980 Sherry Towers Hotel, 2117 E Street, NW, Washington, D.C.

8-30 a.m.—J. Issues to be discussed with Sea Grant Directors: Two-year Proposal Cycle, Mid-cycle Program Evaluation, Development of Evaluation Criteria, Decreasing Size of Research Budgets, Decreasing Size of Individual Projects, Pressures to Commit Discretionary Funds, Long Range Planning for Sea Grant, Sea Grant Research Credo, Affirmative Action Activities

4:30 p.m.—K. Adjourn

All agenda items except H will be open to the public attendance. Approximately 30 seats will be available to the public on a first-come, first-served basis. If time permits before the scheduled adjournment, the Chairman will solicit oral comments by the attendees. Written statements may be submitted at any time before or after the meeting.

Minutes of the meeting will be available 30 days thereafter on written request addressed to the National Sea Grant College Program, 6010 Executive Boulevard, Rockville, Maryland 20852.

For further information, contact Mr. Arthur G. Alexiou, Executive Secretary of the Sea Grant Review Panel, at the

above address. Telephone: (301) 443-8894.

The Assistant Secretary of Commerce for Administration has approved the closure of these meetings for Item H. A copy of the Determination is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, Department of Commerce (202) 377-4217.

Dated: June 18, 1980.

Samuel A. Lawrence,

*Assistant Administrator for Management and Budget National Oceanic and Atmospheric Administration.*

#### Notice of Determination for Partial Closure of an Advisory Committee Meeting

The Sea Grant Review Panel, established in 1976 by Section 209 of the National Sea Grant Improvement Act (Pub. L. 94-461, 33 U.S.C. 1128), advises the Secretary of Commerce, the Administrator of the National Oceanic and Atmospheric Administration, and the Director of the National Sea Grant College Program with respect to:

(1) Applications or proposals for, and performance under, grants and contracts awarded under Sections 205 and 206 of the above Act;

(2) The Sea Grant Fellowship Program;

(3) The designation and operation of Sea Grant Colleges and Sea Grant Regional Consortia, and the operation of Sea Grant programs;

(4) The formulation and application of the planning guidelines and priorities under Section 204(a) and (c)(1) of the above Act; and

(5) Such other matters as the Secretary refers to the Panel for review and advice.

The Panel currently has 15 members appointed by the Secretary of Commerce, with a balanced representation of interests, including those qualified in disciplines and fields included in marine sciences as well as other activities related to ocean and coastal resources.

The Panel's activities are conducted in accordance with the provisions of the aforesaid Act and the Federal Advisory Committee Act (5 U.S.C. App.).

The Sea Grant Review Panel is scheduled to hold its next meeting on July 22, 1980, in Conference Room 3708, Department of Commerce, Washington, D.C., with working sessions scheduled at the Sherry Towers Hotel on July 23. During Agenda Item F on July 22, the Panel will review, evaluate, and make recommendations with respect to specific grant proposals and applications submitted to the Office of Sea Grant for financial assistance for institutional and coherent area programs. During Agenda Item G on July 22, the Panel will review, evaluate, and make recommendations concerning grant proposals and applications of candidates for designation as Sea Grant Colleges.

At the end of the discussion of all institutions included under Agenda Items F and G (July 22), the Panel will, under Agenda Item H, consider individuals employed by institutions that have submitted grant

proposals or employed by institutions that are candidates for Sea Grant College status. Discussion of these individuals will be concerned with their professional competence as either administrators or principal investigators. These discussions may include such areas as adequacy of previous work performed, interactions of the individuals with elements of the Sea Grant College Program, and overall competence of the candidate institution's staff. Some of these discussions may lead to disclosures of information regarding individuals that would not otherwise be available to the public. As such, these disclosures would constitute a clearly unwarranted invasion of personal privacy. The administration has determined that open discussion of such information is not in the public interest because the public's right to have access in the public forum is outweighed by the invasion of the personal privacy of the individual under discussion.

In view of the considerations enumerated above, I hereby determine, pursuant to Subsection 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) as amended, that Agenda Item H, a one-hour portion at the end of the discussion of all institutions under Agenda Items F and G of the forthcoming Sea Grant Review Panel Meeting on July 22, shall be exempt from the open meeting provisions of the Federal Advisory Committee Act, because such portion of the Panel discussions is likely to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy under 5 U.S.C. 552b(c)(6). I also determine that public interest does not require otherwise. All other agenda items on July 22 and 23 will be open to the public.

Dated: June 24, 1980.

Guy W. Chamberlin, Jr.,

*Assistant Secretary for Administration.*

Dated: June 20, 1980.

Alfred Meisner,

*Assistant General Counsel for Administration.*

[FR Doc. 80-19908 Filed 7-1-80; 8:45 am]

BILLING CODE 3510-12-M

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Announcing Officials of the Government of the Federative Republic of Brazil Authorized To Issue Export Visas for Cotton Textiles and Cotton Textile Products

June 27, 1980.

**AGENCY:** Committee for the Implementation of Textile Agreements.

**ACTION:** Announcing the list of officials authorized by the Government of the Federative Republic of Brazil to issue visas for cotton textiles and cotton textiles products exported to the United States.

**SUMMARY:** The Government of the Federative Republic of Brazil has

notified the United States Government that a new list of officials is authorized to issue export visas. A complete list of those officials follows this notice and cancels and supersedes all previous lists.

**EFFECTIVE DATE:** July 3, 1980.

**FOR FURTHER INFORMATION CONTACT:**

Judith L. McConahy, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

**SUPPLEMENTARY INFORMATION:** On July 8, 1972, a letter dated June 29, 1972 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs was published in the *Federal Register* (37 FR 13498), which established an export visa requirement for cotton textiles and cotton textile products, produced or manufactured in Brazil and exported to the United States. The letter published below from the Chairman of the Committee for the Implementation of Textile Agreements amends the directive of June 29, 1972 to eliminate the necessity of further amendments each time a new list of visa signatures is received.

**Arthur Garel,**

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

Antonio Brambilla  
Adir de Oliveira Meirelles  
Adolfo Lueders Junior  
Amos Lima de Santana  
Antonio Bezerra de Figueiredo  
Antonio Carlos Bastos Junior  
Antonio Santos  
Arnaldo Nogueira Junior  
Ary de Oliveira Seabra  
Carlos Coelho de Alvarenga Netto  
Carlos Eduardo Zaina  
Carlos Leon Finger  
Eduardo Ramos  
Ernio Antonio Thiming  
Eudes Izar  
Fernando Antonio Ferreira de Medeiros  
Flavio Eduardo Patricio Ribeiro  
Flavio Scottini  
Francisco Ursino Filho  
Helio Ribeiro Lopes  
Humberto Stumpf  
Irineu Coimbra  
Joao Cadmo Cavalcanti  
Jorge Luiz Pessoa Morado  
Jose Alkindar Xavier Balbe  
Jose Carlos de Araujo  
Jose Luiz Daniel  
Jose Magno de Leao Brasil  
Jose Nicolao Turmes  
Jose de Souza Neto  
Juvenal Jose de Oliveira  
Lea Josefina Lionco Bassanesi  
Luiz Alberto Lopes  
Luiz Cezar Cotta  
Luiz Estanislav Enoch  
Mariglei Tosati  
Mario Emilio Kreibich  
Mario Otto Schwchow  
Milson de Souza Melo

Nanzur Castro Vasconellos  
Newton Cerqueira Melo  
Paulo Cesar Curado Cabral  
Pedro Adelino Dantas Filho  
Pedro Motta  
Publio Jackson Furiatti  
Roberto Varella  
Rubens de Azeredo  
Rui Fra  
Ruy Carlos Cury  
Sinesio Pereira Campos  
Thomaz Januzzi  
Vicente Antonio Nucci  
Vidal Santos  
Victor Angelo Pinto Ferreira  
June 27, 1980.

**Committee for the Implementation of Textile Agreements**

Commissioner of Customs,  
*Department of the Treasury, Washington, D.C. 20229.*

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of June 29, 1972 from the Chairman, Committee for the Implementation of Textile Agreements, that directed you to prohibit, under certain specified conditions, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textiles and cotton textile products, produced or manufactured in the Federative Republic of Brazil, for which that Government had not issued an appropriate export visa.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton Textile Agreement of April 22, 1976, as amended, between the Governments of the United States and the Federative Republic of Brazil; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, the final sentence of the second paragraph of the June 29, 1972 letter is amended to read as follows: "A facsimile of the stamp is enclosed".

The actions taken with respect to the Government of the Federative Republic of Brazil and with respect to imports of cotton textiles and cotton textile products from Brazil have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the *Federal Register*.

Sincerely,

Arthur Garel,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 80-19892 Filed 7-1-80; 8:45 am]

**BILLING CODE 3510-25-M**

**Increasing the Import Restraint Level for Certain Man-Made Fiber Textile Products From Singapore**

June 27, 1980.

**AGENCY:** Committee for the Implementation of Textile Agreements.

**ACTION:** Increasing the consultation level for other woven fabrics, wholly on non-continuous man-made fibers, in Category 613, exported from Singapore during the agreement year which began on January 1, 1980 from 1 million to 5 million square yards.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463)).

**SUMMARY:** By an exchange of letters, the Governments of the United States and Singapore have agreed, pursuant to the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 21 and 22, 1978, as amended, to increase the consultation level previously established for man-made fiber textile products in Category 613 to 5 million square yards during the twelve-month period which began on January 1, 1980.

**EFFECTIVE DATE:** July 7, 1980.

**FOR FURTHER INFORMATION CONTACT:**

Ronald Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230. (202/377-5423).

**SUPPLEMENTARY INFORMATION:** On December 20, 1979, there was published in the *Federal Register* (44 FR 75440) a letter dated December 14, 1979 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in Singapore, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1980 and extends through December 31, 1980. In accordance with the terms of the bilateral agreement, the United States Government has agreed to increase the consultation level for Category 613 to 5 million square yards during the agreement year which began on January 1, 1980. Accordingly, in the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry of man-made fiber textile products

in Category 613 in excess of the adjusted twelve-month level of restraint.

Sincerely,

Arthur Garel,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

June 27, 1980.

**Committee for the Implementation of Textile Agreements**

Commissioner of Customs,  
*Department of the Treasury, Washington, D.C. 20229.*

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 14, 1979 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in Singapore.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 21 and 22, 1978, as amended; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on July 7, 1980 and for the twelve-month period which began on January 1, 1980 and extends through December 31, 1980, entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Category 613, produced or manufactured in Singapore, in excess of 5 million square yards.<sup>1</sup>

This action taken with respect to the Government of Singapore and with respect to imports of man-made fiber textile products from Singapore has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provision of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

Sincerely,

Arthur Garel,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 80-19893 Filed 7-1-80; 8:45 am]

**BILLING CODE 3510-25-M**

<sup>1</sup> The level of restraint has not been adjusted to reflect any imports after December 31, 1979.

**DEPARTMENT OF DEFENSE**

**Department of the Air Force**

**USAF Scientific Advisory Board; Meeting**

June 25, 1980.

The USAF Scientific Advisory Board Armament Division Advisory Group meeting published in the **Federal Register**, Volume 45, No. 113, Pg. 39330, Tuesday June 10, 1980 has been cancelled.

For further information contact the Scientific Advisory Board Secretariat at (202) 697-4648.

**Carol M. Rose,**

*Air Force Federal Register, Liaison Officer.*

[FR Doc. 80-19845 Filed 7-1-80; 8:45 am]

**BILLING CODE 3910-01-M**

**Department of the Navy**

**Chief of Naval Operations Executive Panel Advisory Committee; Closed Meeting**

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Command, Control and Communications Sub-Panel of the Chief of Naval Operations (CNO) Executive Panel Advisory Committee will meet on August 12-13, 1980, from 8 a.m. to 5 p.m. each day, at the Pentagon, Washington, D.C. All sessions will be closed to the public.

The entire agenda for the meeting will consist of discussions of the application of artificial intelligence to command and control and interim improvements to tactical data and communication links. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters

listed in Section 552b(c)(1) of Title 5, United States Code.

For further information concerning this meeting, contact: Lieutenant Commander Catherine Z. Becker, Executive Secretary of the CNO Executive Panel Advisory Committee, 2000 N. Beauregard Street, Room 392, Alexandria, VA 22311. Phone No. (703) 756-1205.

Dated: June 25, 1980.

**P. B. Walker,**

*Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate, General (Administrative Law).*

[FR Doc. 80-19844 Filed 7-1-80; 8:45 am]

**BILLING CODE 3810-71-M**

**Office of the Secretary**

**Defense Science Board Task Force on Anti-Tactical Missiles; Advisory Committee Meeting**

The Defense Science Board Task Force on Anti-Tactical Missiles (ATM) will meet in closed session on July 21-22, 1980 in the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At its meeting on July 21-22, 1980, the Defense Science Board Task Force on ATM will review the potential enemy development of new ballistic and cruise missiles and propose and evaluate options for countering such threats.

In accordance with 5 U.S.C. App. 1 10(d) (1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1976), and that accordingly, this meeting will be closed to the public.

**M. S. Healy,**

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

June 27, 1980.

[FR Doc. 80-19919 Filed 7-1-80; 8:45 am]

**BILLING CODE 3810-70-M**

**FEDERAL COMMUNICATIONS COMMISSION**

[Canadian List No. 396]

**Canadian Standard Broadcast Stations Notification List**

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

May 29, 1980.

Call letters	Location	Power kW	Antenna	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of commencement of operation
							Number of radials	Length (feet)	
CBGA-1	New Carlisle, Quebec, N. 47°48'50", W. 64°08'50" (Correction of geographical co-ordinates and change of E.I.O. date)	10	DA-2	540 kHz U	II				May 29, 1981.
CHNO	Sudbury, Ontario, N. 46°26'10", W. 80°58'30" (PO 10D/2.5N) (P.N. day pattern change and 10kW night under construction)	50D/10N	DA-2	550 kHz U	III				May 29, 1981.
CKGB	Timmins, Ontario, N. 48°25'42", W. 81°20'07" (PO 680 kHz, 10kW, N. 48°28'25", W. 81°26'24") (Correction to description sheet)	25	DA-2	730 kHz U	II				Dec. 7, 1980.
New	Nanaimo, British Columbia N. 49°09'00" W. 123°48'39" (Substitute assignment for Richmond, B.C.)	10	DA-2	1260 kHz U	III				May 29, 1981.
New	Richmond, British Columbia, N. 49°07'30" W. 122°55'55" (Substitute assignment for Richmond, B.C.)	10	DA-2	1260 kHz U	III				May 29, 1981.
New	Richmond, British Columbia, N. 49°07'30" W. 122°55'55"	10	DA-2	U	III				Delete.
CHOW	Welland, Ontario, N. 42°56'52" W. 79°16'19" (PO 1D/0.5N) (Correction to description sheet and change of E.I.O. date)	10	DA-2	1470 kHz U	III				May 29, 1981.

Richard J. Shibben,

Chief, Broadcast Bureau, Federal Communications Commission.

[FR Doc. 80-19890 Filed 7-1-80; 8:45 am]

BILLING CODE 6712-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Alaska Power Authority; Application for License (Major)

[Project No. 3015]

June 25, 1980.

Take notice that on December 19, 1979, the Alaska Power Authority (Applicant) filed an application (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r) for a major license for the unconstructed Tye Lake Project No. 3015. Correspondence with the Applicant should be directed to: Mr. Eric P. Yould, Executive Director, Alaska Power Authority, 333 West 4th Avenue, Anchorage, Alaska 99501.

The proposed Tye Lake Project would consist of: (1) Tye Lake with a usable storage capacity of approximately 20,000 acre-feet between the existing surface elevation of 1,397 feet and a minimum surface elevation of 1,335 feet; (2) a power tunnel, 6,785 feet long and 10 feet in diameter, conducting water from Tye Lake to; (3) an underground powerhouse containing two 10,000-kW generating units with

provisions for a third unit discharging into Bradfield Canal; (4) a surface switchyard near the powerhouse; (5) a 115-kV transmission line, consisting of 69 miles of overhead line and 12 miles of submarine cables, leading from the powerhouse switchyard to Wrangell and then to Petersburg.

The proposed project would have a total rated capacity of 20,000 kW and an average annual generation of 114,000 MWh at an estimated 1980 cost of \$53,333,000. Power would be marketed in the Cities of Petersburg and Wrangell.

The Tye Lake Project would affect public lands of the United States located within the Tongass National Forest.

In order to enhance recreational opportunities in the project area, Applicant would provide a shelter, picnic tables, grill, and sanitation facilities at the powerhouse site.

**Competing Applications**—Anyone desiring to file a competing application must submit to the Commission, on or before August 29, 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 December 29, 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 29, 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. 80-19861 Filed 7-1-80; 8:45 am]

BILLING CODE 6450-85-M

#### Project No. 3015

#### Alaska Power Authority; Scoping Meeting

June 25, 1980.

Take notice that Commission staff will hold a scoping meeting on the possible environmental impacts of the proposed Tye Lake Hydroelectric Project No. 3015. The proposed project would be located on Tye Creek near the town of Wrangell, Wrangell-Petersburg Census Division, Alaska. The project would affect lands of the United States within the Tongass National Forest.

Interested parties are invited to participate in the scoping meeting to be convened by staff on July 25, 1980 at 9:00 a.m., in the ANB Hall, Petersburg, Alaska.

The purpose of the meeting is to encourage interested persons and organizations to assist staff in identifying the significant issues to be analyzed in depth in the environmental impact statement. The meeting will also serve as a means of identifying and eliminating from detailed study those issues that are not significant.

Staff will identify the significant issues that should be addressed in the environmental impact statement. Interested persons are requested to identify significant issues that they believe staff should address. If you are unable to attend this meeting you are encouraged to file written detailed comments by July 18, 1980. If you do not file comments or attend the meeting, we will assume that you have no further comments concerning the issues to be discussed in depth in the environmental impact statement.

Questions concerning this meeting and the environmental impact statement should be directed to: Mr. Mark Robinson, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 at (202) 376-9060.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 80-19862 Filed 7-1-80; 8:45 am]

BILLING CODE 6450-85-M

[Projects Nos. 3044 and 3148]

#### Arkansas Valley Electric Cooperative Corp. and Arkansas Power & Light Co.; Application for Preliminary Permit

June 26, 1980.

Take notice that the Arkansas Valley Electric Cooperative Corporation (AVEC) and the Arkansas Power & Light Company (AP&L), (Applicants) filed on February 13, 1980, and April 18, 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. 3044 & 3148 to be known as the Lock and Dam No. 9 Power Projects, located on the Arkansas River, in Conway County, near the City of Morrilton, Arkansas. Correspondence with AVEC should be directed to: Mr. Joe R. Moody, Benham-Holway Power Group, Suite 1150, #1 Union Plaza, Little Rock, Arkansas 72201, and Mr. Charles H. Haberer, General Manager, Arkansas Valley Electric Cooperative Corporation, P.O. Box 47, Ozark, Arkansas 72949. Correspondence with AP&L should be addressed to: Mr. W. Harry Jones, Manager, Civil Engineering, Arkansas Power and Light Company, P.O. Box 551, Little Rock, Arkansas 72203.

*Purpose of Project*—Project energy developed from Project No. 3044 would be wheeled through the transmission systems of the Arkansas Electric Cooperative Corporation and AP&L for distribution to AVEC's members. Project energy developed from Project No. 3148 would be used by AP&L to meet its present and future load requirements.

*Proposed Scope and Cost of Studies under Permit*—Each Applicant seeks issuance of preliminary permit for a period of three years, during which time each Applicant proposes that it would perform surveys and geologic investigations, 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. Both AVEC and AP&L estimate the cost of studies under the permit would be approximately \$50,000.

*Project Description*—Each Applicant would utilize the existing Lock and Dam No. 9 under the jurisdiction of the Corps of Engineers.

AVEC intends to construct: (1) Four turbine/generators rated at 7.0 MW each operating under a head of 17 feet and using the water that is now discharged through the dam's 14 Taintor gates; (2) a new powerhouse 160 feet

long and 75 feet wide located on the northern bank of the river; (3) one, and possibly two, 161 or 115-kV transmission lines; and (4) a new stepup substation. The Applicants estimate that annual generation would average 163,000,000 kWh.

AP&L intends to construct: (1) A powerhouse containing turbine/generators with a potential capacity of 10-15 mW and (2) a 5.0-mile long, 161-kV transmission line. AP&L estimates annual generation would average 88,100,000 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 applications for preliminary permit. (A copy of each 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 no 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 29, 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 28, 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, for 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 § 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 29, 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. 80-19863 Filed 7-1-80; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. QF80-3]

**Buffalo Color Corp. and Small Power Production and Cogeneration Facilities—Qualifying Status; Order Granting Application for Certification of Qualifying Status of Cogeneration Facility**

June 26, 1980.

On April 14, 1980, Buffalo Color Corporation (Buffalo or Applicant) filed an application, pursuant to § 292.207(b) of the Commission's rules, for an order certifying that a cogeneration facility owned by the applicant is a qualifying cogeneration facility as defined in paragraph 3(18)(B) of the Federal Power Act, as amended by Title II of the Public Utility Regulatory Policies Act of 1978 (PURPA).

The Buffalo facility is an existing cogeneration facility located in Buffalo, New York. The facility is a topping-type cogeneration unit. As an existing facility, no efficiency standard is applicable. The primary energy source used at this facility is low sulfur No. 6 residual fuel oil. The thermal energy output is more than 5 percent of the total energy output of the facility. The capacity of the facility is approximately 5 megawatts. No electric utility, public utility holding company, or any person owned by either has any ownership 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(b) of the Commission rules regarding qualification as a cogeneration facility.

*The Commission orders:* The application for qualifying status filed on April 14, 1980 by the Buffalo Color Corporation for a topping-cycle cogeneration facility pursuant to § 292.203(b) of the Commission's rules, and paragraph 3(18)(B) 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.  
Lois D. Cashell,  
Acting Secretary.  
[FR Doc. 80-19864 Filed 7-1-80; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. ER80-344]

**Carolina Power & Light Co.; Order Accepting Rates for Filing, Suspending Proposed Rates, Granting Interventions and Establishing Procedures**

Issued June 17, 1980.

On April 18, 1980, Carolina Power & Light Company (CP&L) tendered for filing revised rates for firm power service to its 18 electric cooperative customers, 25 municipal customers and 2 privately-owned distributor customers.<sup>1</sup> The revised rates would result in an increase in revenues of \$33,733,240 (18.05%) for the twelve month period ending June 30, 1981. CP&L requests an effective date of June 17, 1980.

CP&L's customers are currently served under CP&L's Resale Service Schedule RS-12A. Under the proposed rates, CP&L has designed separate Resale Service Schedules—RS-13 applicable to electric cooperative customers and RS-14 applicable to municipal and private distribution utility customers. CP&L states that the separate rates have been developed in compliance with the Commission's order in Opinion No. 19 in Docket No. ER76-495. Also in compliance with that order, the proposed rates reflect the elimination of the billing demand ratchet, the reduction of the power factor adjustment charge, and the expanded availability of totalized billing discounts and high voltage discounts.

Public notice of the filing was issued on April 22, 1980, with responses due by May 14, 1980. Petitions to intervene and protests were timely filed by: North Carolina Electric Membership Corporation and Four County Electric Membership Corporation (Coops)<sup>2</sup>;

<sup>1</sup> See Attachment A for list of customers and rate schedule designations.

<sup>2</sup> The sixteen Electric Membership Corporations represented by North Carolina Electric Membership Corporation are Brunswick, Carteret-Craven, Central, Four County, Halifax, Haywood, Harkers

Electricities of North Carolina (Electricities)<sup>3</sup> and the Cities of Bennettsville and Camden, South Carolina; and the City of Fayetteville, North Carolina (Fayetteville). CP&L filed an answer to each of those protests.

The protests raise a number of issues. All request a five month suspension period for the revised rates as well as a hearing. All protests allege as well that CP&L has used an excessive rate of return.

The Coops and Electricities allege that CP&L has overestimated coincident peak demands of the wholesale customers in developing its revised rates and incorporated an excessive allowance for cash working capital in the revised rates. Electricities also allege that CP&L has allocated to its wholesale customers part of its cost of contributions to the Electric Power Research Institute and the Edison Electric Institute. Electricities also raise a number of other issues with regard to CP&L's revised rates, involving questions such as proper synchronization of fuel expenses and revenues, proper accounting for spent nuclear fuel, flow-through of the benefits of income tax deductions and CP&L's use of comprehensive interperiod tax allocation.

CP&L generally denies the contentions of the Coops, Electricities and Fayetteville as to its use of an excessive rate of return in developing its revised rates. CP&L also denies the existence of the other defects in its revised rates that the Coops and Electricities allege. CP&L states that it does not object to any of the requests for intervention or hearing, but it does object to the requests for a maximum five month suspension of its revised rates.

Fayetteville objects to the continuing presence in the amended service schedule applicable to it of a 95 percent demand ratchet. Fayetteville contends that the demand ratchet is inconsistent with the initial decision in Docket Nos. ER77-485 and ER77-551, currently pending before the Commission. Fayetteville requests a maximum five month suspension in order to give the Commission an opportunity to act on the ratchet issue in the earlier dockets.

Fayetteville contends that the demand charge in the revised rate that is to apply to Fayetteville and the other municipal systems and private distribution companies in the customer group is calculated on the presumption

Island, Jones-Onslow, Lumber River, Pee Dee, Piedmont, Pitt & Greene, Randolph, South River, Tri-County and Wake.

<sup>3</sup> Electricities is an unincorporated association of all non-generating municipals in North Carolina, some of which are wholesale customers of CP&L.

that there is no demand ratchet applicable to the customers to be served under the revised rate schedule. Fayetteville contends that the result is that it would pay a higher effective rate than the other members of the customer group of municipal and private distribution systems because the ratchet would operate for Fayetteville but not for the other systems in the group. CP&L contends in response that the billing data submitted by CP&L with its revised rate show that the presence of the ratchet will have no effect upon the rates paid by Fayetteville and that Fayetteville's request for a five month suspension is unjustified.

ElectriCities allege that a price squeeze will occur in the event that a suspension period of less than five months is ordered by the Commission, because increased CP&L retail rates will not likely become effective until November of 1980. ElectriCities state that they wish to preserve their rights to litigate the price squeeze issue in a possible second phase of this proceeding. CP&L contends in response to ElectriCities that no price squeeze will occur and that adequate procedures already exist to remedy any price squeeze, so that this provides no justification for a five month suspension.

#### Discussion

Our review leads us to believe that the revised rates have not been shown to be just and reasonable and that they may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly we will accept CP&L's revised rates for filing and suspend them for two months from sixty days after filing to become effective August 18, 1980, subject to refund.

In accordance with Commission policy established in *Arkansas Power & Light Company*, Docket No. ER79-339, order issued August 6, 1979, we will phase the price squeeze issue raised by ElectriCities. This will allow a decision to be reached first on the cost of service, capitalization and rate of return issues. If, in the view of ElectriCities or Staff, a price squeeze persists, a second phase of the proceeding may follow.

To avoid unnecessary relitigation of the demand ratchet issue raised by Fayetteville, our disposition in Docket Nos. ER77-485 and ER77-551 shall control the resolution of the issue in this proceeding, unless a party or Staff can demonstrate materially changed circumstances which requires a new hearing.

All petitions to intervene show a material interest in the outcome of this proceeding, may be in the public interest and will be granted.

#### The Commission Orders

(A) CP&L's proposed rates are hereby accepted for filing and suspended to become effective August 18, 1980, subject to refund pending the outcome of these proceedings.

(B) 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.

(C) 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 procedures 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 CP&L's proposed rates.

(D) Staff shall serve top sheets in this proceeding on September 16, 1980.

(E) 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 Regulatory Commission, 825 North Capitol Street, NE., 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.

(F) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in the schedule for good cause. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's Regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(G) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission.

Lois D. Cashell,  
Acting Secretary.

#### Attachment A—Carolina Power & Light Co.

##### [Docket No. ER 80-344]

##### Rate Schedule Designations

Filing Date: April 18, 1980.

Description: (1) Resale Service, Schedule RS-14, (2) Fuel Adjustment Clause, Rider No. 2B.

##### Other party and rate schedule designations

Town of Apex, rate schedule FPC No. 72.

(1) Supplement No. 18. (Supersedes Supplement No. 17).

(2) Supplement No. 19. (Supersedes Supplement No. 16).

Town of Bennettsville, rate schedule FPC No. 49.

(1) Supplement No. 18. (Supersedes Supplement No. 17).

(2) Supplement No. 19. (Supersedes Supplement No. 16).

Town of Benson, rate schedule FPC No. 73.

(1) Supplement No. 15. (Supersedes Supplement No. 14).

(2) Supplement No. 16. (Supersedes Supplement No. 13).

City of Camden, rate schedule FPC. No. 50.

(1) Supplement No. 16. (Supersedes Supplement No. 15).

(2) Supplement No. 17. (Supersedes Supplement No. 14).

Town of Clayton, rate schedule FPC No. 74.

(1) Supplement No. 18. (Supersedes Supplement No. 17).

(2) Supplement No. 19. (Supersedes Supplement No. 16).

Fayetteville No. 2, rate schedule FPC No. 102.

(1) Supplement No. 12. (Supersedes Supplement No. 11).

(2) Supplement No. 13. (Supersedes Supplement No. 9).

Town of Fremont, rate schedule FPC No. 81.

(1) Supplement No. 16. (Supersedes Supplement No. 15).

(2) Supplement No. 17. (Supersedes Supplement No. 14).

City of Kinston, rate schedule FPC No. 99.

(1) Supplement No. 13. (Supersedes Supplement No. 12).

(2) Supplement No. 14. (Supersedes Supplement No. 11).

Town of La Grange, rate schedule FPC No. 83.

(1) Supplement No. 17. (Supersedes Supplement No. 16).

(2) Supplement No. 18. (Supersedes Supplement No. 15).

Town of Louisburg, rate schedule FPC. No. 68

(1) Supplement No. 18. (Supersedes Supplement No. 17).

(2) Supplement No. 19. (Supersedes Supplement No. 16).

City of New Bern, Rate Schedule FPC No. 84

(1) Supplement No. 16 (Supersedes Supplement No. 15)

(2) Supplement No. 17 (Supersedes Supplement No. 14)

Town of Pikeville, Rate Schedule FPC No. 85

(1) Supplement No. 17 (Supersedes Supplement No. 16)

- (2) Supplement No. 18 (Supersedes Supplement No. 15)  
Town of Red Spring, Rate Schedule FPC No. 77
- (1) Supplement No. 17 (Supersedes Supplement No. 16)  
(2) Supplement No. 18 (Supersedes Supplement No. 15)  
City of Rocky Mount, Rate Schedule FPC No. 94
- (1) Supplement No. 15 (Supersedes Supplement No. 14)  
(2) Supplement No. 16 (Supersedes Supplement No. 13)  
Town of Smithfield, Rate Schedule FPC No. 87
- (1) Supplement No. 18 (Supersedes Supplement No. 17)  
(2) Supplement No. 19 (Supersedes Supplement No. 16)  
City of Southport, Rate Schedule FPC No. 79
- (1) Supplement No. 19 (Supersedes Supplement No. 18)  
(2) Supplement No. 20 (Supersedes Supplement No. 17)  
Town of Wake Forest, Rate Schedule FPC No. 88
- (1) Supplement No. 16 (Supersedes Supplement No. 15)  
(2) Supplement No. 17 (Supersedes Supplement No. 14)  
Town of Waynesville, Rate Schedule FPC No. 89
- (1) Supplement No. 17 (Supersedes Supplement No. 16)  
(2) Supplement No. 18 (Supersedes Supplement No. 15)  
City of Wilson, Rate Schedule FPC No. 90
- (1) Supplement No. 17 (Supersedes Supplement No. 16)  
(2) Supplement No. 18 (Supersedes Supplement No. 14)  
Laurel Hill Electric Company, Rate Schedule FPC No. 51
- (1) Supplement No. 17 (Supersedes Supplement No. 16)  
(2) Supplement No. 18 (Supersedes Supplement No. 15)  
Pinehurst, Inc., Rate Schedule FPC No. 105
- (1) Supplement No. 12 (Supersedes Supplement No. 11)  
(2) Supplement No. 13 (Supersedes Supplement No. 10)

**Designation**

FPC Electric Tariff, First Revised Volume No. 1

Sheet No.	Supersedes	Description
2nd Revised Sheets Nos. 6, 6, 7.	1st Revised Sheets Nos. 6, 6, 7.	Rate RS-13.
Original Sheet Nos. 7A, 7B, 7C.	.....	Rate RS-14.
1st Revised Sheet No. 8.	Original Sheet No. 8.	Rider 2B (Fuel Adjustment Clause).
1st Revised Sheet Nos. 21-24.	Original Sheet Nos. 21-24.	Index of Purchasers.

**Electric Tariff Customers:****Carolina Power & Light Tariff Customers**

Town of Farmville, Town of Hookerton, City of Laurinberg, City of New Bern, Town of Selma, Town of Ayden, Brunswick EMC, Carteret—Craven EMC, Central EMC, Four County EMC, French Broad EMC, Halifax

EMC, Harkers Island EMC, Haywood EMC, Jones—Onslow EMC, Lumbree River EMC, Poo Dee EMC, Piedmont EMC, Pitt & Greene EMC, Randolph EMC, South River EMC, Tide Land EMC, Tri-County EMC, and Wake EMC.

[FR Doc. 80-19881 Filed 7-1-80; 8:45 am]

**BILLING CODE 6450-85-M**

**[Docket No. EL78-13]**

**Central Virginia Electric Cooperative, Inc. v. Appalachian Power Co.; Order Establishing Procedures Concerning a Section 202(b) Application, Denying Petition To Terminate and Granting Interventions**

June 26, 1980.

On March 14, 1978, Central Virginia Electric Cooperative, Inc. (Central) filed with the Commission an application under Section 202(b) of the Federal Power Act, 16 U.S.C. 824a(b), for an order that would direct Appalachian Power Company (Appalachian) to sell to central the power and energy required by Central's Gladstone and Piney River delivery points.<sup>1</sup> Central is now a wholesale customer of Virginia Electric and Power Company (VEPCO). VEPCO delivers the power and energy to Appalachian for transmission to Central pursuant to an interconnection agreement between VEPCO and Appalachian. This agreement requires that VEPCO supply Appalachian the power and energy that Appalachian delivers to VEPCO's customers. Notice of the application was issued on May 3, 1978.

Central Appalachian, VEPCO and the Commission Staff held informal discussions on April 8, 1980 in an effort to resolve the matters raised in the application. However, the Staff has been informed that settlement is not now anticipated.

On May 16, 1978, VEPCO petitioned to intervene and stated it did not intend to oppose Central's application. On June 5, 1978, the cities of Bedford, Danville, Martinsville, Radford, Richlands, and Salem, Virginia (Cities) and Virginia Polytechnic Institute and State University (VPI), wholesale customers of Appalachian, petitioned to intervene. The Cities and VPI expressed concern about Appalachian's continued ability to serve its existing retail and wholesale customers in the event interconnection and wholesale service were ordered.

<sup>1</sup> Central was originally joined in filing the application by two other Virginia cooperatives, Craig-Botetourt and Southside. By motion dated April 27, 1979, the cooperatives requested permission to amend their application to reflect the withdrawal of Craig and Southside. On June 11, 1979, Appalachian stated it would not oppose the amendment. Accordingly, we shall permit the application to be amended as requested.

On June 6, 1978, Appalachian filed a petition to intervene and requested a declaratory order dismissing and terminating this proceeding.

Central asserts that it is necessary and appropriate in the public interest that Appalachian be required to directly serve the Gladstone and Piney River delivery points. Based on comparisons of VEPCO's RC rate, at which Central now takes service, and Appalachian's WS-1 rate, at which it seeks service, Central states that its ultimate customers will realize substantial savings if its application is granted. Central alleges that, while Appalachian has in the past provided service at the WS-1 rate primarily to municipal systems and not to cooperatives, the costs of serving the two delivery points would be lower than the costs underlying the WS-1 rate due to the nature and location of the cooperative and municipal loads.

Central asserts that no undue burden will be placed on Appalachian if it is required to serve the cooperative and that no additional facilities, except minor metering equipment, would be required. Central states that Appalachian has adequate generating capacity to serve it and argues that, because Appalachian is a member of the fully integrated American Electric Power (AEP) system, it will not be necessary for Appalachian to enlarge its generating facilities. According to central, it is already, in effect, being served by Appalachian because, during several months of 1977, VEPCO supplied Appalachian with no energy of any kind and, for that year as a whole, VEPCO was a large net purchaser of energy from Appalachian. Central also asserts that Appalachian's ability to render adequate service to its customers will not be impaired if Appalachian serves the two delivery points.

Central states that there are no contractual impediments to its purchasing power from Appalachian. Central points out that it does not have a contract with VEPCO but purchases power and energy pursuant to a filed tariff.

Appalachian opposes Central's application and seeks a declaratory order dismissing and terminating this docket. Appalachian asserts that the relief requested by central is based on an erroneous assumption as to the applicability of the WS-1 rate for service to the two delivery points. According to Appalachian, there is nothing in its wholesale rate schedule concerning sales of electricity to electric cooperatives and, therefore, if it were required to serve Central, a new service contract and rate schedule would have

to be negotiated. Appalachian also states that the granting of Central's application would not be consistent with the orderly planning of its facilities.

Based on its peak load forecasts Appalachian contends it is deficient in generating capacity and must rely on generating capacity from the AEP system in order to serve its own customers. Appalachian asserts that this deficiency could be made worse because its lower wholesale rate would provide Central with a economic incentive to maximize consumption at the Gladstone and Piney River delivery points. Appalachian also claims that any net purchases of energy by VEPCO have no relevance to this case because those purchases have been mainly economy energy delivered at offpeak hours. Appalachian states it has no contract to sell VEPCO firm power nor does it plan or intentionally use any of its generation to provide power and energy to Central or to any other VEPCO customer.

Thus, Appalachian contends that an order directing it to directly serve Central's two delivery points would constitute an undue burden, would require it to enlarge its generating facilities, and would impair its ability to serve its customers. Additionally, Appalachian asserts that such an order would conflict with an alleged contractual relationship between Central and VEPCO.

We have reviewed the pleadings submitted to date and find that it may be necessary or appropriate in the public interest for Central to be directly served by Appalachian. We also find that an evidentiary hearing is required to resolve the various disputed factual issues raised by the pleadings. Accordingly, we shall deny Appalachian's petition for a declaratory order dismissing the application.

Accordingly, Central shall have the opportunity to show during an evidentiary hearing that is necessary or appropriate in the public interest that its application be granted.<sup>2</sup> However, according to the statute, even if Central makes this demonstration, relief need not be granted if Appalachian shows that an order as Central requests would impose an undue burden on Appalachian. Alternatively, Central's application could be denied if Appalachian shows the relief requested by Central will require Appalachian to enlarge its generating capacity or will impair its ability to serve its customers. With regard to all these matters Appalachian's presentation should

specifically take into account the company's membership in the AEP system pool. Appalachian should also include testimony and exhibits discussing the present and projected power supply and demand situation on the entire AEP system.

Central and Appalachian should also address the question whether Appalachian's WS-1 rate or some other rate would be appropriate for service to Central.

*The Commission orders:*

(A) The application submitted by Central, Craig and Southside Cooperatives is amended to reflect the withdrawal of Craig and Southside from this case.

(B) Appalachian's petition for a declaratory order dismissing and terminating this proceeding is denied.

(C) All petitions to intervene are hereby granted, *Provided, however*, That participation by intervenors shall be limited to the matters set forth in their petitions to intervene: *And provided, further*, That the admission of intervenors shall not be construed as recognition by this Commission that they might be aggrieved by any order entered in this proceeding.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by Section 402(a) of the Department of Energy Act and by the Federal Power Act, and pursuant to the Commission's rules of practice and procedure and regulations under the Federal Power Act, a public hearing shall be held concerning Central Virginia Electric Cooperative's application under Section 202(b) of the Federal Power Act.

(E) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge for that purpose, shall convene a conference in this proceeding in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The presiding administrative 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.

(F) The Secretary shall promptly publish this order in this **Federal Register**.

By the Commission.

Lois D. Cashell,  
Acting Secretary.

[FR Doc. 80-19865 Filed 7-1-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3074]

**City of Spokane; Application for Major License**

June 25, 1980.

Take notice that on March 6, 1980, the City of Spokane (Applicant) filed an application for a major license [pursuant to the Federal Power Act, 16 U.S.C., 791(a)-825(r)] for the Upriver Project, FERC No. 3074, located on the Spokane River in Spokane County, Washington. The project would affect the interests of interstate commerce. Correspondence with the Applicant should be directed to: Mr. Glen A. Yake, P. E., Manager-Engineering, City of Spokane, West 711 Spokane Falls Boulevard, Spokane, Washington 99201.

*Project Description*—The constructed Upriver Project consists of: (1) A 30-foot high and 230-foot long concrete gravity dam with eight Taintor gates, impounding a small reservoir; (2) a 1600-foot long and 30-foot wide trapezoidal canal; (3) an existing powerhouse at the end of the canal containing three generating units, each rated at 1300 kW; (4) the well-electric pumping station; (5) a substation; (6) a 1.5-mile long 13.2-kV transmission line; and appurtenant facilities. Applicant proposes in its application to: (1) Upgrade the three existing turbine-generators to a rating of 1850 kW each; (2) widen the main power canal by 30 feet and enlarge the intake canal; and (3) construct a new powerhouse, adjacent to the existing powerhouse, containing two generating units, each rated at 4500 kW. The proposed total capacity of the Upriver project would be 14,550 kW. Transmission facilities would be upgraded to carry the additional power output. The proposed addition to the powerplant would utilize surplus flows that are currently spilled over the dam. No U.S. lands are affected by the project. Applicant proposes to further develop for recreation, the Upriver Park, a parcel of land near the Upriver Dam on the northern shoreline of the Spokane River.

*Purpose of the Project*—Applicant states that the energy generated by this project would be used for municipal pumping requirements and would also be banked with the Washington Water Power Company under a utility exchange contract. The average annual energy generation is estimated to be 78 million kWh.

*Estimated Cost*—The cost of the project is estimated by the Applicant to be \$10,480,000.

*Competing Applications*—Anyone desiring to file a competing application must submit to the Commission, on or

<sup>2</sup> We encourage Central and Appalachian to continue their settlement discussions.

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 November 4, 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 6, 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. 80-19876 Filed 7-1-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-400]

**Columbia Gas Transmission Corp.;  
Application**

June 26, 1980.

Take notice that on June 12, a 1980, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP80-400 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of 80 interconnecting tap facilities to provide additional points of delivery to existing wholesale customers, all as more fully set forth in the application

which is on file with the Commission and open to public inspection.

Applicant proposes the following new points of delivery for the following wholesale customers:

- (1) Columbia Gas of Kentucky, Inc. (Estimated annual usage of 5,270 Mcf)  
9 taps for residential service  
1 tap for commercial service
- (2) Columbia Gas of Ohio, Inc. (Estimated annual usage of 14,150 Mcf)  
34 taps for residential service  
2 taps for industrial service  
2 taps for combined industrial and residential service
- (3) Columbia Gas of Pennsylvania, Inc. (Estimated annual usage of 1,060 Mcf)  
1 tap for residential service  
1 tap for commercial service
- (4) Columbia Gas of Virginia, Inc. (Estimated annual usage of 150 Mcf)  
1 tap for residential service
- (5) Columbia Gas of West Virginia, Inc. (Estimated annual usage of 4,200 Mcf)  
25 taps for residential service
- (6) The Dayton Power and Light Company (Estimated annual usage of 525 Mcf)  
3 taps for residential service
- (7) Washington Gas Light Company (Estimated annual usage of 355 Mcf)  
1 tap for residential service

Applicant states that the additional volumes to be provided through the new points of delivery are within its currently authorized level of sales.

Applicant estimates that the total cost of the interconnections requested herein would be \$24,100, which cost would be financed through internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 17, 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. 80-19866 Filed 7-1-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2100]

**Department of Water Resources, State  
of California; Application for  
Authorization To Delete Certain Lands  
From Project Boundary**

June 26, 1980.

Take notice that on May 2, 1980, the Department of Water Resources of the State of California (Applicant), Licensee for the Feather River Project No. 2100, filed an application pursuant to the Federal Power Act, 16 U.S.C. Sections 791(a)-825(r), for authorization to delete certain lands from the project boundary. The proposed deletion would occur in Butte County, California.

Correspondence concerning the application should be sent to: Mr. George P. Panos, Division of Land and Right of Way, Department of Water Resources, State of California, P.O. Box 300, Sacramento, California 95802.

Applicant requests Commission authorization to remove approximately 400 acres of its lands (within designated Parcels Nos. Oro-B-6, 7, 8, 9, 10 and 11, located in Sections 22, 23, 26 and 27, T. 19 N., R. 3 E. M.D.M., Butte County, California) from the project boundary and transfer it to the State of California Departments of Fish and Game (Fish and Game) and Parks and Recreation (Parks and Recreation).

Fish and Game and Parks and Recreation are jointly planning to develop an off-highway vehicle area occupying approximately 220 acres with the remaining 180 acres of the land to be developed as a firearms discharge area by Fish and Game.

*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 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. 80-19867 Filed 7-1-80; 8:45 am]  
**BILLING CODE 6450-85-M**

[Vol. 220]

**Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978**

June 20, 1980.

The Federal Energy Regulatory Commission received notices of determination from the jurisdictional agencies listed herein, for the indicated wells, pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a (D) in the DEN column. Estimated annual production is in million cubic feet (MMcf).

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before July 17, 1980.

Please reference the FERC Control Number in all correspondence related to these determinations.

**Kenneth F. Plumb,**  
*Secretary.*

FERC No.	J&A DKT No.	API No.	SECT	DEN	Well name	Prod	Purchaser
<b>New Mexico Department of Energy and Minerals</b>							
Consolidated Oil & Gas Inc. Received: 5/27/80 JA: NM:							
8036895		3004523618	103		O'Shea No 1-M	0.0	Southern Union Gathering Co.
8036896		3004523618	103		O'Shea No 1-M	0.0	Southern Union Gathering Co.
El Paso Natural Gas Co. Received: 05/27/80 JA: NM:							
8036893		3004523375	103		Standard Oil Com. #1A	130.0	El Paso Natural Gas Co.
Gulf Oil Corp. Received: 05/27/80 JA: NM:							
8036894		3002526451	103		Central Drinkard Unit No. 432	0.0	El Paso Natural Gas Co.
8036892		3001523052	103		Eddy IL State Com No 1	0.0	El Paso Natural Gas Co.
<b>Ohio Department of Natural Resources</b>							
Akron Petroleum Co Inc. Received: 05/29/80 JA: OH:							
803705		3408322665	107		Kenneth Wobbecke #1	0.0	Columbia Gas Trans Corp.
American Well Management Co. Received: 05/29/80 JA: OH:							
8037159		3412724570	103		McCormick #1	18.0	
8037158		3412724571	103		McCormick No 2	18.0	
Ameritrust Co., trustee. Received: 05/29/80 JA: OH:							
8037094		3403500001	108		Clemminshaw #1	10.0	East Ohio Gas Co.
Amtex Oil and Gas Inc. Received: 05/28/80 JA: OH:							
8036990		3416922298	103		Roman S. Miller No. 1	250.0	
Appalachian Energy Inc. Received: 05/28/80 JA: OH:							
8036908		3401320298	103		C J & R M Earliwine #2 A-E-103	30.0	Columbia Gas Transmission Corp.
Ashland Exploration Inc. Received: 05/28/80 JA: OH:							
8036979		3416722880	108		George Lee #2	3.0	Union Carbide Corp.
8036981		3416722902	108		George Lee #3	4.0	Union Carbide Corp.
8036933		3409920204	108		Hawkins #1	1.0	The East Ohio Gas Co.
8036964		3413320297	108		Henceroth #1	4.0	The East Ohio Gas Co.
8036978		3416722870	108		Mary Wynn #1	5.0	Union Carbide Corp.
8036976		3416722798	108		Norman Wynn #1	4.0	Union Carbide Corp.
8036977		3416722831	108		Norman Wynn #3	5.0	Union Carbide Corp.
8036980		3416722899	108		Pott Meyer #1	4.0	Union Carbide Corp.
8036975		3415720900	108		R Benson #1	14.0	The East Ohio Gas Co.
8036963		3413320235	108		Riccardi #1	2.0	The East Ohio Gas Co.
8036982		3416722958	108		Wolford #1	5.0	Union Carbide Corp.
Bay State Exploration Co. Received: 05/29/80 JA: OH:							
8037088		3407322269	103		Edith Amerine No 1	35.0	Columbia Gas Pipeline Co.
8037089		3407322150	103		R C Amerine No 1	35.0	Columbia Gas Pipeline Co.
Berman J. Shafer. Received: 05/28/80 JA: OH: 8036938.							
8036938		3410322211	103		Loren Mantz #1	7.3	Columbia Gas Transmission Corp.
Berresford Enterprises Inc. Received: 05/28/80 JA: OH:							
8036987		3416725424	103		Basil Hall #1	15.0	
8036989		3416725508	103		George Gordon #1	15.0	
8036988		3416725425	103		Raymond Taylor #1	15.0	

FERC No.	JA DKT No.	API No.	SECT	DEN	Well name	Prod	Purchaser
Ohio Department of Natural Resources —Continued							
Berresford Enterprises Inc. Received: 05/28/80 JA: OH: 8036987.		3400721196	103		Thomas & R P Scolara	5.0	
Clarence K. Tossel Jr. Received: 05/29/80 JA: OH:							
8037071		3400720032	108		D Snyder #1	2.7	East Ohio Gas Co.
8037080		3400720079	108		E. Estes #1	2.1	East Ohio Gas Co.
8037081		3400720078	108		E. Schor #1	2.8	East Ohio Gas Co.
8037075		3400720179	108		E. Simak #1	0.4	East Ohio Gas Co.
8037083		3400720055	108		H. Eckelmeyer #1	3.9	East Ohio Gas Co.
8037084		3400720046	108		H. Kovacic #1	11.3	East Ohio Gas Co.
8037076		3400720173	108		H. Reger #1	3.8	East Ohio Gas Co.
8037079		3400720140	108		J. Anderson #1	12.6	East Ohio Gas Co.
8037078		3400720147	108		J. Fedor #1	1.3	East Ohio Gas Co.
8037074		3400720221	108		Mari Investment #1	0.0	East Ohio Gas Co.
8037077		3400720172	108		R. Humphrey #1	2.1	East Ohio Gas Co.
8037082		3400720057	108		R. Whilling #1	8.1	East Ohio Gas Co.
8037072		3400720031	108		W. Runyan #1	7.1	East Ohio Gas Co.
Consolidated Resources of America. Received: 05/28/ 80 JA: OH: 8036926.		3405922678	103		Eugene & Vera Hurless #1	43.8	Columbia Gas Transmission.
Consolidated Resources of America. Received: 05/29/ 80 JA: OH: 8037092.		3405922146	103		Goldie Bell #1	45.6	Cincinnati Gas & Electric Co.
Dalton & Hanna Co. Received: 05/29/80 JA: OH:							
8037127		3416921407	108		Howard Good #1	2.0	Columbia Gas Co.
8037128		3416921171	108		Kenneth Badger #1	3.0	Columbia Gas Trans.
Donald M. Robinson. Re- ceived: 05/28/80 JA: OH: 8036941.		3411121953	103		Harry Steinhoff #1	19.0	
Doran & Associates Inc. Received: 05/28/80 JA: OH:							
8036962		3412724694	103		Francis Dittoe #1	12.0	Columbia Gas Transmission.
8036961		3412724689	103		William King #1	12.0	National Gas & Oil Corp.
Dorset Drilling Co. Inc. Received: 05/28/80 JA: OH:							
8036904		3400721149	103		Gordon #3	25.0	Jones & Laughlin Steel Corp.
8036902		3400711250	103		Ruzga #1	25.0	Jones & Laughlin Steel Corp.
8036906		3400721193	103		Ryska/Denmark #5	25.0	Jones & Laughlin Steel Corp.
8036903		3400721140	103		Vancourt #1	25.0	Jones & Laughlin Steel Corp.
Dwain R. Foltz. Received: 05/ 28/80 JA: OH: 8036969.		3415122176	108		R. Wagner #1	5.0	East Ohio Gas Co.
Eddo Drilling & Producing Inc. Received: 05-28-80 JA: OH:							
8036957		3411925124	103		Arnold 1B	18.0	
8036920		3403123768	103		Duncan 1B	18.0	
8036922		3403123786	103		Duncan 2A	18.0	
8036914		3403123703	103		Gamertsfelder 3A	18.0	
8036916		3403123738	103		Huff 4A	18.0	
8036917		3403123739	103		Huff 5A	18.0	
8036915		3403123734	103		McDonald 2A	18.0	
8036918		3403123763	103		Richcreek 3A	18.0	
8036919		3403123766	103		Shrimplin 1F	18.0	
8036921		3403123769	103		Shrimplin 1G	18.0	
8036913		3403123702	103		Smailes 1A	18.0	
8036912		3403123701	103		Smailes 3A	18.0	
8036911		3403123700	103		Smailes 4A	18.0	
8036910		3403123699	103		Smailes 5A	18.0	
Energy Development Corp. Received: 05/28/80 JA: OH: 8036973.		3415123179	103		D. Aller Unit #1	16.0	The East Ohio Gas Co.
Gene & Leroy Hanson. Re- ceived: 05/28/80 JA: OH: 8036939.		3411121930	103		Hanson #1	0.0	
Glen W. Dicken. Received: 05/29/80 JA: OH: 8037141.		3415121129	108		Dicken Community #1	3.8	East Ohio Gas Co.
Hilltop Development Corp. Received: 05/28/80 JA: OH: 8036958.		3411925187	103		Ray E. Harlan #1	6.0	National Gas & Oil Corp.
Hopewell Oil and Gas Devel- opment Co. Received: 05/ 28/80 JA: OH: 8036940.		3411121943	103		E. Anderson #1	12.0	
Integrated Petroleum Co., Inc. Received: 05/28/80 JA: OH: 8036967.		3413322068	103		Reynolds #2	40.0	American Energy Services Inc.
James Drilling Corp. Received: 05-28-80 JA: OH:							
8036898		3400720611	108		Eleanor V. Grayson Well #1	2.0	East Ohio Gas Co.
8036901		3400720785	108		Frank P. Primiano Jr. #1	1.0	East Ohio Gas Co.

FERC No.	JA DKT No.	API No.	SECT	DEN	Well name	Prod	Purchaser
Ohio Department of Natural Resources —Continued							
James Drilling Corp. Received: 05/29/80 JA: OH:							
8037098		3400721150	103		Ben Hybert #1	6.0	Jones & Laughlin Steel Corp.
8037102		3400720884	103		Emil P. Milan #1	3.5	Jones & Laughlin Steel Corp.
8037099		3400721019	103		Gary L. Woodard #1	15.0	Jones & Laughlin Steel Corp.
8037100		3400721010	103		R. M. Greenbaum #1	1.0	Jones & Laughlin Steel Corp.
8037101		3400720918	103		Robert Holt #1	5.0	Jones & Laughlin Steel Corp.
Jensu Corp. Received: 05/28/80 JA: OH: 8036932		3408923744	103		Holton #1	10.0	
John C. Mason. Received: 05/28/80 JA: OH: 8036909.		3403123380	103		Alice Bickie et al. #1	15.0	National Gas Corp.
King Drilling Co. Received: 05/28/80 JA: OH:							
8036936		3410321675	108		Long #1	4.0	East Ohio Gas.
8036935		3410321674	108		Smith-Neff #1	1.3	East Ohio Gas Co.
8036937		3410321725	108		Ward Farnsworth #1	1.3	East Ohio Gas Co.
8036934		3410321662	108		Wiese #1	1.5	East Ohio Gas Co.
L & M Operating Inc. Received: 05/28/80 JA: OH:							
8036960		3412724310	103		David Lewis #1	5.5	Oraker Gas Line.
8036986		3416724867	103		J. A. Heiss #2	12.7	Gas Transport Inc.
8036985		3416724864	103		Raymond Rauch #2	12.7	Gas Transport Inc.
L & M. Petroleum Received: 05/28/80 JA: OH:							
8036983		3416724818	103		Martha Biehl Unit #2	12.7	Columbia Gas Transmission.
8036984		3416724819	103		Richard Biehl #1	12.7	Columbia Gas Transmission.
Lake Region Oil Inc. Received: 05/28/80 JA: OH: 8037086.		3407522322	103		Ralph & George Straits #1	15.0	Columbia Gas Transmission Corp.
LBJ Drilling d.b.a. Jeff Muran. Received: 05/28/80 JA: OH: 8036931.		3408322716	103		Oran W. Chapman #1	0.0	
Lomak Petroleum Inc. Received: 05/28/80 JA: OH: 8036974.		3415520358	108		Detweiler #1	6.9	East Ohio Gas Co.
Martin Excavating Inc. Received: 05/28/80 JA: OH:							
8036928		3407522432	103		Gene Boughman #1	9.0	Columbia Gas Transmission Corp.
8036929		3407522433	103		Howard Wyles #1	0.0	Columbia Gas Transmission Corp.
Meridian Oil & Gas Ent. Inc. Received: 05/28/80 JA: OH:							
8036900		3400720761	108		Beatrice A. Wilson #1	1.5	East Ohio Gas Co.
8036905		3410721172	103		Charles I. Ward #1	2.0	
8036899		3400720668	108		Dennis H. Smith #1	2.0	East Ohio Gas Co.
Meridian Oil & Gas Ent Inc. Received: 05/29/80 JA: OH:							
8037097		3400721217	103		James E. Malz #1	10.0	Jones & Laughlin Steel Corp.
8037096		3400721218	103		W. J. Woyan #1	5.0	Jones & Laughlin Steel Corp.
Minuteman Exploration Co. Received: 05/28/80 JA: OH: 8036946.		3411521850	103		G.L.&F.M. Fox #2	11.0	East Ohio Gas Co.
Uneal Productions Inc. Received: 05/28/80 JA: OH: 8036945.		3411521643	108		P. Childs #2	15.0	Columbia Gas Transmission Corp.
Uneal Productions Inc. Received: 05/29/80 JA: OH:							
8037164		3412121952	108		A. Secrest #2	10.0	East Ohio Gas Co.
8037120		3411521735	108		B. Morris #1	3.0	East Ohio Gas Co.
8037121		3411521734	108		B. Morris #2	2.8	East Ohio Gas Co.
8037104		3412121853	108		Briggs #1	2.3	East Ohio Gas Co.
8037160		3412122051	108		C. Hedge #1	9.0	East Ohio Gas Co.
8037105		3412121891	108		Chandler #1	2.0	East Ohio Gas Co.
8037165		3412121947	108		Chandler #2	23.0	East Ohio Gas Co.
8037103		3412121900	108		Colley #1	1.9	East Ohio Gas Co.
8037108		3412121873	108		Costigan #1	7.0	East Ohio Gas Co.
8037107		3412121884	108		Dolton #1	9.0	East Ohio Gas Co.
8037140		3415122620	108		Essig Smith #1	13.2	East Ohio Gas Co.
8037139		3415122622	108		Fox #1	3.0	East Ohio Gas Co.
8037109		3412121870	108		Haga #1	13.0	East Ohio Gas Co.
8037163		3412122031	108		Harper #2	2.0	East Ohio Gas Co.
8037162		3412122040	108		J. Harper #1	15.0	East Ohio Gas Co.
8037112		3412121793	108		King #1	5.0	East Ohio Gas Co.
8037111		3412121803	108		King #2	9.0	East Ohio Gas Co.
8037114		3412121726	108		M. Larrick #2	9.0	East Ohio Gas Co.
8037110		3412121807	108		Ogle #1	9.0	East Ohio Gas Co.
8037123		3411521577	108		Parmiter #1	4.0	Columbia Gas Transmission Corp.
8037122		3411521623	108		Paul Smith #1	19.5	East Ohio Gas Co.
8037161		3412122049	108		R. Shriver #3	12.5	East Ohio Gas Co.

FERC No.	JA DKT No.	API No.	SECT	DEN	Well name	Prod	Purchaser
Ohio Department of Natural Resources—Continued							
8037113		3412121723	108		Sayre #1	16.2	East Ohio Gas Co.
8037166		3412121937	108		Stack #1	5.0	East Ohio Gas Co.
8037091		3405922312	108		W. Hill #1	6.0	Columbia Gas Transmission Corp.
8037090		3405222313	108		W. Hill #2	5.5	Columbia Gas Transmission Corp.
8037108		3412121888	108		Wells #1	11.0	East Ohio Gas Co.
Petroc Co. Received: 05/28/ 80 JA: OH: 8036959.		3411925211	103		O & S Fliger #2A	10.0	Columbia Gas Co.
Premier Energy Corp. Re- ceived: 05/29/80 JA: OH: 8037126.		3416922059	103		Raymond E. Matty #2	1.5	East Ohio Gas Co.
Quadrant Exploration Received: 05/29/80 JA: OH:							
8037130		3416725274	103		Lawrence M. Smith #1	6.0	
8037129		3416725275	103		Lawrence M. Smith #2	5.0	
Richard C. Meyer. Received: 05/28/80 JA: OH: 8036930.		3408322675	103		Kevin S. Moore No. 1	2.0	National Gas & Oil Corp.
Ronald H. Moran. Received: 05/28/80 JA: OH: 8036923.		3403123810	103		Bossun #1	15.0	
The Oxford Oil Co. Received: 05/28/80 JA: OH:							
8036952		3411923581	108		Beuna Perdue #1	12.0	National Gas & Oil Corp.
8036943		3411521449	108		Charles Ogg #1	12.0	National Gas & Oil Corp.
8036954		3411923722	108		Charles Paul Unit #1	5.0	National Gas & Oil Corp.
8036942		3411520565	108		Fred Rambo #3	3.0	National Gas & Oil Corp.
8036944		3411521540	108		Glenn Pletcher #1	12.0	National Gas & Oil Corp.
8036950		3411921938	108		Homer Pyle #1	3.0	National Gas & Oil Corp.
8036949		3410920340	108		Ohio Power Co #2	4.0	National Gas & Oil Corp.
8036953		3411923632	108		Roy Paul #1	2.0	National Gas & Oil Corp.
8036951		3411923379	108		Virgil Powell #1	4.0	National Gas & Oil Corp.
8036927		3407522256	103		Wilmer Fortune #1	12.0	
The Oxford Oil Co. Received: 05/29/80 JA: OH:							
8037095		3403122861	108		Ann Norris #1	12.0	National Gas & Oil Corp.
8037117		3411923917	108		Edward McConnel #1	15.0	National Gas & Oil Corp.
8037118		3411923158	108		Harry Morrison #1	4.0	National Gas & Oil Corp.
8037116		3411920827	108		Henry Miller #1	2.0	National Gas & Oil Corp.
8037124		3411521455	108		Lee Maxwell #1	10.0	National Gas & Oil Corp.
8037119		3411922898	108		M. E. Martin #1	2.0	National Gas & Oil Corp.
8037115		3411924087	108		Nelson Unit #1	4.0	National Gas & Oil Corp.
The Wiser Oil Co. Received: 05/29/80 JA: OH:							
8037157		3413320066	108		A & E Bresky #1 3467	0.8	East Ohio Gas Co.
8037155		3413320097	108		Austin Bobby Community #1 3559	4.0	East Ohio Gas Co.
8037154		3413320109	108		Bradfield #1 3586	4.0	East Ohio Gas Co.
8037087		3407520548	108		C. F. Stitzlein #2 3147	2.0	East Ohio Gas Co.
8037093		3403500003	108		Freark #1 0831	2.0	East Ohio Gas Co.
8037151		3413320190	108		G & E Crummel #1 3686	3.0	East Ohio Gas Co.
8037138		3415320065	108		Ganyard & Mitchell #1 G-2601	3.0	East Ohio Gas Co.
8037152		3413320176	108		H & A Gibson #1 3685	1.0	East Ohio Gas Co.
8037142		3415120988	108		H & L Johnston #1 3252	10.0	East Ohio Gas Co.
8037137		3415300151	108		Hankey #1 1540	8.0	East Ohio Gas Co.
8037135		3415300168	108		Hankey #2 1558	5.0	East Ohio Gas Co.
8037143		3415120830	108		Harding Community #1 3022	2.0	East Ohio Gas Co.
8037145		3415120248	108		J. D. Clugson #1 2486	3.0	East Ohio Gas Co.
8037133		3415320455	108		J & A Bachan #5 47965	4.0	The East Ohio Gas Co.
8037150		3413320317	108		Klegg #1 3802	4.0	East Ohio Gas Co.
8037144		3415120426	108		McFaren Community #3 2658	2.0	East Ohio Gas Co.
8037134		3415320316	108		PH Hensley #1 3260	5.0	East Ohio Gas Co.
8037136		3415300153	108		Prentiss #1 1485	1.0	East Ohio Gas Co.
8037125		3409420223	108		R & R Oyster #1 13907	6.0	The East Ohio Gas Co.
8037156		3413320094	108		RL & DL Moore #1 3551	5.0	East Ohio Gas Co.
8037149		3413320422	108		V & E Pishney No 1 3979	2.0	East Ohio Gas Co.
8037153		3413320129	108		Vasbinder Community #1 3635	2.0	East Ohio Gas Co.
8037132		3415320465	108		Whealey #1 47965	4.0	East Ohio Gas Co.
Viking Resources Corp. Received: 05/28/80 JA: OH:							
8036972		3415123175	103		Ball #1	30.0	
8036971		3415123159	103		Ball #2	30.0	
8036970		3415122971	103		Ball #3	30.0	
8036968		3413221276	103		Hallock #1	30.0	
Viking Resources Corp. Received: 05/29/80 JA: OH:							
8037148		3413322198	103		Wallbrown Unit #5	3.0	
8037147		3413322199	103		Wallbrown Unit #6	3.0	
8037146		3413322200	103		Wallbrown Unit #7	3.0	
N. J. Lydic Inc. Received: 05/ 28/80 JA: OH:							
8036947		3411521869	103		Charles Morrow #1	15.0	
8036950		3411924933	103		Ella Boetcher #2	25.0	
8036948		3411924599	103		Sletzer #2	27.0	
8036955		3411924599	103			27.0	Sletzer #2

FERC No.	JA DKT No.	API No.	SECT	DEN	Well name	Prod	Purchaser
Ohio Department of Natural Resources —Continued							
Wayne Hammond. Received: 05/29/80 JA: OH: 8037131.		3415723365	103		Lucille Uhl Unit No 1	5.0	Columbia Gas Transmission Corp.
Williston Oil & Development Corp. Received: 05/28/80 JA: OH: 8033697.	06046	3411923045	103	(1)	Frame/Sutton #4	14.6	
Wray Petroleum Corp. of Ohio. Received: 05/28/80 JA: OH:							
8036924		3404520615	103		Mauger #1	3.7	
8036966		3413322025	103		Nelson Sports Inc #1	18.2	
8036965		3413322020	103		Nelson Sports Inc #4	1.8	
8036925		3404520618	103		Suver #1	3.7	
Oklahoma Corporation Commission							
Amoco Production Co. Received: 05/30/80 JA: OK: 8037178.	03940	3504550072	108		Duncan Unit #1	15.8	Northern Natural Gas Co.
Andover Oil Co. Received: 05/30/80 JA: OK: 8037167.	03757	3504721813	103		Crusson #24-1	73.0	Panhandle Eastern Pipeline Co.
Arkla Exploration Co. Received: 05/30/80 JA: OK: 8037182.	03820	3512120510	103		Nichols #1-26	150.0	Arkansas Louisiana Gas Co.
Chase Exploration Corp. Received: 05/30/80 JA: OK:							
8037191*	03875	3507120897	103		Brown 2-26	11.3	Cities Service Gas Co.
8037192*	03872	3507120896	103		Honick 3-23	9.0	Cities Service Gas Co.
8037197*	03887	3507121171	103		Kahle 1-30	24.5	Cities Service Gas Co.
8037195*	03885	3507121337	103		Kahle 2-30	29.0	Cities Service Gas Co.
8037187*	03870	3507121033	103		Perez 1-23	22.3	Cities Service Gas Co.
8037184*	03875	3507121325	103		Schmidt 2-26	1.2	Cities Service Gas Co.
8037190*	03874	3507120911	103		Thain 1-27	14.0	Cities Service Gas Co.
*8037196	03886	3507121610	103		Voegelé 4-21	21.0	Cities Service Gas Co.
Damson Oil Corp. Received: 05/30/80 JA: OK: 8037169.	02873	3505520066	108		Paxton #1	0.0	El Paso Natural Gas Co.
Geodyne Resources Inc. Received: 05/30/80 JA: OK:							
8037188	03866	3509321680	103		Harms #1	73.0	Panhandle Eastern Pipe Line Co.
8037189	03867	3509321554	103		Holleman #1	73.0	Panhandle Eastern Pipe Line Co.
8037186	03864	3504700000	103		Joy 9-1	73.0	Grace Petroleum Corp.
H & L Operating Co. Received: 05/30/80 JA: OK: 8037193	03869	3500721677	103		Padget #1	96.0	Northern Natural Gas Co.
Kingery Drilling Co. Inc. Received: 05/30/80 JA: OK: 8037183	02965	3513721819	103		Moore #1	60.2	Oklahoma Natural Gas Co.
Massey & Massey Received: 05/30/80 JA: OK: 8037177	03803	3504721584	103		Regier #1	0.0	Grace Petroleum Corp.
Mobil Oil Corp. Received: 05/30/80 JA: OK: 8037176	02613	3501900000	108		L D Gillespie #1	2.0	Lone Star Gas Co.
Phillips Petroleum Co. Received: 05/30/80 JA: OK:							
8037175	037776	3504935796	108		Calcite No. 1	1.5	Warren Petroleum Corp.
8037174	03775	3513700000	108		Culberson No. 4	3.1	Aminoil USA Inc.
Preston Carter Drilling Co. Received: 05/30/80 JA: OK: 8037180	02721	3513700000	108		Conn #3	15.5	Mobil Oil Corp.
Rimrock Gas Co. Received: 05/30/80 JA: OK: 8037181	03810	3500900000	108		Denby No. 2 39093	14.4	Arkansas Louisiana Gas Co.
Sunrise Exploration Inc. Received: 05/30/80 JA: OK: 8037179	03752	3501721232	108		Hazlett #1	547.5	
Texas Oil and Gas Corp. Received: 05/30/80 JA: OK: 803719	03868	3515120952	103		Lambert A #1	151.0	
Universal Resources Corp. Received: 05/30/80 JA: OK:							
8037172	03610	3507321511	108		Flickinger #1-21	5.0	Transok Pipeline Co.
8037170	03614	3501120423	108		Leffler #1-29	12.0	Delhi Gas Pipeline Corp.
8037171	03611	3501120277	108		Lorenz #1-12	5.0	Transok Pipeline Co.
8037173	03609	3507321038	108		Warren #1-20	12.0	Transok Pipeline Corp.
8037169	03615	3509320596	108		Wood #1-24	15.0	Phillips Petroleum Co.
Walker & Withrow Inc. Received: 05/30/80 JA: OK: 8037185.	03466	3501721033	108		Tredway #17-1	200.0	Delhi Gas Pipeline Corp.

FERC No.	JA DKT No.	API No.	SECT	DEN	Well name	Prod	Purchaser
Pennsylvania Department of Environmental Resources							
Boyd & Shriver Received: 05/30/80 JA: PA:							
8037231	2012	3700520132	108		224-Bowersox	0.4	Columbia Gas Transmission Corp.
8037230	2011	3700520175	108		232-Willison	2.0	Columbia Gas Transmission Corp.
8037229	2010	3700520177	108		234-Procioux	2.3	Columbia Gas Transmission Corp.
8037228	2009	3700500000	108		239-Bowersox	1.2	Columbia Gas Transmission Corp.
8037227	2008	3700520206	108		240-Willison	1.2	Columbia Gas Transmission Corp.
8037226	2006	3700520200	108		243-Procioux	1.7	Columbia Gas Transmission Corp.
8037225	2005	3700520218	108		245-Willison	1.3	Columbia Gas Transmission Corp.
8037224	2004	3700520217	108		246-Procioux	1.2	Columbia Gas Transmission Corp.
8037223	2003	3700520216	108		247-Sweitzer	0.9	Columbia Gas Transmission Corp.
8037222	2002	3700520267	108		248-Kemp	1.3	Columbia Gas Transmission Corp.
8037223	2029	3700520247	108		249-Bowersox	2.2	Columbia Gas Transmission Corp.
8037221	2001	3700520280	108		254-Procioux	1.7	Columbia Gas Transmission Corp.
8037220	2000	3700520294	108		255-Kemp	1.3	Columbia Gas Transmission Corp.
8037219	1999	3700520318	108		261-Shaffer	0.7	Columbia Gas Transmission Corp.
8037218	1998	3703120053	108		264-Goheen	4.5	Columbia Gas Transmission Corp.
8037217	1997	3700500000	108		266-Izzi	1.8	Columbia Gas Transmission Corp.
8037216	1996	3703100000	108		267-Pence	2.9	Columbia Gas Transmission Corp.
8037234	2044	3706320742	108		323-Wolfert	4.2	Consolidated Gas Supply Corp.
8037235	2046	3706320769	108		327-Behm	8.5	Consolidated Gas Supply Corp.
8037236	2047	3706320770	108		326-Behm	6.9	Consolidated Gas Supply Corp.
8037237	2048	3706320779	108		329-Elkin	9.0	Consolidated Gas Supply Corp.
8037238	2049	3706320785	108		330-Anthony	6.0	Consolidated Gas Supply Corp.
8037239	2050	3706320806	108		331-Bush	9.8	Consolidated Gas Supply Corp.
8037240	2051	3706320825	108		332-Wilkins	12.5	Consolidated Gas Supply Corp.
8037241	2052	3706320803	108		333-Behm	3.5	Consolidated Gas Supply Corp.
8037242	2053	3706320826	108		335-Anthony	13.2	Consolidated Gas Supply Corp.
8037243	2054	3706320829	108		336-Elkin	6.0	Consolidated Gas Supply Corp.
8037244	2055	3706320836	108		337-Rhea	5.3	Consolidated Gas Supply Corp.
8037245	2056	3706320857	108		338-Hudson	8.6	Consolidated Gas Supply Corp.
8037246	2057	3706320848	108		339-Anthony	5.1	Consolidated Gas Supply Corp.
8037247	2058	3706320860	108		340-Marshall	9.1	Consolidated Gas Supply Corp.
8037248	2060	3706320886	108		342-Mavrilla	6.4	Consolidated Gas Supply Corp.
8037249	2061	3706320887	108		343-Miller	1.8	Consolidated Gas Supply Corp.
8037250	2062	3706320910	108		344-Anthony	10.2	Consolidated Gas Supply Corp.
8037251	2063	3706320912	108		345-Mottorn	5.7	Consolidated Gas Supply Corp.
8037252	2064	3706320917	108		346-Stewart	4.7	Consolidated Gas Supply Corp.
8037253	2065	3706320943	108		347-Nesbit	7.2	Consolidated Gas Supply Corp.
8037254	2066	3706320960	108		348-Elkin	8.4	Consolidated Gas Supply Corp.
8037255	2067	3706320959	108		350-Moot	8.4	Consolidated Gas Supply Corp.
8037256	2068	3706320989	108		352-Byler	4.9	Consolidated Gas Supply Corp.
8037257	2070	3706321027	108		353-Elkin	5.4	Consolidated Gas Supply Corp.
8037258	2071	3706321057	108		357-Elkin	4.3	Consolidated Gas Supply Corp.
8037259	2072	3706321058	108		358-Barletta	10.8	Consolidated Gas Supply Corp.
8037260	2073	3706321063	108		359-Elkin	4.9	Consolidated Gas Supply Corp.
8037261	2074	3706321078	108		360-Hicks	4.8	Consolidated Gas Supply Corp.
8037262	2075	3706321079	108		361-Dorn	7.0	Consolidated Gas Supply Corp.
8037263	2076	3706321110	108		362-Nesbit	4.9	Consolidated Gas Supply Corp.
8037264	2077	3706321115	108		363-Hall	6.7	Consolidated Gas Supply Corp.
8037265	2078	3706321121	108		366-Pepper	10.9	Consolidated Gas Supply Corp.
8037266	2079	3706321169	108		367-Haines	8.7	Consolidated Gas Supply Corp.
8037280	2093	3706321120	108		368-Leckvarcik	6.4	Consolidated Gas Supply Corp.
8037267	2080	3706321128	108		369-Hicks	7.9	Consolidated Gas Supply Corp.
8037268	2081	3706321177	108		370-Hall	5.9	Consolidated Gas Supply Corp.
8037269	2082	3706321131	108		371-Linhart	4.0	Consolidated Gas Supply Corp.
8037270	2083	3706321131	108		372-Leckvarcik	8.0	Consolidated Gas Supply Corp.
8037272	2084	3706321186	108		373-Wulfert	8.4	Consolidated Gas Supply Corp.
8037271	2085	3706321235	108		374-Haines	10.0	Consolidated Gas Supply Corp.
8037273	2086	3706321216	108		375-Linhart	5.6	Consolidated Gas Supply Corp.
8037274	2087	3706321217	108		376-Leckvarcik	8.3	Consolidated Gas Supply Corp.
8037281	2094	3706321236	108		377-Knox	5.8	Consolidated Gas Supply Corp.
8037275	2088	3706321298	108		378-Juluck	18.9	Consolidated Gas Supply Corp.
8037276	2089	3706321284	108		379-Musser	19.0	Consolidated Gas Supply Corp.
8037277	2090	3706321276	108		380-Klein	8.0	Consolidated Gas Supply Corp.
8037278	2091	3706321285	108		381-Stiver	10.7	Consolidated Gas Supply Corp.
8037279	2092	3706321305	108		382-Oberlin	18.1	Consolidated Gas Supply Corp.
8037282	2098	3706321318	108		384-Braughler	13.8	Consolidated Gas Supply Corp.
8037283	2099	3706321306	108		385-Stiver	9.5	Consolidated Gas Supply Corp.
8037284	2100	3706321368	108		386-Lippert	18.9	Consolidated Gas Supply Corp.
8037285	2101	3706321344	108		388-Work	8.3	Consolidated Gas Supply Corp.
8037286	2102	3706321339	108		389-Smith	6.6	Consolidated Gas Supply Corp.
8037287	2103	3706321372	108		392-Miller	18.7	Consolidated Gas Supply Corp.
8037288	2104	3706321398	108		393-Shields	11.5	Consolidated Gas Supply Corp.
8037289	2105	3706321412	108		395-Work	6.0	Consolidated Gas Supply Corp.
8037290	2106	3706321506	108		396-Oberlin	15.1	Consolidated Gas Supply Corp.
8037291	2108	3706321569	108		398-Work	13.8	Consolidated Gas Supply Corp.
8037292	2109	3706321567	108		399-Winebark	19.0	Consolidated Gas Supply Corp.
8037293	2129	3706321574	108		400-Snyder	15.4	Consolidated Gas Supply Corp.
8037294	2130	3706321570	108		401-Smith	15.2	Consolidated Gas Supply Corp.
8037295	2132	3706321703	108		403-Work	53.4	Consolidated Gas Supply Corp.
8037232	2013	3703100000	108		57-Carlos	1.9	Columbia Gas Transmission Corp.

FERC No.	JA DKT No.	API No.	SECT	DEN	Well name	Prod	Purchaser
Pennsylvania Department of Environmental Resources—Continued							
Cardinal Oil Co. Received:							
05/30/80 JA: PA:							
8037330	4514	3703900000	103		Clyde Payne #1-37 PA Per CRA-20641.	0.0	Columbia Gas
8037327	4511	3703920618	103		F. Miller #1-10 PA per CRA-20618	0.0	National Fuel Gas Dist Corp.
8037329	4513	3703920642	103		F. Miller #2-14 PA per CRA-20642	0.0	National Fuel Gas Dist Corp.
8037331	4515	3703920616	103		D. Hammermeister #1-13 PA per CRA-20616.	0.0	National Fuel Gas Dist Co.
8037328	4512	3703920617	103		P. Irwin #1-19 PA per CRA-20617	0.0	National Fuel Gas Dist Corp.
Castle Gas Co. Inc. Received							
05/30/80 JA: PA:							
8037200	974	3712922674	108		D. R. F. Carrigan #1 C-182 WES-22674.	14.0	Peoples Natural Gas Co.
8037198	921	3712920735	108		D. J. Lintner #1(C-222) WES-20735	21.0	Peoples Natural Gas Co.
8037199	922	3712920737	108		D. J. Lintner #2 (C-223) WES-20737	21.0	Peoples Natural Gas Co.
8037313	4386	3706324473	103		R. & P. Coal #1 (FMLY H Boreland)	75.0	Columbia Gas Transmission Corp.
Consolidated Gas Supply Corp. Received 05/30/80							
JA: PA:							
8037204	1354	3706321458	108		Arthur R. Davis N-1162	0.0	General System Purchasers.
8037202	1336	3706320025	108		D. Florence Boden et al N-522	19.0	General System Purchasers.
8037203	1339	3706320047	108		Florence E Boden N-542	0.0	General System Purchasers.
8037201	1307	3703320352	108		Joseph Cherry N-818	0.0	General System Purchasers.
8037338	4567	3706323412	108		Robert J Calhoun WN-1516	17.0	General System Purchasers.
Envirogas Inc. Received: 05/20/80 JA: PA:							
8037324	4504	3704920804	103		#1 A. Steadman	18.0	National Fuel Gas Supply Corp.
8037322	4502	3704920755	103		#1 J. Burch	18.0	National Fuel Gas Supply Corp.
8037321	4501	3704920913	103		#1 P. Kloszewski	18.0	National Fuel Gas Supply Corp.
8037323	4503	3704920742	103		#3 J. Burch	18.0	National Fuel Gas Supply Corp.
Fairman Drilling Co. Received:							
05/30/80 JA: PA:							
8037332	4516	3703320809	103		Albert Walburn et al No 1 F-2123	25.0	Consolidated Gas Supply Corp.
Fox O & G Inc. Received: 05/30/80 JA: PA:							
8037311	4343	3712921526	108		Henry & Wilkinson #1	3.0	Columbia Gas Transmission Corp.
8037312	4344	3712921527	108		Robert L. Miller #1	2.9	Columbia Gas Transmission Corp.
J & J Enterprises Inc. Received: 05/30/80 JA: PA:							
8037336	4526	3703320900	103		B. Pearce #1	40.0	Consolidated Gas Supply Corp.
8037334	4524	3706521984	103		Elizabeth Moth #1	50.0	Consolidated Gas Supply Corp.
8037333	4523	3706324963	103		James E Streams #2	50.0	Columbia Gas Transmission Corp.
8037335	4525	3706324416	103		Stephen Macko #2	40.0	Consolidated Gas Supply Corp.
Louis Taubman. Received:							
05/30/80 JA: PA:							
8037300	2171	3703320760	103		Anna G. Smith #1	45.0	Columbia Gas Supply Corp.
8037298	2169	3706324354	103		Arcadia Co. #2	48.0	Columbia Gas Supply Corp.
8037301	2172	3703320842	103		Clifton a Smith #1	43.0	Columbia Gas Supply Corp.
8037304	2175	3703320846	103		Dean Campbell #1	0.0	Columbia Gas Supply Corp.
8037305	2176	3703320935	103		Edward Gresh #1	38.0	Columbia Gas Supply Corp.
8037297	2168	3706323768	103		J. O. Clark Estate #1	49.0	Columbia Gas Supply Corp.
8037296	2167	3706324254	103		John Means #1	36.0	Columbia Gas Supply Corp.
8037306	2177	3703320807	103		Nancy J Reising #3	40.0	Columbia Gas Supply Corp.
8037302	2173	3706324208	103		Roger L Craig #1	29.0	Peoples Natural Gas Co.
8037303	2174	3706324185	103		Roger L Craig #2	44.0	Peoples Natural Gas Co.
8037299	2170	3706324285	103		William Cameron #1	0.0	Consolidated Gas Supply Corp.
Monroe Resources Ltd. Received: 05/30/80 JA: PA:							
8037337	4527	3712327577	102		Amos Shelter #1	60.0	Columbia Gas Transmission.
UGI Development Co. Received: 05/30/80 JA: PA:							
8037212	1983	3705321155	108		Warrant 4821 #201	1.7	National Fuel Gas Supply Corp.
8037213	1984	3705321156	108		Warrant 4821 #202	1.7	National Fuel Gas Supply Corp.
8037215	1986	3705300000	108		Warrant 5101 #C2	1.7	National Fuel Gas Supply Corp.
8037208	1979	3705300000	108		Warrant 5101 #C3	1.7	National Fuel Gas Supply Corp.
8037209	1980	3705300000	108		Warrant 5104 #C1	1.7	National Fuel Gas Supply Corp.
8037214	1985	3705300000	108		Warrant 5104 #C10	1.7	National Fuel Gas Supply Corp.
8037207	1978	3705300000	108		Warrant 5104 #C5	1.7	National Fuel Gas Supply Corp.
8037210	1981	3705300000	108		Warrant 5104 #C7	1.7	National Fuel Gas Supply Corp.
8037206	1977	3705300000	108		Warrant 5105 #C6	1.7	National Fuel Gas Supply Corp.
8037211	1982	3705300000	108		Warrant 5266 #199	1.7	National Fuel Gas Supply Corp.
8037205	1976	3705320354	108		Warrant 5282 #C2	1.7	National Fuel Gas Supply Corp.
Union Drilling Inc. Received:							
05/30/80 JA: PA:							
8037307	4170	3704920835	102		Marian Lupus #1 651	0.0	Columbia Gas Transmission Corp.
8037310	4173	3704920854	102		Merle Willey #1 630-PC	0.0	Columbia Gas Transmission Corp.
8037308	4171	3704920850	102		Thomas G & Geraldine McGuire #1 650.	0.0	Columbia Gas Transmission Corp.
8037309	4172	3704920855	102		Thomas J. Post #1 645	0.0	Columbia Gas Transmission Corp.

FERC No.	JA DKT No.	API No.	SECT	DEN	Well name	Prod	Purchaser
<b>Pennsylvania Department of Environmental Resources —Continued</b>							
Wainocu Oil & Gas Co. Received: 05/30/80 JA:							
PA:							
8037317	4497	3703920594	103		Daniel & Sandra Fultz No. 1 (W-22).....	42.4	Columbia Gas Transmission Corp.
8037314	4494	3703920564	103		Hick Winton No. 1 (W-4).....	11.0	Columbia Gas Transmission Corp.
8037320	4500	3703920576	103		Jack M Preston No. 1 (W-12).....	165.6	Columbia Gas Transmission Corp.
8037318	4496	3703920597	103		Jack Preston No. 2 (W-20).....	19.5	Columbia Gas Transmission Corp.
8037319	4499	3703920561	103		James & Helen Anderson No. 2 (W-5).....	217.3	Columbia Gas Transmission Corp.
8037325	4509	3703920659	103		Lillian F. K. Lorenz No. 1 (W-29).....	10.0	Columbia Gas Transmission Corp.
8037326	4510	3703920659	102		Lillian F. K. Lorenz No. 1 (W-29).....	10.0	Columbia Gas Transmission Corp.
8037316	4496	3703920579	103		Sam J. Byler No. 1 (W-23).....	11.0	Columbia Gas Transmission Corp.
8037315	4495	3703920600	103		Walter Process No. 1 (W-16).....	5.5	Columbia Gas Transmission Corp.
<b>Utah Division of Oil, Gas, and Mining</b>							
American Quasar Petroleum Co. Received: 05/23/80							
JA: UT:							
8036888	K-107-7(A)	4304330103	102		Newton Sheep 4-5S.....	73.0	Mountain Fuel Supply Co.
8036889	K-107-7(C)	4304330118	102		Newton Sheep 4-9S.....	73.0	Mountain Fuel Supply Co.
8036888	K-107-7(B)	4304330115	102		State 4-8S.....	73.0	Mountain Fuel Supply Co.
Pacific Transmission Supply Co. Received: 05/23/80							
JA: UT:							
8036890	K-122-2	4301330451	103		PTS 44-36 Treaty Boundary State.....	17.0	
<b>West Virginia Department of Mines</b>							
Allegheny Land and Mineral Co. Received: 05/28/80							
JA: WV:							
8037024		4709701990	103		A-518.....	0.0	Columbia Gas Transmission Corp.
8037022		4708300232	103		A-761.....	0.0	Columbia Gas Transmission Corp.
8037025		4709701908	103		A-796.....	0.0	Columbia Gas Transmission Corp.
8037070		4708300260	103		A-813.....	0.0	Columbia Gas Transmission Corp.
8037029		4708300264	103		A-814.....	0.0	Columbia Gas Transmission Corp.
8037027		4708300267	103		A-815.....	0.0	Columbia Gas Transmission Corp.
8037030		4708300261	103		A-816.....	0.0	Columbia Gas Transmission Corp.
8037028		4708300265	103		A-818.....	0.0	Columbia Gas Transmission Corp.
8037021		4708300233	103		A-762.....	0.0	Columbia Gas Transmission Corp.
8037023		4704900638	103		A-789.....	0.0	Consolidated Gas Supply Corp.
8037026		4709701913	103		A-804.....	0.0	Equitable Gas Co.
American Petroleum Association Inc. Received: 05/28/80 JA: WV:							
8037014		4701520534	108		Vera Reed #1.....	2.7	Consolidated Gas Supply.
Appalachian Energy Inc. Received: 05/28/80 JA: WV: 8037031							
8037031		4704122551	103		Glen Rohr A-E-44.....	30.0	Columbia Gas Transmission Corp.
Atlas Energy Corp. Received: 05/28/80 JA: WV: 8037041							
8037041		4704700510	108		Ruth C. Hardell #1 MCD-510.....	13.0	Consolidated Gas.
Chesterfield Corp. Received: 05/28/80 JA: WV: 8037013							
8037013		4709701983	103		C. W. Carr #3-UPS-1983.....	0.0	Columbia Gas Trans.
Culeman Creek Gas Co. Received: 05/28/80 JA: WV: 8037033							
8037033		4704500489	108		IRA Finley & Kathryn Cook #1.....	3.6	Consolidated Gas Supply Corp.
Cunley & Associates Inc. Received: 05/28/80 JA: WV:							
8037069		4705900816	108		Signaigo #1 (A).....	7.0	Columbia Gas Transmission Corp.
8037032		4705900817	108		Signaigo #2 (B).....	3.5	Columbia Gas Transmission Corp.
8037068		4705900832	108		Signaigo #4 (3A).....	1.8	Columbia Gas Transmission Corp.
Consolidated Gas Supply Corp. Received: 05/28/80 JA: WV:							
8037004		4704900366	108		A J Ice 2158.....	5.0	General System Purchasers.
8037053		4704102354	108		A N Dodson 8357.....	12.0	General System Purchasers.
8037059		4704102705	108		Adolphus Fisher 8216.....	7.0	General System Purchasers.
8037051		4704102365	108		Adram Gaston 8417.....	4.0	General System Purchasers.
8037050		4704102373	108		Alda McKinley 8456.....	7.0	General System Purchasers.
8037062		4704102390	108		Andrew Edmiston 11706.....	8.0	General System Purchasers.
8037011		4704500044	108		Boone County Coal Corp 9257.....	9.0	General System Purchasers.
8037000		4704900380	108		Chas H. Hibbs 3067.....	7.0	General System Purchasers.
8036997		4704900397	108		D. L. Tennant 6843.....	4.0	General System Purchasers.
8036995		4704900405	108		E. I. Talkington 9523.....	1.0	General System Purchasers.
8036996		4704900398	108		E. P. Amos 9502.....	1.5	General System Purchasers.
8037057		4704102329	108		Frank McKinley 8261.....	8.0	General System Purchasers.
8037049		4704102374	108		Frank McKinley 8457.....	6.0	General System Purchasers.
8037055		4704102341	108		H. M. Stewart 8304.....	7.0	General System Purchasers.
8037003		4704900367	108		H. W. Heldreth 2159.....	5.0	General System Purchasers.
8037056		4704102339	108		Israel Simmons 8297.....	4.0	General System Purchasers.
8037006		4704900343	108		J. E. Parrish 787.....	7.0	General System Purchasers.

FERC No.	JA DKT No.	API No.	SECT	DEN	Well name	Prod	Purchaser
West Virginia Department of Mines—Continued							
8037066		4704102375	108		J. L. J. Bailey 8458	5.0	General System Purchasers.
8036992		4706100388	108		J. Musgrave 3902	10.0	General System Purchasers.
8037063		4704102382	108		J. T. Lovett 8816	8.0	General System Purchasers.
8037054		4704102350	108		J. V. Waldeck 8340	8.0	General System Purchasers.
8037061		4704102695	108		James P. Farrell 2576	7.0	General System Purchasers.
8036993		4706100386	108		James Fox 3426	7.0	General System Purchasers.
8037065		4704102379	108		John Dulan 8814	4.0	General System Purchasers.
8037010		4704900331	108		Joseph Campbell 114	8.0	General System Purchasers.
8037064		4704102380	108		Keister 8815	11.0	General System Purchasers.
8037001		4704900378	108		Luttie Bayne 2941	5.0	General System Purchasers.
8036998		4704900390	108		M. C. Cuckran 3982	4.0	General System Purchasers.
8037052		4704102363	108		Marion Lush 8412	8.0	General System Purchasers.
8037012		4704102909	108		Mary C. Alfred 8827	5.0	General System Purchasers.
8037008		4704900341	108		Mary R. Sturnis 772	3.0	General System Purchasers.
8037007		4704900342	108		Mary Robey 786	3.0	General System Purchasers.
8037067		4706100392	108		Presley Shriver 4392	12.0	General System Purchasers.
8037060		4704102700	108		S. D. Camden 8234	6.0	General System Purchasers.
8036991		4706100389	108		S. P. Tennant 4165	7.0	General System Purchasers.
8037009		4704900340	108		Thos. S. Morgan 758	2.0	General System Purchasers.
8036994		4704900408	108		Viola Eddy 9613	7.0	General System Purchasers.
8036999		4704900387	108		W. A. Morris 3865	4.0	General System Purchasers.
8037002		4704900369	108		W. S. Parrish 2197	7.0	General System Purchasers.
8037058		4706100396	108		Wm. J. Lemasters 9528	2.0	General System Purchasers.
8037005		4704900345	108		Zoe Martin 807	5.0	General System Purchasers.
Dennis D. Blauser. Received: 05/28/80 JA: WV: 8037044		4700700604	108		Nathan Goff #1-A	0.1	Equitable Gas Co.
Evaristus J. Klug. Received: 05/28/80 JA: WV:							
8037036		4705100663	108		Basehart #3	5.0	Consolidated Gas Supply Corp.
8037037		4705100664	108		Basehart #5	5.0	Consolidated Gas Supply Corp.
8037038		4705100665	108		George Klug #1	2.0	Consolidated Gas Supply Corp.
Francis E. Cain. Received: 05/28/80 JA: WV:							
8037035		4701300104	108		William Cooper #1	7.4	Cabot Corp.
8037034		4701300062	108		William Cooper #2	7.4	Cabot Corp.
Franklin Adkins. Received: 05/28/80 JA: WV:							
8037018		4709921673	103		Jerrell #1	18.0	Columbia Gas Trans Corp.
8037015		4709921617	103		Louvins #1	18.0	Columbia Gas Transmission Corp.
8037019		4709921674	103		Marcum #1	15.0	Columbia Gas Trans Corp.
8037020		4709921685	103		Pennington #1	14.0	Columbia Gas Trans Corp.
8037016		4709921619	103		Perry #1	16.0	Columbia Gas Trans Corp.
8037017		4709921670	103		Porter 1-8	16.0	Columbia Gas Trans Corp.
Interstate Drilling Inc. Received: 05/28/80 JA: WV: 8037045		4704102117	103		Strader No. 1	8.1	Consolidated Gas Supply Corp.
James P. Scott. Received: 05/28/80 JA: WV:							
8037040		4703302238	108		J. A. L. Day #1 (S-80)	2.1	Pennzoil United Inc.
8037039		4703302237	108		J. A. L. Day #2 (S-79)	2.1	Pennzoil United Inc.
8037048		4703302236	108		W. C. Perrine (S-70)	1.2	Pennzoil United Inc.
Jerry C. Olds. Received: 05/ 28/80 JA: WV: 8037047		4704120006	108		Vadie Brinkley #1	4.0	Consolidated Gas Supply Corp.
McCormick Oil & Gas Co. Received: 05/28/80 JA: WV: 8037043		4708501956	108		J. M. McCormick #1	3.0	Consolidated Gas Supply Corp.
Okmar Oil Co. Received: 05/ 28/80 JA: WV: 8037042		4701321924	108		A. H. Jackson #2	0.0	Consolidated Gas Supply Corp.
Roy G. Hildreth et al. Received: 05/28/80 JA: WV: 8037046		4701301192	108		Haymaker Gas Co. #1	4.4	Consolidated Gas Supply Corp.

## U.S. Geological Survey—Metairie, LA

Shell Oil Co. Received: 05/ 23/80 JA: TX 3: 803689*	0-1299	4270840078	102		A-19	0.0	United Gas Pipe Line Co.
--	--------	------------	-----	--	------	-----	--------------------------

## \*OTHER PURCHASERS:

8036891, Transcontinental Gas Pipeline Corp.  
8037184, Chase Gathering Systems Inc.  
8037187, Chase Gathering Systems Inc.  
8037190, Chase Gathering Systems Inc.  
8037191, Chase Gathering Systems Inc.  
8037192, Chase Gathering Systems Inc.  
8037195, Chase Gathering Systems Inc.  
8037196, Chase Gathering Systems Inc.  
8037197, Chase Gathering Systems Inc.

[FR Doc. 80-19883 Filed 7-1-80; 8:45 am]

BILLING CODE 6450-85-M

[Vol. 222]

**Determinations by Jurisdictional Agencies Under Natural Gas Policy Act of 1978**

June 23, 1980.]

The Federal Energy Regulatory Commission received notices of determination from the jurisdictional agencies listed herein, for the indicated wells, pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated

by a (D) in the DEN column. Estimated annual production is in million cubic feet (MMcf).

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before July 17, 1980.

Please reference the FERC Control Number in all correspondence related to these determinations.

**Kenneth F. Plumb,**  
Secretary.

FERC No.	JA DKT No.	API No.	SECT	DEN	Well Name	Prod	Purchaser
<b>Kansas Corporation Commission</b>							
Anadarko Production Co. received: 06/02/80 JA: KS:							
8038034	K-79-1894	1517520407	102		Morlan A No. 3	75.0	Cimarron Quinque.
8038033	K-79-2003	1517520410	102		Nix D No. 1	11.0	Cimarron-Quinque.
Byron E. Hummon Jr. Received: 06/02/80 JA: KS: 8038053.							
	K-79-1662	1515120485	103		Hemphills	72.0	Central States Gas Co.
Cities Service Co. Received: 06/02/80 JA: KS:							
8038028	K-80-0025	1512920398	102		Miller S #2	22.7	Colorado Interstate Gas Co.
8038058	K-79-1936	1509720547	103		Unruh D #1	60.0	Kansas Gas Supply Corp.
Cotton Petroleum Corp. Received: 06/02/80 JA: KS: 8038039.							
	K-80-0006	1502520048	108		Theis No. 1 B	7.6	Northern Natural Gas Co.
F G Holl Received: 06/02/80 JA: KS:							
8038032	K-79-1609	1504720431	102		Carpenter 1-5	18.0	Kansas-Nebraska Natural Gas Co.
8038031	K-79-1610	1504720388	102		Cross No. 1-18	36.0	Kansas-Nebraska Natural Gas Co Inc.
Hinkle Oil Co. Received: 06/ 02/80 JA: KS: 8038029.							
	K-79-1690	1514520605	102		Spence	18.0	Natural Gas Pipeline Co of America.
Imperial Oil Co. Received: 06/ 02/80 JA: KS: 8038049.							
	K-79-1976	151192020	108		Atkinson #1	5.0	Michigan Wisconsin Pipe Line Co.
Johnson-Mizel Oil Co. Received: 06/02/80 JA: KS: 8038059.							
	K-79-1925	1507530031	108		Starkey #1	18.2	Kansas-Nebraska Natural Gas Co.
Kansas-Nebraska Natural Gas Co. Inc. Received: 06/ 02/80 JA: KS:							
8038054	K-79-1913	1509300000	108		Conklin #1	15.0	
8038025	K-79-1907	1509320335	108		Jackson 1-2	15.0	Kansas-Nebraska Natural Gas Co Inc.
8038050	K-79-1975	1502320088	102		Lampe 1-33	22.8	
Kimbark Operating Co. Received: 06/02/80 JA: KS: 8038055.							
	K-79-1914	1517520374	103		S W College #1	0.0	Colorado Interstate Gas.
Ladd Petroleum Corp. Received: 06/02/80 JA: KS:							
8038040	K-80-0007	1507520226	103		HCU 0521-B	25.0	Kansas-Nebraska Natural Gas Co.
*8038041	K-80-0008	1507520229	103		HCU 0921-B	25.0	Kansas-Nebraska Natural Gas Co.
McKelvy Operating Corp. Received: 06/02/80 JA: KS:							
8038042	K-79-1978	1505500000	108		F M Greathouse #1	15.0	Northern Natural Gas Co.
8038048	K-79-1977	1505500000	108		Foster #1	10.0	Northern Natural Gas Co.
8038045	K-79-1982	1505500000	108		McAnamey #1	15.0	Northern Natural Gas Co.
8038047	K-79-1979	1505500000	108		Mearns #1	16.0	Northern Natural Gas Co.
8038044	K-79-1983	1505500000	108		Russell #1	10.0	Northern Natural Gas Co.
8038046	K-79-1981	1505500000	108		Sonderegger #1	18.0	Northern Natural Gas Co.
8038043	K-79-1984	1505500000	108		Winters #1	10.0	Northern Natural Gas Co.
Mobil Oil Corp. Received: 06/ 02/80 JA: KS: 8038067.							
	K-79-1917	1518920465	102		Hubbard No. 1 Unit No. 3	25.0	Northern Natural Gas Co.
Molz Oil Co. Received: 06/ 02/80 JA: KS:							
8038057	K-79-1916	1500720747	103		Etta #1	18.2	Panhandle Eastern Pipe Line Co.
8038056	K-79-1915	1500720781	103		Suzie #1	18.2	Panhandle Eastern Pipe Line Co.
National Coop Refinery Assoc. Received: 06/02/80 JA: KS: 8038062.							
	K-79-1928	1500720779	103		Trafas #1	90.0	Panhandle Eastern Pipe Line Co.
Northern Natural Gas Producing Co. Received: 06/02/80 JA: KS:							
8038037	K-80-0003	1518920478	103		Madden No. 1 Unit No. 2	70.0	Northern Natural Gas Co.

FERC No.	JA DKT No.	API No.	SECT	DEN	Well Name	Prod	Purchaser
<b>Kansas Corporation Commission—Continued</b>							
8038036	K-80-0002	1518920476	103		Moorhead #1 Unit #2	70.0	Northern Natural Gas Co.
8038035	K-80-0001	1518920475	103		Wing No. 1 Unit #2	70.0	Northern Natural Gas Co.
Petroleum Corporation of Texas Received: 06/02/80 JA: KS: *8038027.	K-79-1905	1508100000	108		Z A Kirkpatrick #1	15.0	Kansas-Nebraska Natural Gas Co Inc.
Sanders Oil Co. Received: 06/02/80 JA: KS: 8038030. The Maurice L Brown Co. Received: 06/02/80 JA: KS:	K-79-1743	1519100000	102		Rein-Beck #1	24.0	Getty Oil Co.
8038063	K-79-1921	1509720496	103		Alton Unruh B #2	36.0	Kansas Gas Supply.
8038064	K-79-1920	1509720523	103		Alton Unruh B #3	36.0	Kansas Gas Supply.
8038060	K-79-1923	1509720480	103		Cobb #1	10.4	Kansas Gas Supply.
8038061	K-79-1922	1509720498	103		Curtis Unruh #1	55.0	Kansas Gas Supply.
8038066	K-79-1918	1509720559	103		Curtis Unruh #2	36.0	Kansas Gas Supply.
8038065	K-79-1919	1509720431	103		Dorsett #1	69.0	Kansas Gas Supply.
W B Osburn Jr (operator). Received: 06/02/80 JA: KS:							
8038038*	K-80-0005	1509320578	103		Beymer 1	75.0	Colorado Interstate Gas Co.
8038052*	K-79-1517	1509320605	102		Earl 1-A	25.0	Colorado Interstate Gas Co.
8038026	K-79-1906	1509320583	103		Miles 2-A	30.0	Panhandle Eastern Pipeline.
Wayman W Buchanan. Received: 06/02/80 JA: KS: 8038051	K-79-1427	1507520209	103		Jones No. 1	91.2	Kansas-Nebraska Natural Gas Co Inc.
<b>Louisiana Office of Conservation</b>							
Ada Oil Exploration Corp. Received: 05/30/80 JA: LA:							
8037854	80-730	1711320401	102		Caldwell Land Inc No. 1	537.6	Michigan Wisconsin Pipeline Co.
8037855	80-729	1711300615	102		Lydie Broussard No. 1	865.0	Michigan Wisconsin Pipeline Co.
Chevron USA, Inc. Received: 05/30/80 JA: LA:							
8037857	80-727	1771420069	102		S L 1365 #68	51.0	Tennessee Gas Pipeline Co.
Strata Energy Inc. Received: 05/30/80 JA: LA:							
8037856	80-728	1772720117	102		State Lease 6618 No. 3	7.0	Louisiana Gas Co.
Williams Exploration Co. Received: 05/30/80 JA: LA:							
8037853	80-731	1771420070	102		State Lease 7678 No. 1	1.3	Louisiana Resources Co.
<b>Montana Board of Oil and Gas Conservation</b>							
Gulf Oil Corp. Received: 06/02/80 JA: MT:							
8037863	4-80-91	2508521172	102		Crusch 1-10	6.0	
J Burns Brown. Received: 06/02/80 JA: MT:							
8037861	3-80-83	2504121855	102		Graham 29-2	0.0	Northern Natural Gas Co.
8037862	3-80-81	2504122038	102		Long 30-2	0.0	Northern Natural Gas Co.
8037860	3-80-82	2504121781	102		Papillo 28-1	0.0	Northern Natural Gas Co.
Midlands Gas Corp. Received: 06/02/80 JA: MT:							
8037859*	4-80-93	2507121538	108		White 1-24	20.0	Kansas-Nebraska Natural Gas Co Inc.
Tricentrol United States, Inc. Received: 06/20/80 JA: MT:							
8037858	4-80-92	2504122119	102		State 16-10-T32N-R17E	215.0	Northern Natural Gas Co.
<b>Oklahoma Corporation Commission</b>							
A C Richards. Received: 06/02/80 JA: OK:							
8038069	02435	3504900000	108		L P Burford No. 1	19.0	Warren Petroleum Corp.
Amerada Hess Corp. Received: 06/02/80 JA: OK:							
8038090	03934	3504520086	108		James Berryman Unit D No. 1	0.0	Panhandle Eastern Pipeline Co.
Amoco Production Co. Received: 06/02/80 JA: OK:							
8038068	03920	3500735708	108		Baldwin Unit B #1	7.2	Northern Natural Gas Co.
8038097	03944	3505923484	108		Gebhardt Gas Unit #2-L	6.8	Michigan Wisconsin Pipeline Co.
8038092	03917	3504535238	108		Haskin Unit #1	12.8	Northern Natural Gas Co.
8038091	03916	3504535240	108		Hunter Unit #1	19.3	Northern Natural Gas Co.
8038099	03906	3500720225	108		Venable Unit C #1	6.4	Northern Natural Gas Co.
8038098	03945	3505935299	108		Wolf Unit #1	17.0	Michigan Wisconsin Pipeline Co.

FERC No.	JA DKT No.	API No.	SECT	DEN	Well Name	Prod	Purchaser
Oklahoma Corporation Commission—Continued							
Anadarko Production Co. Received: 06/02/80 JA: OK:							
8038085	03298	3513920956	102		Cowherd A No. 1	432.0	Panhandle Eastern Pipeline Co.
Champlin Petroleum Co. Received: 06/02/80 JA: OK:							
8038077	03706	3504700000	108		Homer P. King No. 1	15.0	Champlin Petroleum Co.
Chase Exploration Corp. Received: 06/02/80 JA: OK:							
8038105*	03902	3507121039	103		Andrews 3-14	15.0	Cities Service Gas Co.
8038113*	03882	3507121202	103		Berrie 1-8	15.7	Cities Service Gas Co.
8038107*	03893	3507121534	103		Breedlove #1-29	0.0	Cities Service Gas Co.
8038084*	03877	3507120889	103		Brown 3-26	34.0	Cities Service Gas Co.
8038114*	03881	3507121172	103		Fitch 1-30	17.5	Cities Service Gas Co.
8038108*	03892	3507121336	103		Fitch 2-30	16.5	Cities Service Gas Co.
8038095*	03879	3507121118	103		Harkins 2-19	42.5	Cities Service Gas Co.
8038083*	03876	3507120970	103		Honick 1-23	15.5	Cities Service Gas Co.
8038109*	03890	3507121608	103		Jantz 2-20	82.0	Cities Service Gas Co.
8038096*	03878	3507121026	103		Kahle 2-23	15.0	Cities Service Gas Co.
8038111*	03884	3507121048	103		Klein 2-19	27.0	Cities Service Gas Co.
8038094*	03880	3507121120	103		Kampschroeder 1-29	17.5	Cities Service Gas Co.
8038106*	03894	3507121404	103		Swaim 2-25	0.0	Cities Service Gas Co.
8038100*	03888	3507121609	103		Voegelé 1-20	12.5	Cities Service Gas Co.
8038110*	03889	3507121208	103		Voegelé 1-28	18.0	Cities Service Gas Co.
8038112*	03883	3507121476	103		Voegelé 1-30	17.5	Cities Service Gas Co.
Davis Oil Co. Received: 06/02/80 JA: OK:							
8038101	03895	3501520766	103		House Unit No. 1	500.0	Public Service Co. of Oklahoma
Dyco Petroleum Corp. Received: 06/02/80 JA: OK:							
8038073	03957	3504320970	103		Stout #1	500.0	Arkansas Louisiana Gas Co.
George P. Post, d.b.a. Post Petroleum Co. Received: 06/02/80 JA: OK:							
8038093	03943	3515120926	103		Casey #1	550.0	Panhandle Eastern Pipeline Co.
Jordan Oil & Gas Co. Received: 06/02/80 JA: OK:							
8038089	00690	3504520258	102		Hamre 1-28	91.0	Panhandle Eastern Pipeline Co.
Moran Exploration Inc. Received: 06/02/80 JA: OK:							
8038082	03624	3501721165	103		Dolezal #1	0.0	Phillips Petroleum Co.
Natural Gas Anadarko, Inc. Received: 06/02/80 JA: OK:							
8038071	03449	3500721511	102		Saunders #1-2	50.0	Phillips Petroleum Co.
Northwestern Production, Inc. Received: 06/02/80 JA: OK:							
8038072	02328	3507322131	103		Rich #1	100.0	Conoco Inc.
Permex, Inc. Received: 06/02/80 JA: OK:							
8038079	03696	3510700000	108		Ethel #1	10.4	Transok Pipe Line Co.
8038080	03698	3510700000	108		Ethel #2	10.4	Transok Pipeline Co.
8038087	03695	3510700000	108		Featherstone #1	5.1	Transok Pipeline Co.
8038088	03693	3510700000	108		McMahan #1	4.8	Transok Pipeline Co.
Rimrock Gas Co. Received: 06/02/80 JA: OK:							
8038086	03809	3500900000	108		Van Zandt No. 1	4.0	Arkansas Louisiana Gas Co.
Samson Resources Co. Received: 06/02/80 JA: OK:							
8038081	00252	3512120548	103		Lash Unit No. 1—Cromwell	100.0	Arkansas Louisiana Gas Co.
Seneca Oil Co. Received: 06/02/80 JA: OK:							
8038075	03964	3507920256	103		McDonald #1	0.0	Arkansas Louisiana Gas Co.

FERC No.	JA DKT No.	API No.	SECT	DEN	Well Name	Prod	Purchaser
Oklahoma Corporation Commission—Continued							
Southland Royalty Co. Received: 06/02/80 JA: OK:							
8038103	03937	3509321574	102		England #1-17	125.0	Michigan Wisconsin Pipeline Co.
8038102	03938	3509321521	102		Reay #1-18	100.0	Michigan Wisconsin Pipeline Co.
8038074	03972	3513921196	103		Stanford #1-19	100.0	Northern Natural Gas Co.
Tenneco Oil Co. Received: 06/02/80 JA: OK:							
8038078	02672	3501120546	108		Ruth Fuller Unit #1	5.0	Delhi Gas Pipeline Corp.
The GHK Co. Received: 06/ 02/80 JA: OK:							
8038104	03896	3500920220	102		Russell 1-5	75.0	Arkansas Louisiana Gas Co.
Thomas N. Berry & Co. Received: 06/02/80 JA: OK:							
8038070	02469	3511900000	108		Ross #2	17.1	Gas Transmitting Co.
Vulcan Energy Corp. Received: 06/02/80 JA: OK:							
8038076	03143	3507322081	103		Norman Smith #1	50.0	Phillips Petroleum Co.
West Virginia Department of Mines							
A C Radford. Received: 06/ 02/80 JA: WV:							
8037953		4701500721	108		Reed Heirs #1	3.3	Consolidated Gas Supply Corp.
8037954		4701500741	108		Reed Heirs #2	3.3	Consolidated Gas Supply Corp.
8037952		4701500749	108		Reed Heirs #3	3.3	Consolidated Gas Supply Corp.
Allegheny Land & Mineral Company. Received: 06/ 02/80 JA: WV:							
8037995		4708300255	103		A 784	0.0	Columbia Gas Transmission Corp.
8037997		4708300275	103		A 825	0.0	Columbia Gas Transmission Corp.
8037996		4708300274	103		A 841	0.0	Columbia Gas Transmission Corp.
8037998		4708300280	103		A 842	0.0	Columbia Gas Transmission Corp.
8037999		4708300281	103		A 856	0.0	Columbia Gas Transmission Corp.
Appalachian Exploration & Devel Inc. Received: 06/ 02/80 JA: WV:							
8037971		4701900402	102		Kanode #2	52.0	Equitable Gas Co.
8037872		4708120310	108		Pocahontas Land E-2	17.0	Cabot Corp.
Berea Gas. Received: 06/02/ 80 JA: WV:							
8037934		4706100248	108		City Incinerator Lease #1	0.9	Consolidated Gas Supply Corp.
8037927		4706100250	108		Robert Norris #1	0.9	Consolidated Gas Supply Corp.
8037955		4706100000	108		T J Johnson Jr. Ectal #1	4.5	Consolidated Gas Supply Corp.
Blue Creek Gas Company. Received: 06/02/80 JA: WV:							
8037994		4703903493	103		Dama Hill #1	60.0	Columbia Gas Transmission Corp.
8037993		4703903497	103		Dama Hill #2	40.0	Columbia Gas Transmission Corp.
8037968		4701501616	103		OD Stockley #4	50.0	Columbia Gas Transmission Corp.
Commodore Drilling Fund Ltd. Received: 06/02/80 JA: WV:							
8038004		4702103413	103		Clark A No. 1	20.0	Consolidated Gas Supply Corp.
8037986		4702103414	103		Clark A No. 2	50.0	Consolidated Gas Supply Corp.
Consolidated Gas Supply Corporation. Received: 06/ 02/80 JA: WV:							
8037988		4710900801	108		Consolidated Gas Supply 12444	15.0	General System Purchasers
8037870		4704700744	108		Consolidation Coal 12161	16.0	General System Purchasers
8037867		4703301057	108		J W. McKinley 12263	12.0	General System Purchasers
8037866		4703300971	108		Lewis B Hinkle 12160	16.0	General System Purchasers
8037871		4701701867	108		M T Williams 12307	15.0	General System Purchasers
8037869		4704700729	108		Pocahontas Land 12405	15.0	General System Purchasers
8037869		4704700730	108		Pocahontas Land 12405	10.0	General System Purchasers
8037864		4701900300	108		Vanetta Land 12140	16.00	General System Purchasers
CPC Exploration Inc. Received: 06/02/80 JA: WV:							
8037969		4702103417	103		Bailey A No. 1	30.0	Consolidated Gas Supply Corp.
D C Malcolm Inc. Received: 06/02/80 JA: WV:							
8037948		4709701954	103		Oldaker Unit #1	18.0	Consolidated Gas Supply Corp.
8037947		4709701947	103		Oldaker Unit #3	18.0	Consolidated Gas Supply Corp.

FERC No.	JA DKT No.	API No.	SECT	DEN	Well name	Prod	Purchaser
West Virginia Department of Mines—Continued							
Devon Corporation. Received:							
06/02/80 JA: WV:							
8037913	O & G Div	4703902291	108		E A Beane et al. #1	0.2	Columbia Gas Transmission Corp.
8037973		4705300198	103		Gary O Kapp #924	125.0	Kaiser Aluminum & Chemical Corp.
8037984		4705381770	103		Gladys Smith #891	21.0	Kaiser Aluminum & Chemical Corp.
8037914	O & G Div	4703501219	108		J E Shockey #803	8.0	Columbia Gas Transmission Corp.
8037912		4703902347	108		Kanawha Valley Bank #1	3.0	Columbia Gas Transmission Corp.
8037915		4703501217	108		Kathleen Hoy et al. #802	2.5	Columbia Gas Transmission Corp.
8037908		4703501208	108		Lewis Lane et al. #798	0.6	Columbia Gas Transmission Corp.
8037916		4703501213	108		M O Rogers et al. #800	7.0	Columbia Gas Transmission Corp.
8037987		4705300203	103		Vernon Withrow #934	100.0	Kaiser Aluminum & Chemical Corp.
Eagle Gas Co. Received: 06/02/80 JA: WV:							
8038018		4703320069	108		Bethel Barnes Heldreth #1 #57	6.0	Lumberport-Shinnston Gas Co.
8038019		4703320072	108		Bethel Barnes Heldreth #2 No. 58	21.0	Lumberport-Shinnston Gas Co.
8038024		4703300141	108		Clyde Robinson #12	7.0	Lumberport-Shinnston Gas Co.
8038023		4703302133	108		Fannie E. Dawson #2 No. 70	9.0	Lumberport-Shinnston Gas Co.
8038022		4703300132	108		George W. Holderman No. 31	0.0	Lumberport-Shinnston Gas Co.
8038020		4703320085	108		Louisa A. Lyon Well No. 62	0.4	Lumberport-Shinnston Gas Co.
8038021		4703320112	108		O. R. Hess #68	8.0	Lumberport-Shinnston Gas Co.
8038017		4703320051	108		Wood Boggess No. 55	6.0	Lumberport-Shinnston Gas Co.
Francis E. Cain. Received:							
06/02/80 JA: WV:							
8038012		4701302493	108		Burton Despard Heirs #1	4.8	Consolidated Gas Supply Corp.
8038013		4701302501	108		Burton Despard Heirs #2	4.8	Consolidated Gas Supply Corp.
8038015		4701302574	108		Burton Despard Heirs #3	4.8	Consolidated Gas Supply Corp.
8038014		4701302523	108		Burton Despard Heirs #4	4.8	Consolidated Gas Supply Corp.
8038006		4701301630	108		Emma Riggs Oil & Gas #1	2.9	Consolidated Gas Supply Corp.
8038010		4701302311	108		Emma Riggs Oil & Gas #2	2.9	Consolidated Gas Supply Corp.
8038011		4701302325	108		Emma Riggs Oil & Gas #3	2.9	Consolidated Gas Supply Corp.
8038008		4701321760	108		Hale Basnett Gas #1	1.8	Consolidated Gas Supply Corp.
8038009		4701302208	108		Hale Basnett Gas #2	1.8	Consolidated Gas Supply Corp.
8037879		4701301891	108		Hubert Kerby Gas	1.5	Consolidated Gas Supply Corp.
8037883		4708502858	108		J. E. Gumm #1	1.7	Consolidated Gas Supply Corp.
8037884		4708502962	108		J. E. Gumm #2	1.7	Consolidated Gas Supply Corp.
8038007		4701301831	108		James Duskey Oil & Gas #1	1.1	Consolidated Gas Supply Corp.
8037957		4701301802	108		James Roberts #1	3.3	Consolidated Gas Supply Corp.
8037882		4701302405	108		Ola Betts #1	1.1	Consolidated Gas Supply Corp.
8037878		4701301881	108		Rice-Rogers Oil & Gas #1	2.4	Consolidated Gas Supply Corp.
8037960		4701300919	108		Robert Minney #1	1.5	Consolidated Gas Supply Corp.
8037958		4701301638	108		Robert Minney #2	1.5	Consolidated Gas Supply Corp.
8037959		4701301449	108		T. C. Cain #1	1.2	Consolidated Gas Supply Corp.
8037880		4701302335	108		T. C. Cain #2	1.2	Consolidated Gas Supply Corp.
8037881		4701302365	108		T. C. Cain #3	1.2	Consolidated Gas Supply Corp.
8038005		4701302925	108		Willard Johnson Gas #1	3.5	Consolidated Gas Supply Corp.
Franklin Adkins. Received:							
06/02/80 JA: WV:							
8037876		4709921600	108		Asbury 1-A	19.8	Columbia Gas Transmission Corp.
8037877		4709921668	108		Crum #3	13.0	Columbia Gas Transmission Corp.
8037873		4702123218	108		Gainer #3	12.0	Columbia Gas Supply Corp.
8037875		4709921622	108		Meade 1-B	19.8	Columbia Gas Transmission Corp.
Gene Stalraker Inc.							
Received: 06/02/80 JA: WV:							
8037888		4702103427	103		B-27-1	25.0	Equitable Gas Co.
8037886		4702103444	103		B-28-1	25.0	Carnegie Natural Gas Co.
8037889		4702103446	103		B-29-2	25.0	Equitable Gas Co.
8037887		4702103523	103		B-30-2	25.0	Carnegie Natural Gas Co.
8037865		4701702468	103		B-34-1	25.0	Columbia Gas Transmission Corp.
8037885		4702103445	103		I-001	25.0	Cabot Corp.
H. C. Wilson. Received: 06/02/80 JA: WV:							
8037932		4706100258	108		Breck & Courtney #1	4.0	Consolidated Gas Supply Corp.
8037933		4706100259	108		Brook & Courtney #2	3.5	Consolidated Gas Supply Corp.
8037930		4706100191	108		C. J. Hewitt #1	3.9	Consolidated Gas Supply Corp.
8037929		4706100216	108		My Walls #1	7.7	Consolidated Gas Supply Corp.
Injun Gas Co. Received: 06/02/80 JA: WV:							
8037928		4706100265	108		A. G. Christy #1	2.1	Consolidated Gas Supply Corp.
J. & J. Enterprises Inc.							
Received: 06/02/80 JA: WV:							
8037985		4701700246	103		Noble #1	20.0	Consolidated Gas Supply Corp.
J. W. Divers. Received: 06/02/80 JA: WV:							
8037939		4701325100	108		White Hall #2-152	1.9	Cabot Corp.
8037961		4701321345	108		White Hall No. 3-293	1.8	Cabot Corp.

FERC No.	JA DKT No.	API No.	SECT	DEN	Well name	Prod	Purchaser
West Virginia Department of Mines—Continued							
James F. Scott. Received:							
06/02/80 JA: WV:							
8037964		4703302145	103		A. M. Garrett #1	26.0	Consolidated Gas Supply Corp.
8037965		4703301976	103		A. M. Garrett #2	26.0	Consolidated Gas Supply Corp.
8037962		4704102568	103		Clayton F. Stout #2	26.0	Consolidated Gas Supply Corp.
8037966		4704102537	103		Clayton Stout #1	26.0	Consolidated Gas Supply Corp.
8037967		4704102555	103		George L. Pickens #1	26.0	Consolidated Gas Supply Corp.
8037946		4704102687	103		Peter S. Bailey	26.0	Consolidated Gas Supply Corp.
8037963		4704102557	103		Roberta F. Peed #2	26.0	Consolidated Gas Supply Corp.
8037943		4704102556	103		Roberta Peed #1	26.0	Consolidated Gas Supply Corp.
Lowell Sampson. Received:							
06/02/80 JA: WV:							
8037905		4701301858	108		Denver Chendweth #1	0.3	Consolidated Gas Supply Corp.
8037906		4701301814	108		Denver Chendweth #1	5.0	Consolidated Gas Supply Corp.
8037903		4701302092	108		Denver Ellison #1	1.0	Consolidated Gas Supply Corp.
8037909		4701301709	108		Edward C. Arnold #1	3.0	Consolidated Gas Supply Corp.
8037917		4701300375	108		Ellen Reip #1	5.0	Consolidated Gas Supply Corp.
8037898		4701302389	108		Homer & Logan Reip #2	3.0	Consolidated Gas Supply Corp.
8037902		4701302134	108		J. M. Ellison #2	1.0	Consolidated Gas Supply Corp.
8037901		4701302149	108		J. M. Ellison #3	1.0	Consolidated Gas Supply Corp.
8037904		4701302064	108		Ora Gregg #1	1.0	Consolidated Gas Supply Corp.
8037900		4701302241	108		P. A. Reip #1	1.5	Consolidated Gas Supply Corp.
8037899		4701302301	108		Russell King #1	1.5	Consolidated Gas Supply Corp.
Minuteman Supplemental							
Drilling Fund. Received: 06/							
02/80 JA: WV:							
8038001		4702103429	103		Mick No. 1	20.0	Consolidated Gas Supply Corp.
8038003		4702103430	103		Sandy No. 3	20.0	Equitable Gas Co.
8037969		4702103417	103		Bailey A No. 1	30.0	Consolidated Gas Supply Corp.
Monitor Petroleum Corp.							
Received: 06/02/80 JA:							
WV:							
8037976		4708120471	103		G. E. Clay #1	36.0	Columbia Gas Transmission Corp.
8037977		4708120473	103		G. E. Clay #2	72.0	Columbia Gas Transmission Corp.
Morgantown Gas Co.							
Received: 06/02/80 JA:							
WV:							
8037935		4706100236	108		Davidson #2	2.0	Consolidated Gas Supply Corp.
8037936		4706100235	108		Ethel E. Moreland #1	1.3	Consolidated Gas Supply Co.
Mumma Oil Production Co.							
Received 06/02/80 JA:							
WV:							
8037911		4702102440	108		J. Fishback #1-Gil-2440	0.5	Columbia Gas Transmission Corp.
8037907		470212645	108		Moda Simmons #2	0.5	Columbia Gas Transmission Corp.
NRM Petroleum Corporation.							
Received: 06/02/80 JA:							
WV:							
8037938		4709701925	103		A. Swick #3	0.0	Columbia Gas Transmission Corp.
8037937		4701702444	103		Ora Morgan #1	0.0	Consolidated Gas Supply Corp.
Pace Pipeline Company.							
Received: 06/02/80 JA:							
WV:							
8037983		4703302206	103		Brohard #2	30.0	Consolidated Gas Supply Corp.
8037972		4701702336	103		E L Slusser #1	80.0	Consolidated Gas Supply Corp.
Reed-Wheeler-Young Oil &							
Gas Co. Received: 06/02/							
80 JA: WV:							
8037940		4701501629	103		Goshorn Heirs 2-A	20.0	Consolidated Gas Supply Corp.
Rockwell Petroleum							
Company. Received: 06/							
02/80 JA: WV:							
8037992		4702123552	103		Barbarow #5A	15.0	Consolidated Gas Supply Corp.
8037874		4702123498	107		Conner #1	30.0	Carnegie Natural Gas Co.
8037990		4702123426	103		Fiddler #1	35.0	Consolidated Gas Supply Corp.
8037991		4702123550	103		Fiddler #3	25.0	Consolidated Gas Supply Corp.
8037926		4704102859	103		Joe Brown #1	45.0	Columbia Gas Transmission Corp.
8037942		4701702494	103		Joe Brown #2	40.0	Columbia Gas Transmission Corp.
8037925		4701702502	103		Joe Brown #3	35.0	Columbia Gas Transmission Corp.
8037989		4701721407	103		Rush #3	30.0	Equitable Gas Co.
8037941		4701702375	103		Smith #1A	20.0	Columbia Gas Transmission Corp.

FERC No.	JA DKT No.	API No.	SECT	DEN	Well name	Prod	Purchaser
West Virginia Department of Mines—Continued							
Spartan Gas Company. Received: 06/02/80 JA: WV:							
8037974		4701100609	103		John Simms 1-S-205	7.0	Columbia Gas Transmission Corp.
8037975		4701100610	103		R. L. Harshbarger 1-S-206	7.0	Columbia Gas Transmission Corp.
Stephen Gas Co. Received: 06/02/80 JA: WV:							
8037897		4704100886	108		J. M. Dolan & M. J. Smith #1	1.0	Consolidated Gas Supply Corp.
8037896		4704100800	108		Quincy Pratt #1	1.0	Consolidated Gas Supply Corp.
Minuteman Supplemental Drilling Fund. Received: 06/ 02/80 JA: WV:							
8038000		4702103420	103		Allen No. 2	30.0	Consolidated Gas Supply Corp.
8038002		4702103443	103		Allen No. 3	30.0	Consolidated Gas Supply Corp.
Trio Petroleum Corp. Received: 06/02/80 JA: WV:							
8037970		4702103507	103		Gilmer County Court No. 3	30.0	Carnegie Natural Gas Co.
8037979		4702103558	103		Messenger A #1	30.0	Columbia Gas Transmission Corp.
Union Drilling Inc. Received: 06/02/80 JA: WV:							
8037893		4700101162	103		Jesse L. Fleming #2	0.0	Consolidated Gas Supply Corp.
8037891		4700101116	103		Julia M. Talbott #1	0.0	Columbia Gas Transmission Corp.
8037892		4700101117	103		Julia M. Talbott #2	0.0	Columbia Gas Transmission Corp.
8037895		4700101166	103		Robert R. Morris #1	0.0	Columbia Gas Trans Corp.
8037894		4700101167	103		Robert R. Morris #2	0.0	Columbia Gas Trans Corp.
8037890		4700101064	103		ODI—Mike Foss #1	0.0	Columbia Gas Transmission Corp.
8037951		4709701946	102		William F. Osburn #2	0.0	Columbia Gas Transmission Corp.
United Petro Ltd. Received: 06/02/80 JA: WV:							
8037980		4709701999	103		Bessie Hyre #1	36.0	Columbia Gas Transmission Corp.
8037982		4709702008	103		Bessie Hyre #2	22.0	Columbia Gas Transmission Corp.
8037956		4701302864	103		Isaac Hensley #1	6.0	Consolidated Gas Supply Corp.
8037849		4701302866	103		Isaac Hensley #3	6.0	Consolidated Gas Supply Corp.
8037950		4701302869	103		Isaac Hensley #4	6.0	Consolidated Gas Supply Corp.
8037978		4709701998	103		Robert Wilson #1	36.0	Columbia Gas Transmission Corp.
8037981		4709702007	103		Ruth Mick #1	22.0	Columbia Gas Transmission Corp.
8037945		4701302978	103		W. T. Moss #1—OPL	12.0	Columbia Gas Transmission Corp.
8037944		4701302979	103		W. T. Moss #2—OPL	12.0	Columbia Gas Transmission Corp.
V. L. Horner. Received: 06/ 02/80 JA: WV:							
8038016		4703320134	108		C. O. Southern #1	0.0	Eagle Gas Co.
W. E. Brewer. Received: 06/ 02/80 JA: WV:							
8037921		4705900772	108		Albert Meade #1	12.2	Columbia Gas Transmission Corp.
8037920		4705900780	108		Albert Meade #2	14.7	Columbia Gas Transmission Corp.
8037924		4705900141	108		C. J. Crawford #1	16.3	Columbia Gas Transmission Corp.
8037923		4705900142	108		C. J. Crawford Jr. #2	2.3	Columbia Gas Transmission Corp.
8037922		4705900143	108		C. J. Crawford Jr. #3	4.7	Columbia Gas Transmission Corp.
8037919		4705900803	108		Closterman Estate #3	4.1	Columbia Gas Transmission Corp.
8037918		4709900344	108		Jackson Spaulding Farm #1	9.6	Columbia Gas Transmission Corp.
8037910		4705900108	108		Riley Farm #1	5.0	Columbia Gas Transmission Corp.
Waynesburg Tool Co. Received: 06/02/80 JA: WV:							
8037931		4706100190	108		Downey Lot #1	2.3	Consolidated Gas Sup. Corp.

## \* Other Purchasers.

8037856, Southern Natural Gas Co.  
8037859, Montana Dakota Utilities Co.  
8038027, Kansas Nebraska Natural Gas Co Inc.  
8038038, Northern Natural Gas Co.  
8038041, Kansas Nebraska Natural Gas Co.  
8038052, Northern Natural Gas Co.  
8038083, Chase Gathering Systems Inc.  
8038084, Chase Gathering Systems Inc.  
8038094, Chase Gathering Systems Inc.  
8038095, Chase Gathering Systems Inc.  
8038096, Chase Gathering Systems Inc.  
8038100, Chase Gathering Systems Inc.  
8038105, Chase Gathering Systems Inc.  
8038106, Chase Gathering Systems Inc.  
8038107, Chase Gathering Systems Inc.  
8038108, Chase Gathering Systems Inc.  
8038109, Chase Gathering Systems Inc.  
8038110, Chase Gathering Systems Inc.  
8038111, Chase Gathering Systems Inc.  
8038112, Chase Gathering Systems Inc.  
8038113, Chase Gathering Systems Inc.  
8038114, Chase Gathering Systems Inc.

[FR Doc. 80-19882 Filed 7-1-80; 8:45 am]

BILLING CODE 6450-85-M

**Draft Consumer Program; Correction**

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Correction to a notice of publication for comment of draft consumer program.

**SUMMARY:** The FERC corrects an inaccurate citation in the agency's Draft Consumer Program, published on June 17, 1980.

**FOR FURTHER INFORMATION CONTACT:** Kenneth S. Levine, Director, Office of Congressional, Consumer and Public Affairs, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357-8370.

FR Doc. 80-17994, appearing in the June 17, 1980 issue of the *Federal Register*, is inaccurate.

On Page 41117, column one, paragraph 3, column two, paragraph 4 and on Page 41118, paragraph 6, there is a citation to Section 319 of the Public Utility Regulatory Policies Act of 1978 (PURPA). However, the correct citation should be Section 212 of PURPA which amends Section 319 of the Federal Power Act of 1935.

Dated: June 27, 1980.

**Kenneth S. Levine,**

*Director, Office of Congressional, Consumer and Public Affairs.*

[FR Doc. 80-19860 Filed 7-1-80; 8:45 am]

**BILLING CODE 6450-85-M**

**[Project No. 3112]****Eugene Water and Electric Board; Application for Preliminary Permit**

June 25, 1980.

Take notice that Eugene Water and Electric Board (Applicant) filed on May 30, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3112 to be known as Minto Dam and Power Plant Project located on the North Santiam River in Marion County, Oregon. Correspondence with the Applicant should be directed to: Mr. Keith Parks,

Eugene Water & Electric Board, P.O. Box 1048, Eugene, Oregon 97440, and Mr. Stanley E. Sporseen, Haner, Ross & Sporseen, Inc., 220 S.W. Alder Street, Portland, Oregon 97204.

**Project Description**—The project would consist of: (1) a proposed 80-foot high and 200-foot long, diversion dam with a pondage of 2,660 acre-feet; (2) a proposed 21-foot diameter pipeline; (3) a proposed powerhouse containing two generating units, each rated at 16,125 kW; and (4) a proposed transmission line. The project would use water released upstream from reservoirs at the Corps of Engineers Detroit Dam and Big Cliff Dam, and the energy production would be directly related to and dependent upon those water releases. The average annual energy production is estimated to be 150 GWH. Approximately 74.3 acres of private lands would be flooded.

**Purpose of Project**—The power and energy generated by the project would be used to serve the increasing loads of the Eugene Water & Electric Board 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 geotechnical studies and surveys, perform preliminary designs, quantity computations, cost estimates, and a feasibility analysis, conduct environmental studies and assessments, and prepare an FERC license application. No new roads are required to complete the studies. Applicant has filed a work plan for the new dam construction. The field studies to be conducted are survey cross sections and profiles, lead line and resistivity soundings, and seismic surveys.

The estimated cost of the work to be performed under the preliminary permit is \$120,000.

**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 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 September 22, 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 6, 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. 80-19868 Filed 7-1-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3110]

**Eugene Water and Electric Board;  
Application for Preliminary Permit**

June 25, 1980.

Take notice that Eugene Water and Electric Board (Applicant) filed on May 30, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3110 to be known as Sunnyside Water Power Project located on the Middle Fork of the Santiam River in Lane County, Oregon. Correspondence with the Applicant should be directed to: Mr. Keith Parks, Eugene Water and Electric Board, P.O. Box 1048, Eugene, Oregon 97440, and Mr. Stanley E. Sporseen, Haner, Ross & Sporseen, Inc., 220 S.W. Alder Street, Portland, Oregon 97204.

**Project Description**—The proposed project would consist of: (1) A 70-foot high and 300-foot long, concrete gravity diversion dam with three Taintor gates providing pondage of 1,400 acre-feet; (2) a 22-foot square concrete box power canal, approximately 2,000 feet long; (3) an 8-acre surge pond; (4) two 14.5-foot diameter and 200-foot long steel penstocks; (5) a powerhouse containing two generating units, each rated at 11,950 kW; and (6) a 115-kV transmission line. The capacity and energy production of the project would be directly related to and dependent upon the releases from the Corps of Engineers' Green Peter Dam and Reservoir located upstream of the proposed project. The average annual energy production is estimated to be 66.3 GWH. The project would affect lands of the U.S. under the administration of the Corps of Engineers.

**Purpose of Project**—The power and energy generated by the project would be used to serve the increasing loads of the Eugene Water and Electric Board 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 geotechnical studies and surveys, perform preliminary designs, quantity computations, cost estimates, and a feasibility analysis, conduct environmental studies and assessments, and prepare an FERC license application. No new roads are required to complete the studies. Applicant has filed a work plan for the new dam construction. The field studies to be conducted are survey cross sections and profiles, lead line and resistivity soundings, and seismic surveys.

The estimated cost of the work to be performed under the preliminary permit is \$120,000.

**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 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 September 22, 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 6, 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. 80-19869 Filed 7-1-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP74-192]

**Florida Gas Transmission Co.;  
Amendment to Application**

June 26, 1980.

Take notice that on June 13, 1980, Florida Gas Transmission Company, P.O. Box 44, Winter Park, Florida 32790, filed in Docket No. CP74-192 pursuant to § 1.11 of the Commission's rules of practice and procedure (18 CFR 1.11) an amendment to its application in the instant docket filed pursuant to Section 7(c) of the Natural Gas Act so as to reflect the filing of Supplemental Exhibits F, F-I, F-II, G, G-I and K (alternative 2) as directed by the Commission's order issued October 3, 1979, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before July 17, 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. All persons who have heretofore filed need not file again.

**Kenneth F. Plumb,**  
Secretary.

[FR Doc. 80-19870 Filed 7-1-80; 8:45 am]  
BILLING CODE 6450-85-M

[Project No. 3183]

**Massachusetts Municipal Wholesale Electric Co., and Connecticut Municipal Electric Energy Cooperative; Application for Preliminary Permit**

June 26, 1980.

Take notice that Massachusetts Municipal Wholesale Electric Company and Connecticut, Municipal Electric Energy Cooperative (Applicants) filed on May 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. 3183 to be known as the Warehouse Point Project located on the Connecticut River in the Towns of Windsor Locks and East Windsor, Hartford County, Connecticut. Correspondence with the Applicant should be directed to: Mr. Phillip C. Otness, General Manager, Massachusetts Municipal Wholesale Electric Company, Stony Brook Energy Center, Post Office Box 426, Ludlow, Massachusetts, 01056, and Mr. Walter W. Truitt, Jr., Executive Director, Connecticut Municipal Electric Energy Cooperative, 268 Thomas Road, Groton, Connecticut, 06340.

**Project Description**—The proposed project would consist of: (1) A new 35-foot high, 1500-foot long dam (exact dimensions and design to be determined) located 1,100 feet upstream of the Route 41 Bridge; (2) a 25,000-foot long reservoir with a normal water surface elevation of 41.5 feet msl and having 2,000 acre-feet of usable storage capacity; (3) a powerhouse to be located at the east abutment with a total rated capacity of 35 to 50 MW; (4) a 4,600-foot long tailrace channel; (5) a switchyard; (6) a new 2,000-foot long transmission line; and (7) appurtenant facilities. Total estimated average annual generation would be up to 150 million kWh saving the equivalent of 246,300 barrels of oil or 69,000 tons of coal.

**Purpose of Project**—Power generated by the project would be utilized by the Applicant for distribution to its member municipalities.

**Proposed Scope and Cost of Studies under Permit**—The work proposed

under the preliminary permit would include preliminary designs and economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. No ground disturbing activities are contemplated. Applicant states that sufficient geologic information on the site already exists. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be \$46,520.

**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 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**—This application was filed as a competing application to The Windsor Locks Canal Project filed on February 20, 1980, Project No. 3049, under 18 CFR 4.33 (as amended, 44 FR 61328, October 25, 1979). Notices of intent to file competing applications to that application were due June 6, 1980, and therefore no additional competing applications or notices of intent to file competing applications will be accepted.

**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 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, 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. 80-19871 Filed 7-1-80; 8:45 am]  
BILLING CODE 6450-85-M

[Project No. 3180]

**New Hampshire Water Resources Board; Application for Preliminary Permit**

June 25, 1980.

Take notice that the New Hampshire Water Resources Board (Applicant) filed on May 19, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3180 to be known as the Greggs Falls Project located on the Piscataquog River in Hillsborough County, near Goffstown, New Hampshire. Correspondence with the Applicant should be directed to: Mr. George M. McGee, Sr., New Hampshire Water Resources Board, 37 Pleasant Street, Concord, New Hampshire 03301.

**Project Description**—The proposed project would consist of existing project works including: (1) Greggs Falls dam, a concrete gravity structure about 1,000 feet long and 47 feet high, with an overflow spillway at crest elevation 270 feet m.s.l.; (2) Glen Lake, a reservoir with a surface area of 136 acres; (3) penstocks; (4) powerhouse; (5) tailrace; and (6) other appurtenances. New project works would include installation of two 750 kW vertical turbine-generator units in the existing powerhouse, or installation of two 750 kW tube turbine-generators in a new powerhouse addition. Applicant estimates annual generation would average about 7.9 million kWh.

**Purpose of Project**—Energy developed at Project No. 3180 would be sold to the Public Service Company of New Hampshire for distribution to its customers.

**Proposed Scope and Cost of Studies under Permit**—The Applicant seeks

issuance of a preliminary permit for a period of 36 months. The work to be performed under this preliminary permit will consist of gathering necessary data, completing surveys and environmental studies, obtaining necessary Federal, State and local permits, and preparing necessary documentation for the Federal Energy Regulatory Commission's licensing requirements. Applicant estimates that the cost of works to be performed under the permit will not exceed \$100,000.

**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 the power, and all other information necessary for inclusion in an application for a license.

**Agency Comments**—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Competing Applications**—Anyone desiring to file a competing application must submit to the Commission, on or before August 27, 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 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 27, 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. 80-19872 Filed 7-1-80; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. CP80-341]

**Northern Natural Gas Co., Division of InterNorth, Inc., Amendment to Application**

June 26, 1980.

Take notice that on June 12, 1980, Northern Natural Gas Company Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP80-341 an amendment to its pending application filed pursuant to Section 7(c) of the Natural Gas Act in the instant docket so as to reflect the relocation of the proposed pipeline, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that in its application filed in the instant docket, it requested authorization to construct and operate approximately 13.8 miles of 10-inch pipeline, 3.0 miles of 6-inch pipeline and metering and appurtenant facilities extending from the producer platforms located in Galveston Block 144L, offshore Texas, to an existing sub-sea tap of Black Marlin Pipeline Company's (Black Marlin) 16-inch pipeline in Block 99, offshore Texas. Applicant asserted that such facilities were required to attach and transport natural gas reserves located in Block 144L which Applicant has contracted to purchase.

Subsequently, Applicant states, the U.S. Army Corps of Engineers (Corps of Engineers) has advised Applicant that the originally proposed pipeline route was unacceptable.

In view of the unacceptability of the originally proposed pipeline route,

Applicant proposes to change the route of the pipeline between the producer platforms in Block 144L and the point of tie-in with Black Marlin's 16-inch pipeline in Block 99. The route change would result in the construction and operation of 11.3 miles of 10-inch pipeline and 2.3 miles of 6-inch pipeline, it is stated. Additionally, Applicant asserts that the Corps of Engineers has indicated that they would look upon the herein proposed pipeline route more favorably.

Applicant states that the estimated cost of the proposed facilities is \$18,330,000. The increased costs of the alternate route is primarily attributable to rapidly increasing costs for offshore pipeline construction since the project costs were originally estimated and to the requirement of deep burial (16.5 ft.) of the pipeline in the Anchorage area, it is said.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before July 17, 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. 80-19873 Filed 7-1-80; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. ER80-184]

**Oklahoma Gas & Electric Co.; Order Accepting Rates for Filing, Suspending Proposed Rates Granting Waiver and Establishing Procedures**

June 20, 1980.

On January 15, 1980, Oklahoma Gas & Electric Company (OG&E) tendered for filing an agreement between OG&E and Gulf States Utilities Company (GSU) that provides for the sale of 150 MW of capacity and associated energy through December 31, 1980.<sup>1</sup> The filing was

<sup>1</sup> Designated as: *Oklahoma Gas & Electric Company, Rate Schedule FERC No. 108* (Supersedes Footnotes continued on next page

completed on April 23, 1980 when OG&E submitted additional data in response to a deficiency letter dated February 14, 1980. The present filing provides for an increase in the prior demand charge component of the rate to GSU of \$1,260,000 (4.2 percent) for the twelve-month period ending December 31, 1980. The energy charge component of the prior rates is not changed by the instant submittal. OG&E requests waiver of the notice requirements and an effective date of January 1, 1980.

Notice of the filing was issued on January 18, 1980 with protests or petitions to intervene due on or before February 8, 1980. No protests or petitions to intervene have been received.

OG&E has included in the energy charge of its present submittal a fuel adjustment provision which tracks the costs of natural gas incurred by the company. The Commission notes however that in October, 1979, OG&E placed in service a new 515 MW coal-fired generating unit and plans to bring on line a second coal-fired unit of comparable size during mid-1980. With the addition of these two units it appears that OG&E's fuel adjustment provision is inappropriate for use in conjunction with the company's sale of system capacity and generation.

OG&E has stated in response to a deficiency letter<sup>2</sup> that the use of a fuel adjustment provision that gives consideration only to the replacement cost of gas is proper because it more accurately reflects the true cost of energy associated with the off-system sales to GSU. OG&E further states that the off-system sales are provided to GSU from gas-fired units only.

Our review of OG&E's submittal indicates that the monthly demand charge proposed by OG&E for the sale of 150 MW of non-firm capacity to GSU would be reasonable if such capacity were provided from OG&E's entire system. However, OG&E's proposed demand charge, when analyzed in light of only those fixed costs related to OG&E's gas-fired units, reflects an excessive contribution by GSU toward the investment costs of those units. OG&E has indicated that the coal-fired units will not be utilized to provide service to GSU. But we note that OG&E's agreement with GSU makes

available to GSU capacity "from any of OG&E's generating units."

As a result of the apparent inconsistencies noted above the Commission finds that OG&E's proposed rates to GSU have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Therefore, we shall accept OG&E's submittal for filing, suspend the rates for one day, and order a hearing on the justness and reasonableness of the filed demand and energy charges.

We shall also grant OG&E's request for waiver of the notice requirements to permit the rates to become effective on January 1, 1980, subject to refund. GSU has specifically agreed to the terms of service, including the effective date of such service. Primarily for this reason, and after considering the other circumstances presented here, we find good cause to grant the waiver.

*The Commission orders:*

(A) OG&E's submittal is hereby accepted for filing and suspended for one day, to become effective January 1, 1980, subject to refund. Good cause exists to permit waiver of our notice requirements pursuant to § 35.11 of our Regulations.

(B) 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 of the Federal Power Act, specifically §§ 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), a public hearing shall be held concerning the justness and reasonableness of the rates proposed and filed with this Commission by OG&E.

(C) A presiding administrative law judge to be designated by the Chief Administrative Law Judge, shall convene a prehearing discovery conference in this proceeding to be held within 30 days of issuance of this order in a hearing room at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. This conference will be for the purpose of expediting discovery and resolving any initial controversies relating to data requests and discovery. The presiding judge is authorized to establish procedural dates and to rule upon all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's rules of practice and procedure.

(D) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission.

Lois D. Cashell,

*Acting Secretary.*

[FR Doc. 80-19884 Filed 7-1-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3125]

**Sellers Manufacturing Co., Inc.;  
Application for Preliminary Permit**

June 26, 1980.

Take notice that Sellers Manufacturing Company, Inc. (Applicant) filed on April 1, 1980, and supplemented on May 7, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 3125 to be known as the Falls Dam Project located on the Neuse River in Wake County, North Carolina. The project is located about ten miles north of Raleigh, North Carolina. Correspondence with the Applicant should be directed to: John M. Jordan—Vice President, Sellers Manufacturing Company, Inc., Post Office Box 128 Saxapahaw, North Carolina 27340.

*Project Description*—The proposed project would consist of: (1) A proposed powerhouse with an intalled generating capacity of 3,200 kW located at the Corps of Engineer's Falls Dam (now under construction) on the Neuse River, Wake County, North Carolina and, (2) appurtenant facilities. The annual energy generation is estimated to be 7,100,000 kWh. The project boundary will enclose approximately 20 acres, all of which are owned by the Federal Government.

*Purpose of Project*—Sellers Manufacturing Company proposes to develop the hydroelectric potential at the Falls Dam. Potential customers for the energy generated include nearby towns and Carolina Power and Light.

*Proposed Scope Cost of Studies Under Permit*—The applicant seek issuance of a preliminary permit for a period of 36 months. During this time the significant legal, institutional, engineering, environmental, marketing, economic and financial aspects of the project will be defined, investigated and assessed to support and investment decision. The report of the proposed study will address whether or not a commitment to implementation is warranted, and, if the findings are positive, describe the steps required for implementation. The report will be prepared so that the information presented will be useful in preparing an application for license for the project. The Applicant's estimated total cost for performing a feasibility study is \$45,000.

*Purpose of Preliminary Permit*—A preliminary permit does not authorize

Footnotes continued from last page  
Rate Schedule FERC No. 105; Exhibit A to Rate Schedule FERC No. 108 (Extension of Transmission Arrangements).

<sup>2</sup> As part of its deficiency letter dated February 14, 1980, the Commission staff requested that OG&E file a fuel adjustment clause conforming to the requirements of § 35.14 of the Commission's regulations.

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 29, 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 28, 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 29, 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. 80-19874 Filed 7-1-80; 8:45 am]

**BILLING CODE 6450-85-M**

**[Project No. 3202]**

**Sellers Manufacturing Co., Inc.;  
Application for Preliminary Permit**

June 25, 1980.

Take notice that Sellers Manufacturing Company, Inc. (Applicant) filed on June 2, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3202 to be known as Avalon Dam located on the Mayo River in Rockingham County, North Carolina. Correspondence with the Applicant should be directed to: John M. Jordan, Sellers Manufacturing Company, Inc., P.O. Box 128, Saxapahaw, North Carolina 27340.

**Project Description**—The proposed project would consist of: (1) An existing 15-foot high and 300-foot long stone masonry dam, including headworks and gate structures; (2) an existing headrace canal approximately 2,200 feet long and averaging 20 feet wide; (3) an existing 9-foot diameter and 200-foot long penstock; (4) an existing powerhouse with a proposed installed capacity of 600 kW; (5) an existing 200-foot long tailrace canal; (6) an existing 10-acre reservoir with a gross storage capacity estimated to be 150 acre-feet; and (7) appurtenant facilities. The average annual energy generation is estimated to be 1,580 MWh.

**Purpose of Project**—Sellers Manufacturing Company proposes to develop the hydroelectric potential of the project and sell the power output to a textile mill, Washington Mills, or Duke Power Company.

**Proposed Scope and Cost of Studies Under Permit**—The Applicant seeks issuance of a preliminary permit for a period of 36 months. During this time the significant legal, institutional, engineering, environmental, marketing, economic and financial aspects of the project will be defined, investigated and assessed to support an investment decision. The report of the proposed study will address whether or not a commitment to implementation is warranted, and, if the findings are positive, describe the steps required for implementation. The report will be prepared so that the information

presented will be useful in preparing an application for license for the project. The Applicant's estimated total cost for performing a feasibility study is \$25,000.

**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 the power, and all other information necessary for inclusion in an application for a license.

**Agency Comments**—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Competing Applications**—Anyone desiring to file a competing application must submit to the Commission, on or before August 27, 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 comments, protest, or petition to intervene must be filed on or before August 27, 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. 80-19875 Filed 7-1-80; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. CP80-394]

**Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application**

June 26, 1980.

Take notice that on June 6, 1980, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP80-394 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to serve Entex, Inc. (Entex),<sup>1</sup> which is presently served under several contracts pursuant to Applicant's Rate Schedules G-1 and GS-1, under a single gas sales contract between Applicant and Entex pursuant to Applicant's Rate Schedule CD-1, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it is currently rendering natural gas service to Entex under several contracts pursuant to Applicant's Rate Schedules G-1 and GS-1 between Applicant and United and Applicant and Entex. It proposes to render this service under a single new gas sales contract between Applicant and Entex pursuant to Applicant's Rate Schedule CD-1.

Applicant states that the proposed change would not increase the total maximum daily volumes of 20,332 Mcf presently authorized for Entex, nor would it alter the annual volumetric limitations prescribed for Entex.

Applicant further states that the proposed change in service would have no detrimental effect upon service to Applicant's other existing customers.

The proposed delivery points to Entex under Rate Schedule CD-1 are as follows:

- (1) Lambert Sales in Quitman County, Mississippi;
- (2) Oxford Sales in Lafayette County, Mississippi;

- (3) Coffeerville Sales in Yalobusha County, Mississippi;
- (4) Crowder Sales in Quitman County, Mississippi;
- (5) Drew-Jacquith Sales in Sunflower County, Mississippi;
- (6) Ruleville Sales in Sunflower County, Mississippi;
- (7) Shaw Sales in Sunflower County, Mississippi;
- (8) Sumner Sales in Tallahatchi County, Mississippi.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 17, 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. 80-19877 Filed 7-1-80; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. CP78-430]

**Texas Eastern Transmission Corp. and Transcontinental Gas Pipe Line Corp.; Petition To Amend**

June 26, 1980.

Take notice that on June 13, 1980, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, and Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP78-430 a petition to amend the order issued September 25, 1978, as amended January 4, 1980, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize an additional point of receipt for the exchange of natural gas, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that Petitioners are parties to a transportation and exchange agreement dated May 23, 1978, which provides for the transportation and exchange of natural gas volumes of up to 17,000 Mcf per day at various points. Petitioners propose herein for Transco to receive natural gas produced by Continental Oil Company (Conoco) and sold to Texas Eastern at Conoco's Acadia Plant outlet, Acadia Parish, Louisiana.

Petitioners assert that no additional facilities would be required for the addition of the Acadia receipt point, and the volumes delivered would not increase the amount of authorized exchange gas.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 17, 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 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. 80-19878 Filed 7-1-80; 8:45 am]  
BILLING CODE 6450-85-M

<sup>1</sup> Formerly United Gas Inc. (United).

[Docket No. CP80-398]

**Transcontinental Gas Pipe Line Corp.; Application**

June 26, 1980.

Take notice that on June 6, 1980, American Bakeries Company (Applicant), 10 Riverside Plaza, Chicago, Illinois 60606, filed in Docket No. CP80-398 an application pursuant to Section 7(c) of the Natural Gas Act and § 157.101 of the Regulations thereunder (18 CFR 157.101) for a certificate of public convenience and necessity authorizing Transcontinental Gas Pipe Line Corporation (Transco) to transport up to 725 Mcf of natural gas per day for Applicant for the period November 1, 1979, through October 31, 1984, 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 operates bakeries, producing a full line of bread products as food for human consumption, in Charlotte, Fayetteville, Rocky Mount, and Winston-Salem, North Carolina. Applicant states that in July 1977 it contracted to purchase up to 800 Mcf of natural gas per day from Glen A. Martin in Duval County, Texas, and entered into contracts with Transco to transport the gas from Texas to North Carolina for delivery to Applicant's local suppliers, Piedmont Natural Gas Company (Piedmont) and North Carolina Natural Gas Corporation (NCNGC), and with Piedmont and NCNGC to transport the gas from Transco's point of delivery to Applicant's plants, all of these contracts, both purchase and transportation, being for a two-year term from date of initial delivery. Applicant states that in June 1978 Transco was authorized to transport the subject gas for the account of Applicant.

Applicant states further that Transco continued to render the transportation service until May 1980, when it advised Applicant that it lacked certificate authority, refused Applicant's request to file for the extension of authority contemplated by the June 1978 order, terminated transportation service, and sought to buy the Martin gas then under contract to Applicant.

Applicant proposes, pursuant to Order No. 27 issued by the Commission on April 23, 1979, in Docket No. RM79-18, that Transco transport up to 725 Mcf of natural gas on a peak day, 550 Mcf on an average day, and 165,000 Mcf annually for Applicant.

Applicant states that if the requested authorization is issued, it would attempt to obtain an extension of the existing transportation agreement with Transco

for the period after November 1, 1980, the rate level being that contained in Transco's presently effective tariff sheets. Applicant states further that all of the gas transported would be used in direct-fired ovens for baking food product such use being a process use which has been defined as an "essential agricultural use."

The total end-use requirements for natural gas at each location where the transported gas would be used are as follows, it is stated:

	Peak day (Mcf)	Average day (Mcf)
Charlotte.....	270	250
Fayetteville.....	100	75
Rocky Mount.....	115	110
Winston-Salem.....	140	120
Total.....	725	555

Applicant further asserts that it has retained Energy Buyers Service Corporation as its agent in acquiring the gas from the producer and arranging for its transportation by the pipeline.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 17, 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 or Transco to appear or be represented at the hearing.

**Kenneth F. Plumb,**  
Secretary.

[FR Doc. 80-19879 Filed 7-1-80; 8:45 am]

BILLING CODE 6450-85-M

[Dockets Nos. ER80-38 and ER80-121]

**West Texas Utilities Co.; Order Denying Application for Rehearing**

Issued June 26, 1980.

March 13, 1980, West Texas Utilities Company (WTU) filed an application for rehearing of the Commission's suspension order issued February 4, 1980.

In the suspension order the Commission denied WTU's request for rate change relief from City of Sonora under Section 206 of the Federal Power Act. The ground of denial was that increased rates to Sonora are allowable, under the present contract between the parties, only upon its expiration or renegotiation or to reflect a retail rate change generally in effect on WTU's system.

WTU contends that the Commission erred in denying its request on the ground that subsection (a) of Article 3 of its "Agreement for Electric Service to the City of Sonora"<sup>1</sup> is nearly identical to the contractual language at issue in *Public Service Co. of New Mexico v. FPC*, 557 F.2d 227 (10th Cir. 1977),<sup>2</sup> on the

<sup>1</sup> Article 3—

(a) \* \* \* It is understood and agreed, however, that this rate schedule is expressly subject to change by such governmental regulatory or other body as may have jurisdiction in the matter.

(b) In the event Company obtains a change in its retail rates generally in effect over its system and based thereon proposes that the above Rate schedule be changed, Company will give City sixty (60) days written notice prior to the proposed effective date of the change. In the event the parties hereto cannot agree on the proposed change, Company may place the proposed change into effect six (6) months from the date City was notified of the proposed change and City may terminate this contract by giving twenty-four (24) months written notice within one hundred and twenty (120) days after the effective date of the rate change.

<sup>2</sup> Article XII of the PNM/Gallup contract, which WTU contends is analogous to Article 3(a) of the WTU/Sonora contract, provides:

The contract including tariff made a part hereof, shall at all times be subject to such changes or modification as shall be ordered from time to time by any legally constituted regulatory body having jurisdiction to require such changes or modifications. (557 F.2d at 228).

Article II of the PNM/Gallup contract provides: Notwithstanding the earliest effective date of termination (July 1, 1977) as set forth in Article II (Term) above, should the rates charged herein to the Consumer by the Company be increased for any reason whatsoever other than fuel cost or tax adjustments provided for herein, then and in that event, the Consumer shall immediately have the

Footnotes continued on next page

basis of which the Commission ordered a Section 206 proceeding to determine a just and reasonable rate for PNM's service to City of Gallup. The Commission determination was that the *Sierra-Mobile burden of proof*<sup>3</sup> did not apply for a rate change under Section 206 because rate changes by the FERC were envisioned in Article XII of the PNM/Gallup contract.

In its response filed May 2, 1980, Sonora relies upon subsection (b) of Article 3 in countering that rate changes other than ones occasioned by renegotiation or termination of the contract are permitted under the contract only when necessary to preserve the competitive relationship between Sonora and WTU in retail markets. Any other proposed changes fall with the scope of the *Sierra-Mobile* burden, above. We agree.

The differences, rather than the similarities in the contractual language at issue in the two cases, are dispositive of the dispute here. Although the WTU/Sonora and the PNM/Gallup contracts both include provisions for notice of rate change and for termination by the customer in the event of such change, the language in Article 3(b) of the WTU/Sonora contract apparently was included to preserve the relative competitive position of the parties in the retail markets. The subsection expressly limits rate changes to those proposed:

(i) In the event Company obtains a change in its retail rates generally in effect over its system \* \* \*

Article 3(b); "Agreement for Electric Service to the City of Sonora." No such limitation was in the PNM/Gallup contract. Instead, that contract provided for rate changes proposed:

for any reason whatsoever other than fuel cost or tax adjustments provided for herein \* \* \*

557 F.2d 229; emphasis added. Thus, although both contracts provide for notice and termination procedures in the event of a rate change, the scope of rate changes allowable under the WTU/

Footnotes continued from last page  
option within ninety (90) days after the Consumer is given notice of such rate increase to terminate this agreement; provided, however, that the Company will supply for a two (2) year period thereafter such power and energy in accordance with the new or increased rates as may be requested by Consumer from time to time up to the amount specified in Article IV hereof (557 F.2d at 229).

<sup>3</sup> *FPC v. Sierra Pacific Power Co.*, 350 U.S. 348 (1956); *United Gas Pipe Line Co. v. Mobile Gas Service Corp.*, 350 U.S. 332 (1956). In the *Sierra* opinion at 355, the burden is described as a showing that the contract rate "is so low as to adversely affect the public interest—as where it might impair the financial ability of the public utility to continue its service, cast upon other customers an excessive burden, or be unduly discriminatory."

Sonora contract is restricted to three specifically identified circumstances,<sup>4</sup> while the scope of rate changes allowable under the PNM/Gallup contract is virtually infinite.

WTU also contends that subsections (a) and (b) of Article 3 are independent provisions setting forth separate methods to effectuate changes in the contract rate to Sonora. WTU notes that at the time the contract became effective it was not subject either to FERC or to Texas Public Utility Commission (TPUC) jurisdiction. Article 3 is explained as a statement of anticipation of possible regulatory jurisdiction during the term of the contract and, therefore, provides in subsection (a) a mechanism for rate changes additional to subsection (b).

We disagree. While Section (a), standing alone, might be interpreted as WTU suggests, we believe that it is qualified by Section (b). We view Article 3 as an integrated set of provisions for the effectuation of rate changes; subsection 3(a) recognizes potential regulatory forums to administer such changes and subsection 3(b) identifies factual prerequisites for effectuation of any rate changes, whether administered by the FERC or by the TPUC, or otherwise.

Our approach to the WTU/Sonora contract is like that in *Richmond Power & Light Co. v. FPC*, 481 F.2d 490 (D.C. Cir. 1973),<sup>5</sup> where the Court looked to the competitive relationship between the parties as a guide to the interpretation of their contract language:

The parties to this particular contract each had certain interests it sought to protect in drafting the provision under discussion \* \* \*. We see no reason why the integrity of this contractual undertaking is any less deserving of protection under the Act than one for single fixed rate.

481 F. 2d at 497. Outside of termination, renegotiation, or general retail rate increases, proposed changes to the WTU/Sonora contract rate are subject to the *Sierra-Mobile* burden of establishing the existence of public interest considerations sufficiently compelling to disturb the contractual relations of the parties. Since WTU's request for rate relief from Sonora is based neither upon the allegation that rate relief is in conformity with any of the three prerequisites in Article 3(b), nor upon the allegation that the contract rate is so low as to adversely affect the public interest, we shall deny the application for rehearing.

<sup>4</sup> *Viz.*, upon the expiration or renegotiation of the contract or to reflect a retail rate change generally in effect on WTU's system.

<sup>5</sup> *cert. denied sub nom. Indiana and Michigan Electric Co. v. Anderson Power & Light Co.*, 419 U.S. 1068 (1973).

The Commission orders:

(A) The application for rehearing is denied.

(B) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission.

Lois D. Cahsell,  
Acting Secretary.

[FR Doc. 80-19880 Filed 7-1-80; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. CP80-382]

**Northern Natural Gas Co.; Division of InterNorth, Inc.; Application**

June 17, 1980.

Take notice that on May 27, 1980, Northern Natural Gas Company Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP80-382, 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 97 minor delivery stations and the sale and delivery of additional volumes of natural gas in the States of Montana, South Dakota, Minnesota, Iowa, Nebraska, Kansas, Oklahoma and Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to provide service to right-of-way grantors whose easements provide for the contractual right to gas service as partial compensation for the easement to construct and operate pipeline facilities across their property. It is stated that such service would be made to small volume<sup>1</sup> industrial, commercial and residential customers.

Applicant proposes to install and operate 86 small volume sales measuring stations in Minnesota, South Dakota, Iowa, Nebraska, Kansas and Texas which it says are required to make sales of natural gas to customers through Peoples Natural Gas Company, a Division of InterNorth, Inc. (Peoples). It is stated that the firm volumes to be delivered would be provided from Peoples' presently authorized contract demand.

Applicant proposes to install and operate 5 delivery stations in Oklahoma. It is stated that Applicant would sell and deliver natural gas to Southern Union Gas Company (*So. Union*) for these small volume customers, which would result in an increase in annual

<sup>1</sup>As defined in Applicant's Gas Tariff, maximum daily requirements under 200 Mcf are considered small volume customers

sales to So. Union under Applicant's Rate Schedule X-46 of 46,485 Mcf to So. Union.

Applicant proposes to install and operate 2 delivery stations in Texas, and would sell and deliver natural gas to West Texas Gas, Incorporated (WTG) for resale to these small volume customers under its Rate Schedule X-40. It is stated that this would result in an increase in annual sales of 24,188 Mcf of natural gas to WTG.

Applicant proposes to install and operate four delivery stations and make direct sale and delivery of natural gas to four Montana customers pursuant to terms of farm tap contracts between Applicant and the new customers.

Applicant more fully describes the 97 proposed small volumes sales measuring stations, including locations, estimated peak day and annual sales, and use in the appendix hereto.

Applicant estimates the total cost of the proposed facilities to be \$142,910 which would be financed by cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 8, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

**Lois D. Cashell,**  
*Acting Secretary.*

BILLING CODE 6450-85-M

Docket No. CP80-382

## APPENDIX

Right-of-Way Grantor	Location of Facilities Legal Description Sec-Twp-Rge-County-State	Est. Sales-Mcf		Primary End-Use	Cost of Facilities Estmd. Cost(\$)
		Peak Day	Annual		
<b>NORTHERN NATURAL GAS (Direct)</b>					
1 Brumbaugh, W.B.	27-34-12-Hill-MT	3.2	295	Res. Heat	\$ 1,120
2 Haugen, Gordon	25-33-18-Blaine-MT	3.2	295	Res. Heat	1,120
3 Rambo, Arthur	7-33-11-Hill-MT	3.2	295	Res. Heat	1,120
4 Williamson, H. M.	8-26-19-Blaine-MT	3.2	295	Res. Heat	1,120
Totals, Northern (Direct)		12.8	1,180		\$ 4,480
<b>PEOPLES NATURAL GAS COMPANY, Division of InterNorth, Inc.</b>					
1 Abrahamson, Eldo E.	34-51-15-St. Louis-MN	2.0	200	Res. Heat	\$ 1,210
2 Auch, Robert	16-16-8-Saunders-NE	2.5	176	Res. Heat	1,410
3 Bartlett, Max E.	20-89-21-Hardin-IA	50.0	3,540	Crop Dryer	1,850
4 Behnke, Wayne	30-107-27-Blue Earth-MN	50.0	950	Crop Dryer	1,780
5 Blattl, Melvin	29-107-16-Dodge-MN	2.0	252	Res. Heat	900
6 Boesch, Durwood	30-105-29-Blue Earth-MN	66.0	1,391	Crop Dryer	2,080
7 Borg, Loren	5-118-28-Wright-MN	80.0	3,000	Crop Dryer	1,760
8 Boser, Daniel P.	12-40-31-Morrison-MN	3.0	200	Res. Heat	1,060
9 Country Oaks Farms	36-79-43-Harrison-IA	24.0	1,240	Crop Dryer	1,640
10 Cullip, Joseph L.	4-108-18-Dodge-MN	55.0	828	Crop Dryer	1,550
11 Dahlmeier, Curtis	4-105-47-Moody-SD	30.0	1,592	Crop Dryer	1,950
12 Dietz, A. (Hiezer)	15-19-14-Barton-KS	15.0	2,787	Shop Heat	1,870
13 Duenke, James E.	25-33-27-Sherburne-MN	2.4	200	Res. Heat	1,350
14 Eisenmenger, L. A.	22-102-32-Martin-MN	23.0	972	Crop Dryer	1,290
15 Elbert, Arthur P.	18-96-30-Kossuth-IA	22.0	964	Crop Dryer	2,120
16 Erler, Harold	21-108-18-Dodge-MN	37.0	876	Crop Dryer	1,550
17 Fey, Robert	4-8-9-Otoe-NE	2.5	176	Res. Heat	1,510
18 Fiddelke, Robert	16-94-40-O'Brien-IA	2.0	190	Res. Heat	1,440
19 Frank, Cecil	28-86-11-Benton-IA	14.0	805	Crop Dryer	1,490
20 Freeze, Allen	1-4-3-Jefferson-NE	30.0	720	Irrigation	1,420
21 Gerardy, Gene J.	20-85-5-Jackson-IA	1.5	204	Res. Heat	1,310
22 Gronemeyer, Eldred	9-4-4-Jefferson-NE	24.0	380	Irrigation	1,420
23 Gutknecht, H. P.	18-88-14-Black Hawk-IA	30.0	1,610	Crop Dryer	1,490
24 Hanson, Odilo W.	7-104-49-Minnehaha-SD	30.0	1,592	Crop Dryer	1,820
25 Hayek, Edward V. #1	14-89-27-Webster-IA	50.0	650	Crop Dryer	2,220
26 Hayek, Edward V. #2	1-89-27-Webster-IA	6.0	570	Farrowing	1,700
27 Henke, E. J. Sr.	30-92-40-Cherokee-IA	16.0	1,132	Crop Dryer	1,770
28 Henselin, Herman	10-104-13-Fillmore-MN	60.0	3,650	Crop Dryer	1,210
29 Hogle, Lee	10-86-18-Grundy-IA	30.0	3,180	Crop Dryer	1,770
30 Huseman, Virgil	28-14-7-Elleworth-KS	1.5	248	Res. Heat	1,810
31 Johnson, John A.	12-94-26-Hancock-IA	50.0	653	Crop Dryer	1,410
32 Johnson, Ronald L.	21-102-32-Martin-MN	53.0	1,172	Crop Dryer	1,620
33 Jorgenson, Lawrence	26-107-16-Dodge-MN	90.0	944	Crop Dryer	1,980
34 Kazemba, Kenneth M.	7-101-37-Jackson-MN	55.0	2,255	Crop Dryer	1,850
35 Keenan, Dennis	28-21-13-Stafford-KS	24.0	1,344	Irrigation	1,770
36 Koester, Merlin	12-89-27-Webster-IA	65.0	800	Crop Dryer	2,190
37 Kuyper, A. Wayne	1-107-32-Watonwan-MN	4.3	232	Res. Heat	1,430
38 Lamphere, Gerald V.	29-93-9-Fayette-IA	16.0	858	Crop Dryer	1,420
39 Lawhead, Donald E.	22-78-29-Dallas-IA	1.7	330	Res. Heat	1,520
40 Lee, Donald	10-107-12-Olmsted-MN	100.0	2,180	Crop Dryer	1,550
41 Liberty Products	18-94-40-O'Brien-IA	2.0	190	Res. Heat	1,260
42 Luebbers, Nick	25-88-10-Buchanan-IA	1.0	670	Crop Dryer	1,490
43 Manders, G. and L.	6-85-4-Jackson-IA	35.0	600	Crop Dryer	1,560
44 Marshik, Gertrude	7-40-30-Morrison-MN	3.0	200	Res. Heat	1,190
45 Marty F. W.	26-28-21-Washington-MN	2.0	200	Res. Heat	1,270
46 Mathews, Eva M.	25-80-21-Jasper-IA	1.5	158	Res. Heat	1,520
47 McDermott, Kieth	33-104-28-Paribault-MN	20.0	495	Crop Dryer	1,820
48 Melaha, Jerome	33-117-34-Kandiyohi-MN	2.0	132	Res. Heat	850
49 Morris, Raymond G.	17-24-31-Finney-KS	180.0	38,200	Irrigation	2,480
50 Nelson, Donald E.	4-117-32-Meeker-MN	32.0	384	Crop Dryer	1,300
51 Nelson, Harry F.	16-108-18-Dodge-MN	55.5	829	Crop Dryer	1,550
52 Oberbroeckling, J.	4-88-2-Dubuque-IA	109.0	3,495	Crop Dryer	2,090

Docket No. CP80-382

Right-of-Way Grantor	Location of Facilities Legal Description Sec-Twp-Rge-County-State	Est. Sales-Mcf		Primary End-Use	Cost of Facilities Estm'd. Cost(\$)
		Peak Day	Annual		
<b>PEOPLES NATURAL GAS COMPANY (Continued)</b>					
53 Parker, Dwight	10-75-39-Pottawattamie-LA	1.5	170	Res. Heat	\$ 1,390
54 Phillips, John D.	18-110-50-Brookings-SD	30.0	1,132	Crop Dryer	2,020
55 Pongrats, David J.	5-107-27-Blus Earth-WH	20.0	500	Crop Dryer	1,520
56 Rajkowski, Richard	8-37-30-Benton-WH	3.0	200	Res. Heat	1,350
57 Rasmussen, Douglas	10-124-41-Stevens-WH	28.0	820	Crop Dryer	1,440
58 Rauenhorst, Chas.	26-117-34-Kandiyohi-WH	22.0	2,526	Com. Heat	1,170
59 Rahder, Dalton E.	17-94-40-O'Brien-LA	2.0	190	Res. Heat	1,380
60 Rosbbeke, D. E.	32-102-32-Martin-WH	102.0	964	Crop Dryer	1,660
61 Roth, Edward	9-23-34-Finney-KS	1.0	150	Res. Heat	710
62 Ryan, Floyd #1	18-23-30-Finney-KS	36.0	5,940	Irrigation	880
63 Ryan, Floyd #2	22-25-31-Finney-KS	36.0	5,940	Irrigation	880
64 Ryan, Robert G.	74-115-34-Menville-WH	24.0	864	Crop Dryer	1,340
65 Rymearson, D. A.	9-103-28-Faribault-WH	23.0	800	Crop Dryer	1,020
66 Schuth, Earl	26-115-27-McLeod-WH	3.0	500	Farrowing	1,120
67 Sell, John	23-108-12-Wabasha-WH	60.0	3,803	Crop Dryer	1,220
68 Shine, Harlan E.	10-86-18-Grundy-IA	65.0	2,455	Crop Dryer	1,840
69 Shultice, Richard	23-80-23-Polk-IA	4.0	400	Farrowing	1,940
70 Smith, George E.	26-28-21-Ford-KS	34.0	2,658	Irrigation	1,260
71 Snyder, Basil	35-88-18-Grundy-IA	2.5	190	Res. Heat	1,140
72 Sohler, James	3-108-26-Blus Earth-WH	30.0	790	Crop Dryer	1,110
73 Steffen, Vern	8-21-20-Pawnee-KS	24.0	1,344	Irrigation	940
74 Stoll, Robert L.	30-80-22-Polk-IA	5.0	380	Res. Heat	1,520
75 Stone, Frederick	11-26-34-Finney-KS	36.7	4,400	Irrigation	880
76 Terhune, Jack A.	22-4-CH&H-Ochiltree-TX	31.2	3,220	Irrigation	1,230
77 Tressler, Derral	8-85-24-Story-IA	21.0	536	Crop Dryer	1,940
78 Trattin, Edwin F.	9-95-18-Floyd-IA	1.5	140	Res. Heat	1,050
79 Tri E Acres	27-91-7-Fayette-IA	24.0	1,524	Crop Dryer	1,490
80 Twin Star Farms	36-93-15-Butler-IA	30.0	2,080	Crop Dryer	1,770
81 Van Roekel, Larry	27-96-45-Sioux-IA	2.0	190	Res. Heat	1,540
82 Warkenthien, Virgil	27-128-37-Douglas-WH	2.4	200	Res. Heat	1,080
83 Weber, Kenneth E.	12-88-11-Black Hawk-IA	12.0	660	Crop Dryer	1,390
84 Wheatley Farms	33-28-32-Haskell-KS	100.0	11,500	Irrigation	2,380
85 Whitmore, Howard G.	18-14-1-Butler-NE	24.0	1,050	Irrigation	1,960
86 Zoucha, Chester, E.	29-17-3-Colefax-NE	24.0	1,050	Irrigation	1,280
<b>Total Peoples Natural</b>		<b>2,540.2</b>	<b>149,862</b>		<b>\$129,710</b>
<b>SOUTHERN UNION GAS COMPANY</b>					
1 Caldwell, James	36-2-24-Beaver-OK	1.4	300	Res. Heat	Am. 38 860
2 Nuling, Carl	30-6-22-Beaver-OK	53.4	13,110	Irrigation	R/W 1600 1,230
3 Osborn, John	10-28-25-Harper-OK	1.5	300	Res. Heat	Am. 38 860
4 Rushton, Raul H.	33-6-22-Beaver-OK	86.4	19,665	Irrigation	R/W 1600 1,230
5 Woods, Vance	24-22-25-Ellis-OK	54.0	13,110	Irrigation	R/W 1600 1,230
<b>Total Southern Union</b>		<b>196.7</b>	<b>46,485</b>		<b>\$ 5,410</b>
<b>WEST TEXAS GAS, INC.</b>					
1 Heath, Robert	25-A-3-ELMER-Hale-TX	186.0	24,000	Irrigation	R/C 3M125 2,060
2 Ragsdale, Ronald E.	19-A-46-PSL-Andrews-TX	1.5	188	Res. Heat	Am. 250 1,250
<b>Total West Texas</b>		<b>187.5</b>	<b>24,188</b>		<b>\$ 3,310</b>
<b>TOTALS, ALL PROJECTS</b>		<b>2,937.2</b>	<b>221,715</b>		<b>\$142,910</b>

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL 1530-3; OPTS-51053B]

**Certain Chemicals; Extension of Premanufacture Notice Review Period****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

**SUMMARY:** EPA is extending the review period for three premanufacture notices (PMN's) received on April 2, 1980, under section 5 of the Toxic Substances Control Act (TSCA). The generic identities of the substances covered by those PMN's, numbered 80-70, 80-71, and 80-72, are:

1. 80-70: Sulfonic acid salt of Ureylenebis(hydroxy-[(sulfonyl)azo])naphthalene;
2. 80-71: Sulfonic acid of a Ureylenebis(hydroxy-[(sulfonyl)azo])naphthalene compound;
3. 80-72: Salt of (Ethenediyl)bis[(hydroxyphenyl)azo]benzenesulfonic acid.

The PMN review period for these substances is now scheduled to end on August 14, 1980.

These PMN's described chemical substances that would be manufactured for use as active components in dye formulations for the coloration of textiles and paper (80-70, 80-72) and as a site-limited intermediate for the manufacture of a dye (80-71). The submitter of the PMN's claimed his identity to be confidential along with the specific chemical identity of each substance.

**FOR FURTHER INFORMATION CONTACT:** Douglas Rehberg, Premanufacturing Review Division (TS-794), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460 (202-426-8493).

**SUPPLEMENTARY INFORMATION:****Background**

Under section 5 of TSCA, any person who intends to manufacture in or import into the United States a new chemical substance for commercial purposes must submit a premanufacture notice (PMN) to EPA prior to commencement of manufacture or import. In general, section 5 provides that EPA must complete its review of a PMN within 90 days of its receipt by the Agency. However, under section 5(c) for good cause, EPA may extend the notice period for additional periods, not to exceed an aggregate of 90 days. EPA proposed rules to implement the premanufacture notification program published in the **Federal Register** of

January 10, 1979 (44 FR 2263). Section 720.35 of the proposed regulations addressed the section 5(c) extension authority and provided examples of situations in which the Agency believed there would be good cause to extend the notice period. Although EPA has not yet promulgated these rules, the example in the proposal that would apply in this case is that:

EPA has received the notice and has determined that there is a significant possibility that the chemical will be regulated under section 5(e) or section 5(f) of the Act, but the Agency is unable to initiate regulatory action within the initial 90-day period (44 FR 2273).

**Review to Date**

EPA's initial evaluation of the subject PMN substances entailed review of information that the manufacturer supplied in the PMN's and during telephone conversations with EPA staff. EPA also conducted literature searches on the PMN substances, on structurally similar substances, i.e., structural analogues, and on chemicals with similar use patterns. In addition, EPA staff met with representatives of the manufacturer on two occasions.

Using this information, EPA assessed seven major areas of potential concern: process chemistry, uses, worker and consumer exposures, environmental releases, health effects, environmental fate, and ecological effects. The Agency also considered other factors, such as economics and impacts on technological innovation, that are not directly associated with the assessment of the risks that the PMN substances may present to human health and the environment. When EPA completed this initial screening of the substances, the Agency concluded that it needed to conduct a more thorough review of certain aspects to focus on specific areas of concern. Therefore, EPA entered the PMN's into another series of analyses, the Detailed Review Process. During the Detailed Review, Agency staff conducted further evaluations and assessments of the following: (1) the degree to which structural and use analogues of the PMN substances could be relied upon to assess the risks that the PMN substances may present to human health and to the environment; (2) the nature and character of those risks; and (3) the exposure associated with the manufacture, processing, use, and disposal of the PMN substances.

**Extension of the Notice Review Period**

The results of the reviews summarized above were as follows:

1. EPA is concerned about potential

risks that these substances may present, both to people and to ecological populations. Because the manufacturer did not provide any data on the potential chronic effects of the substances, EPA's review relied heavily on data on structurally analogous substances. On the basis of that review, EPA believes the PMN substances or their probable metabolites are structurally related to other substances which have demonstrated mutagenic or carcinogenic effects, and therefore the Agency believes the PMN substances may have mutagenic and carcinogenic potential.

EPA's concern about ecological effects of the PMN substances is based on the potential persistence of the substances and the lack of data on their likely effects on the environment. This concern about persistence is in turn based upon the structures of the substances and their known uses. The Agency has found no data on the toxicity of these substances to allay these concerns.

2. EPA can predict some potential for exposure of workers to these substances in processing the substances, and of consumers in using the final articles containing the substances, and for release of the substances to the environment. The manufacturer provided no information on worker exposure during processing. EPA's concern about environmental release is based on the predicted production volume of the substances and a general knowledge of potential releases from processing sites of this type, which together suggest that release may be substantial. The absence of data sufficient to indicate that exposures and release will not occur greatly impairs EPA's ability to evaluate adequately the risks presented by these substances, particularly in light of the concerns already identified, and the lack of toxicity data on the substances.

EPA needs more time to determine whether regulatory controls are appropriate for these new chemical substances. During this time the Agency will develop further information and data necessary to evaluate the risks that the substances may present to human health and the environment.

On the basis of the cited concerns raised during EPA's evaluation of the PMN substances, and because of the limited time before the end of the review periods for each substance (which close on June 30, 1980), EPA has determined that good cause exists to extend each of the notice periods for an additional 45 days, until August 14, 1980.

During the additional 45 days EPA will: (1) evaluate the need for additional data on the PMN substances, (2) examine possible control options, and (3) determine the need for control in light of EPA's concerns about the PMN substances. Extension of the notice periods preserves EPA's authority to initiate a regulatory action, if the Agency concludes that such an action is appropriate.

The PMN's, summaries of communications between the submitter and EPA, and other written material, are available for public inspection in Room 447, East Tower, at the EPA Headquarters address given above. The public record is available from 8 a.m. to 4 p.m. Monday through Friday, except legal holidays. All information that the manufacturer has claimed to be confidential has been deleted from the documents in the public record.

Dated: June 26, 1980.

Steven D. Jellinek,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 80-19838 Filed 7-1-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1530-05; OPTS-00011]

### Confidential Business Information; Availability of Draft Security manuals

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Toxic Substance Control Act (TSCA) Data Security Task Force has developed drafts of revised procedures for the security of confidential business information submitted under TSCA. Two draft manuals have been developed to replace the existing TSCA Confidential Business Information Security Manual: one manual is for EPA use, and the other is for EPA contractors. Copies of these two draft manuals are available from the address below, and EPA invites public comments on these manuals.

**DATES:** Comments must be received no later than August 18, 1980.

**ADDRESSES:** Copies of the two draft manuals may be obtained by writing or calling:

John B. Ritch, Jr., Director, Industry Assistance Office (TS-799), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, Toll free: 800-424-9065, DC Washington: 554-1404.

Comments should bear the identifying notation OPTS-00011 and should be directed to:

Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460.

#### FOR FURTHER INFORMATION CONTACT:

John B. Ritch, Jr. at the address or telephone numbers given above.

**SUPPLEMENTARY INFORMATION:** In the *Federal Register* of July 25, 1978 (43 FR 32186) EPA announced the adoption of the TSCA Confidential Business Information Security Manual setting forth the procedures that would be followed by EPA for the security of confidential business information (CBI) submitted under TSCA. This Manual was adopted after a lengthy process of review, including the receipt of comments from the public.

EPA has been working under these procedures for nearly two years. During that period, minor changes have been made to some of the procedures in order to meet program needs that either had not been addressed in the Manual or which were causing administrative problems. EPA decided to revive the Data Security Task Force to consider substantive changes to the Manual. The Task Force has been at work considering and drafting changes for several months.

At the time of the adoption of the original Manual, most of the CBI in EPA's possession resulted from the reporting of chemical substances for inclusion on the Inventory of Chemical Substances under Section 8(b) of TSCA. Since that time EPA has been acquiring ever-increasing amounts of CBI under TSCA. Now, for example, EPA has CBI submitted under the premanufacture review program of Section 5 of TSCA, which imposes strict time deadlines for regulatory decisions. The larger amounts of CBI, the increasing administrative burden of handling that CBI and the tight time deadlines have led the Agency to conclude that the procedures development with only the Inventory data in mind no longer met the EPA policy expressed in the *Federal Register* of January 25, 1978 (43 FR 32186) that the security procedures be "a balance between the need for security and the need for EPA to have administrative flexibility to perform its primary statutory duties under TSCA." The Data Security Task Force believes that the revised procedures reflected in the two draft manuals do meet this policy by providing security while also providing sufficient administrative flexibility for EPA to carry out its mission.

Consistent with the policy utilized in the development of the original Manual, EPA is making the draft revisions

available to the public for comment. These comments will be considered before the manuals are made final.

The major format change in the Manual is that the provisions have been divided into two manuals: the "TSCA Confidential Business Information Security Manual" and the "Contractor Requirements for the Control and Security of TSCA Confidential Business Information." There are many changes in format in the new manuals as well as changes of an editorial nature. The most substantial changes are summarized below:

1. The Special Category classification for TSCA CBI has been eliminated.
2. Authorization for Access procedures have been simplified;
3. Logging procedures have been simplified and made more flexible;
4. Procedures for discussing CBI on the telephone have been modified;
5. Telecopiers may be used to transmit CBI between EPA and submitters with the permission of the submitter;
6. Various express delivery services have been added to the approved methods of transmittal (with permission of the Office of Inspector General (OIG));
7. The section on staff-generated CBI has been expanded and clarified;
8. Provisions for handling and storing CBI while employees are traveling have been added;
9. A section on secretarial procedures has been added;
10. A section on handling incoming mail from businesses has been added;
11. An appendix on maintenance of discipline has been added, including excerpts from the EPA Conduct and Discipline Manual; and
12. A provision has been added which allows individual program offices to develop specific security procedures to meet their needs, consistent with the requirements of the TSCA CBI Security Manual.

Many major responsibilities have been reassigned. The Deputy Assistant Administrator for Program Integration and Information (DAA/OPII) and Division Directors have been assigned several responsibilities formerly assigned to the Assistant Administrator for the Office of Pesticides and Toxic Substances (OPTS). The Chief, Information Control Branch, will have many of the responsibilities of the OPTS Document Control Officer (DCO) and the position of the OPTS DCO has been eliminated. The Office of Inspector General will now have many of the responsibilities of the Security and Inspection Division (SID) which was eliminated in a reorganization. The Security Branch retains some of the

responsibilities of SID. The responsibilities for the Director, Management Information and Data Systems Division (MIDSD), Document Control Officers and Assistants, EPA employees, and Security Representatives have not changed significantly.

"Contractor Requirements for the Control and Security of TSCA CBI" is a separate document which will be included as a part of Requests for Proposals or modifications of existing contracts to allow for the use of TSCA CBI. It includes security requirements comparable to the TSCA CBI Security Manual, as well as all the necessary contract clauses. It also includes the step-by-step procedure for clearing contractors who will have access to TSCA CBI.

Neither of the proposed changes in the environment of OPTS are reflected in the draft procedures. The first of these is the proposed reorganization of the Toxics program. That reorganization will result only in the responsibilities for the security program being assigned to equivalent programmatic elements within the proposed Office of Toxic Substances. The second change is the move of OPTS to new physical facilities. The Agency is committed to designing these facilities with Confidential Business Information security being a central design criteria. It is expected that the physical security will be considerably enhanced in the new facility, thereby facilitating adherence to the revised procedures.

All written comments filed under this notice will be available for public inspection in the Document Control Office at the address given above, from 8:00 a.m. to 4:00 p.m. during normal business days.

Dated: June 26, 1980.

Marilyn C. Bracken,

Deputy Assistant Administrator for Program Integration and Information.

[FR Doc. 80-19837 Filed 7-1-80; 8:45 am]

BILLING CODE 6560-01-M

#### [FRL 1529-5]

### Water Quality Standards; Navigable Waters of the State of Nevada

**AGENCY:** U.S. Environmental Protection Agency.

**ACTION:** Notice of State Water Quality Standards Revision Approval.

**SUMMARY:** The Environmental Protection Agency has approved water quality standards revisions adopted by the

State of Nevada. These revisions become part of the States' water quality standards contained in the document "Nevada Water Pollution Control Regulations."

**FOR FURTHER INFORMATION CONTACT:** Water Division, Nevada Branch, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105, FTS 556-2575; (415) 556-2575.

**SUPPLEMENTAL INFORMATION:** The following revision was approved by EPA, Region IX on December 28, 1979: Article 4.2.4.1 of the Nevada Water Pollution Control Regulation is amended to include wildlife propagation as a beneficial use for Class D waters of the State. This amendment was adopted by the State Environmental Commission on October 9, 1979.

This revision was made in accordance with section 303(c) of the Clean Water Act as amended (33 U.S.C. 1313(c)). It is consistent with the Clean Water Act as interpreted in the Agency's Water Quality Standards Regulations at 40 CFR 35.1550.

**Availability:** Copies of the revision are available free from the Nevada Division of Environmental Protection, 201 South Fall Street, Carson City, Nevada 89710.

**Authorization:** (Section 303(c) of the Clean Water Act, as amended (33 U.S.C. 1313(c)).

Dated: June 26, 1980.

Eckardt C. Beck,

Assistant Administrator for Water and Waste Management.

[FR Doc. 80-19839 Filed 7-1-80; 8:45 am]

BILLING CODE 6560-01-M

#### [FRL 1529-4]

### Water Quality Standards; Navigable Waters of the State of North Carolina

**AGENCY:** U.S. Environmental Protection Agency.

**ACTION:** Notice of State Water Quality Standards.

**SUMMARY:** The Environmental Protection Agency has approved certain water quality standards revisions adopted by the State of North Carolina. These revisions become part of the State's water quality standards contained in the document, "Classifications and Water Quality Standards Applicable to Surface Waters of North Carolina."

**FOR FURTHER INFORMATION CONTACT:** Robert F. McGhee, Water Division, Environmental Protection Agency, Region IV, 345 Courtland Ave., Atlanta, Georgia 30308, (404) 881-4450.

**SUPPLEMENTAL INFORMATION:** On November 9, 1979 and January 18, 1980, the EPA, Region IV approved the following revisions: (1) incorporation of toxic pollutant criteria and deletion of the Class D stream classification and (2) the upgrading of the designated beneficial uses of several stream segments in the Lumber, Pasquotank, White Oak, Cape River Basins from saltwater fishing and secondary contact to saltwater fishing, shellfishing, and full body contact, and upgrading of a segment of the Neuse River Basin from freshwater fishing, secondary contact and agriculture to water supply food processing and primary recreation. These actions are in accordance with section 303(c) of the Clean Water Act (33 U.S.C. 1313(c)). These revisions are consistent with the Clean Water Act as interpreted in the Agency's water quality standards regulations at 40 CFR 35.1550.

**Availability:** Copies of the North Carolina water quality standards may be obtained from the North Carolina Department of Natural Resources and Community Development, Division of Environmental Management, P.O. Box 27687, Raleigh, North Carolina 27611.

Dated: June 26, 1980.

Eckardt C. Beck,

Assistant Administrator for Water and Waste Management.

[FR Doc. 80-19840 Filed 7-1-80; 8:45 am]

BILLING CODE 6560-01-M

#### [FRL 1529-6]

### Water Quality Standards, Navigable Waters of the State of Nevada

**AGENCY:** U.S. Environmental Protection Agency.

**ACTION:** Corrections to a notice of State Water Quality Standard revision approval that appeared in FR Vol. 44 No. 248, December 26, 1979, page 76405.

**SUMMARY:** The paragraph entitled "Supplemental Information" is corrected to read: Two revisions were approved by EPA, Region IX on October 9, 1979:

- (1) Nevada Water Pollution Control Regulations Table 43A-Water Quality Standards for Toxic Materials Applicable to Table 39-41 (Truckee River) adopted by State Environmental Commission on November 14, 1978 and
- (2) Nevada Water Pollution Control Regulations Article 4.1.3.1. Heavy Metals Limits Applicable to Tables 1, 3-21, 24-35, 37-38, 48-54; Article 4.1.3.2 Heavy Metals Limits Applicable to Tables 22, 23, 55, 56; and Article 4.1.3.3 Pesticide Limits for Intended Beneficial

Uses, Applicable to Tables 1-38, 45-56 adopted by State Environmental Commission on December 12, 1978.

These revisions were made in accordance with section 303(c) of the Clean Water Act (33 U.S.C. 1313(c)). They are consistent with the Clean Water Act as interpreted in the Agency's Water Quality Standards regulations at 40 CFR 35.1550.

**FOR FURTHER INFORMATION CONTACT:**

Water Division, Nevada Branch, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105, FTS 556-2575; (415) 566-2575.

**AVAILABILITY:** Copies of the revision are available free of cost from the Nevada Division of Environmental Protection, 201 South Fall Street, Carson City, Nevada 89710.

(Sec. 303(c), Clean Water Act, as amended (33 U.S.C. 1313(c)))

Dated: June 26, 1980.

**Eckardt C. Beck,**

*Assistant Administrator for Water and Waste Management.*

[FR Doc. 80-19855 Filed 7-1-80; 8:45 am]

**BILLING CODE 6560-01-M**

**[FRL 1529-3]**

**Science Advisory Board Executive Committee; Open Meeting**

Under Public Law 92-463, notice is hereby given of a meeting of the Executive Committee of the Science Advisory Board. The meeting will be held July 21 and 22, 1980, starting at 9:15 a.m., in Room 1101 West Tower at EPA Headquarters, 401 M Street, S.W., Washington, D.C. 20460.

The Agenda for the meeting will include a briefing/discussion with the Mobile Sources Research Committee, a briefing on upcoming EPA regulations for possible Science Advisory Board review, a discussion of radiation activities within EPA, and items of member interest.

The meeting is open to the public. Any member of the public wishing to attend, obtain information, or participate should contact Richard M. Dowd (202-755-0263), or Terry F. Yosie (202-755-2532) by close of business July 14, 1980.

**Helene N. Guttman,**

*Deputy Director, Science Advisory Board A-101.*

June 26, 1980.

[FR Doc. 80-19848 Filed 7-1-80; 8:45 am]

**BILLING CODE 6560-01-M**

**DEPARTMENT OF DEFENSE**

**Corps of Engineers, Department of the Army**

[FRL 1529-2]

**Jurisdiction of Dredged and Fill Program; Memorandum of Understanding**

Notice is hereby given that pursuant to their authorities under the Clean Water Act (33 U.S.C. 1125 et seq.), the Administrator of the Environmental Protection Agency (EPA) and the Chief, U.S. Army of Corps of Engineers (COE), have entered into a Memorandum of Understanding (MOU) which establishes policies and procedures which EPA and the Corps of Engineers will follow in resolving geographic jurisdictional problems arising in connection with the section 404 program regulating the discharge of dredged or fill materials.

On September 5, 1979, Attorney General Civiletti issued an opinion that the Administrator of the Environmental Protection Agency has the ultimate administrative responsibility of determining the jurisdictional scope of waters of the United States for purposes of Section 404 of the Clean Water Act. In order to administer the section 404 program efficiently and effectively under this opinion, EPA and the COE have adopted the procedures in the following Memorandum of Understanding. These procedures are intended to ensure that the public receives prompt, definitive answers to inquiries about jurisdiction.

The Corps of Engineers has significantly greater resources at the field level than EPA's 404 Program. Thus, the MOU recognizes that the District Engineer will continue to make the great majority of jurisdictional decisions. In most cases, the methods and standards for making jurisdictional determinations are well-established. However, the MOU recognized that certain cases may present scientific, technical, or policy complexities. Accordingly, the EPA Regional Administrators may, subject to headquarters review, identify special categories or types of cases that will be referred to EPA for jurisdictional determinations. The first list of such special cases will be published with complete descriptions in the **Federal Register** by October 24, 1980.

When a pre-permit inquiry or permit application is presented to the District Engineer, he will first determine if a special case is involved. If he decides that the inquiry does not involve a special case, he will make the jurisdictional determination. If the

District Engineer doubts the status of a case, he shall treat it as a special case or consult with EPA as to its status. he may, if he wishes, consult with EPA even when no special case is involved. Of course all determinations, whether made by the COE or EPA, will be based on the applicable law and regulations defining waters of the United States.

We anticipate that the precedents established under the special case procedure, together with joint scientific research and consultation, will eventually reduce the number of special cases. Both agencies pledge to administer their joint section 404 responsibilities fairly, fully, efficiently, and expeditiously.

The effective date of this Memorandum of Understanding is April 23, 1980.

Within twelve months of the effective date, the Environmental Protection Agency and the Corps of Engineers will begin a review of the Memorandum of Understanding and will consider all comments received.

Written comments on this Memorandum of Understanding should be submitted to either of the following addresses before January 20, 1981. Joseph A. Krivak, Criteria and Standards Division (WH-585), Office of Water and Waste Management, Environmental Protection Agency, 401 M street SW., Washington, D.C. 20460. Curtis Clark, Office of the Chief of Engineers, Attn: (DAEN-CWO-N), Washington, D.C. 20314.

This Memorandum of Understanding will expire eighteen months from the effective date unless it has been revised, or extended unrevised, by mutual consent.

For further information, contact Joseph A. Krivak, (202) 755-0100 or Curtis Clark, (202) 272-0199.

Dated: June 4, 1980.

**Eckardt C. Beck,**

*Assistant Administrator for Water and Waste Management.*

**Memorandum of Understanding Geographical Jurisdiction of the Section 404 Program**

1. This Memorandum of Understanding is essential to ensure the continued orderly administration of Section 404 of the Clean Water Act as a result of the Attorney General's Opinion of September 5, 1979, wherein the Attorney General of the United States opined that the Administrator of the Environmental Protection Agency (Administrator) has the ultimate authority to determine the jurisdictional scope of Section 404 waters of the United States. For the purpose of the Memorandum of Understanding, "jurisdictional questions" are limited to those relating to the extent of the waters of the United States.

2. In recognition of the responsibilities of the Secretary of the Army (Secretary), acting through the Chief of Engineers, in administering the Federal permit program under Section 404 of the Clean Water Act, in recognition of the responsibilities of the Administrator in administering the Clean Water Act, in recognition of the resources of our agencies, in recognition of the enforcement responsibilities of our agencies, and in recognition of the need for an understanding on how jurisdictional matters may best be handled in light of those responsibilities and resources, we the Secretary and the Administrator adopt the following policies and procedures.

3. Our policy is to ensure that Section 404 is administered fully, fairly, efficiently, and expeditiously. It is our policy to cooperate in research and in development of joint technical guidance on jurisdictional matters. It is also our policy to resolve jurisdictional questions within the framework of existing procedures to the extent practical, consistent with the above policies.

4. *Pre-application Inquiry.* When pre-application inquiries are made regarding the geographic jurisdiction of the 404 permit program the District Engineer (DE) shall, to the maximum extent practical, establish the boundaries of waters of the United States, as they apply to the inquiry, at the earliest possible date. However, delineation of these waters in areas involving special cases as defined in paragraph 7 shall follow the procedures set forth in paragraph 8. The DE shall first determine if the inquiry involves a special case. If the circumstances do not involve a special case as defined in paragraph 7 below, the DE shall inform the inquirer in writing of his decision on the extent of jurisdiction and provide a copy of his decision to the Regional Administrator (RA). The DE may, prior to making this decision, consult with the RA if the DE deems it appropriate.<sup>1</sup>

If the circumstances involve a special case as defined in paragraph 7 below, the provisions set forth in paragraph 8 shall apply. In all other circumstances where special cases are not involved, the ultimate findings of the DE, subject to discretionary review by the Chief of Engineers or his delegate, shall be binding.

5. *Permit situation.* The DE shall first determine if the permit application involves a special case. In reviewing a permit application for completeness, where the circumstances do not involve a special case as set forth in paragraph 7 below, the DE shall make a determination of the extent of jurisdiction over the proposed area. The DE may consult with the RA if the DE deems it

appropriate. If the circumstances involve a special case as defined in paragraph 7 below, the provisions set forth in paragraph 8 shall apply. In all other cases, the ultimate findings of the DE, subject to discretionary review by the Chief of Engineers or his delegate, shall be binding.

When the DE issues a public notice of the permit application, such notice shall include, in addition to any other requirements, a map or other appropriate description of the extent of jurisdiction over the proposed area, as determined under the above procedures. If comments are received from the public (including other government agencies) which raise new matters which the DE believes establish the situation as a special case as defined in paragraph 7 below, the DE shall furnish to the RA all relevant comments and any rebuttal submitted by the applicant, for handling under the provisions of paragraph 8.

6. *Enforcement situations.* The Corps of Engineers (Corps) has sole authority under Section 404 of the Act to issue Federal permits for the discharge of dredged or fill material into waters of the United States. The Corps has authority under Section 404(s)(1) either to issue an order requiring persons in violation of a permit condition issued under Section 404 to comply with such Section or to bring a judicial action to compel compliance. The Environmental Protection Agency (EPA) has authority under Section 309(a)(3) to issue an order requiring persons discharging any pollutants (including dredged or fill materials) into waters of the United States (established consistent with this MOU) to comply with Sections 404 or 402 or to bring a judicial action. The Corps and EPA shall consult with one another when either agency discovers an unpermitted activity which may represent a violation of the Act. Such activities include those occurring in areas designated "special cases" as defined in paragraph 7 of this memorandum. Until it is updated or otherwise changed, the June 1, 1976 EPA/Corps/Justice enforcement memorandum sets out procedures which are to be used in instances where there may be a difference of opinion between our agencies on the jurisdiction of Section 404 over particular unpermitted activities. Any jurisdictional determination made by EPA as a result of an enforcement action will be used by the DE as the jurisdiction for all subsequent 404 actions on that case.

#### 7. *Special cases.*

a. Special cases are those situations where significant issues or technical difficulties exist concerning the jurisdictional scope of Section 404 waters, the environmental consequences of jurisdiction are significant, and EPA has declared a special interest. Each RA shall consult with the Division Engineers in his/her region in order to delineate those types of areas to be defined routinely as special cases. Delineation will include types of ecosystems, size limitations, and other appropriate factors to insure clarity. Such detailed special cases shall be developed by the Regional Administrator, in consultation with the Division Engineer, within 120 days after the date of this agreement and be forwarded to both EPA and Corps Headquarters for review and consultation. After consultation with the Chief of

Engineers, the Administration shall approve and consolidate the list of special cases and shall publish it, with descriptions, in the *Federal Register* within 180 days after the date of this agreement. Prior to publication of this list, the procedures of paragraph 7(c) may be used to establish interim special cases.

b. Each DE will use this published list to assist in identifying special cases involved in pre-application inquiries or in permit applications. The DE, when reviewing an inquiry or application where the evidence is unclear as to whether a special case is involved or where particular difficulties or issues may be involved in determining jurisdiction, should resolve any doubts in favor of declaring the situation to be a special case unless he deems it appropriate to consult with the RA. If, upon consultation, the RA concludes that the situation should be treated as a special case, it shall be treated as such on an interim basis pending notification of Corps Headquarters and concurrence by EPA Headquarters. When a special case is designated under paragraphs 7(a) or (c), it shall apply to all future cases and to all inquiries for which a written determination has not been made and permit applications for which no public notice has been issued.

c. Changes to the published list of special cases may be initiated by either the Division Engineer or the RA and may include additions to, deletions from, or amendments to, the list. Additions or amendments to such cases shall be treated as special cases on an interim basis, pending joint EPA/Corps Headquarters consultation and EPA approval. Such changes shall be published in the *Federal Register* as soon as practical after approval. Once published, a given special case may not be removed from the special case category for 90 days.

#### 8. *Procedure for handling special cases.*

a. In determining jurisdiction of waters of the United States when presented with a pre-application inquiry or a permit application, the DE shall determine initially if the situation involves a special case. This decision shall be made in accordance with the special cases designated pursuant to paragraph 7 above. Where the DE reasonably questions the status of a given case, he shall treat it as special case or consult with the EPA prior to designating the status. If the DE elects to consult with EPA, prior to designating the status, EPA's opinion will be deciding. The District Engineer's determination as to the status of a case shall be completed as expeditiously as possible, but not to exceed ten working days from the time of inquiry or receipt of a complete application.

b. For those inquiries or applications designated as special cases pursuant to this MOU, the RA, subject to discretionary review by EPA Headquarters, shall determine the jurisdiction of the waters of the United States. The determination and any subsequent review shall be completed as expeditiously as possible, within thirty (30) working days of referral by the DE, except when additional time is required by applicant delay or as a result of unusually large or complicated cases. Upon completion, the results of that determination shall be

<sup>1</sup> Paragraphs 4 and 5 provide for consultation in non-special cases "if the DE deems it appropriate." These provisions recognize the DE's discretion to consult even if the case involved is not a special case. Factors which might lead the DE to consider consultation include the presence of novel issues, complicated evidence, prior to EPA experience with the site, likelihood that a segment of the public will challenge the determination, etc. However, it should be stressed that under this MOU, except in special cases previously agreed to, the DE is authorized to make a final determination and to communicate it to the public without prior consultation with EPA and such determination shall be binding.

forwarded to the DE, who in turn shall forward the results to the pre-application inquirer or process a permit as appropriate.

c. For those areas designated as special cases pursuant to this MOU, the RA may request the DE to determine the scope of jurisdiction.<sup>2</sup> In those cases, the DE's jurisdictional determination shall be binding. The DE shall send the RA a copy of such determination.

**9. Joint review and guidance.**

a. In order to avoid technical disagreement and to forecast significant issues, the RA and the Division Engineer may mutually agree to initiate a joint technical review by a board whose composition and responsibilities will be determined by the two parties. The board shall consist of an equal number of selections by EPA and the Corps and any other members mutually acceptable to EPA and the Corps. The board will be used only in significant cases when both the RA and the Division Engineer believe that the views of the board would be helpful. This review board will, after consideration of relevant information and appropriate inquiry, make a recommended determination by majority vote of extent of jurisdiction as quickly as possible but no later than 60 days after being convened. This recommended determination will identify the issues involved and explain the basis for the extent of jurisdiction. These findings will be accepted by the RA unless he/she provides to the Division Engineer a written explanation of his/her basis for non-acceptance.

b. Members should have a broad understanding of issues involved in wetlands determinations, familiarity with wetlands flora and the Section 404 program, freedom from real or perceived conflicts of interest, and be available on relatively short notice. The review board shall have the authority and resources to employ consultants and perform appropriate field investigations.

c. The agencies shall cooperate in technical research and preparation of joint guidance on technical issues. Where such joint guidance exists, it shall be used in resolving differences in specific cases.

10. **Public comment.** This agreement shall be effective immediately and shall be published in the **Federal Register**. Public comment on the agreement will be received. Within twelve (12) months after the effective date, EPA and the Corps will institute review of this agreement, consider any comments received and make such revisions as we deem appropriate. Such revisions shall be published in the **Federal Register** within eighteen (18) months of the effective date. This agreement may be extended beyond a period of 18 months only by mutual consent.

11. **Applicability.** This agreement will apply to all inquiries or permit applications received after the effective date of this MOU. Written determinations, including permits,

<sup>2</sup> Each case will differ and must be considered individually, even if it has been designated in advance as a special case. Options to be considered include deciding not to treat the case as a special case, having the RA make the determination, or seeking advice from the Corps before deciding how to proceed. Where practical and consistent with the MOU and EPA's responsibilities, it is preferable to have the DE make the jurisdictional determinations.

issued prior to September 5, 1979, in response to specific inquiries or permit applications shall not be reconsidered with respect to any discharge activities subject to the 404 permit program where the inquirer or applicant has undertaken such activities in substantial reliance upon such determination and where such activities are completed within three years of such written determination (or such longer period, if any, specified in the permit). Substantial reliance must have occurred after receipt of such determination and prior to the effective date of this MOU, and may include commencement of construction, incurrence of substantial contractual obligations for construction, purchase of land at a price substantially dependent on such determination, or the like.

Dated: April 14, 1980.

**J. W. Morris,**

*Lieutenant General, USA, Chief of Engineers.*

Dated: April 23, 1980.

**Douglas M. Costle,**

*Administrator, Environmental Protection Agency.*

[FR Doc. 80-19850 Filed 7-1-80; 8:45 am]

**BILLING CODE 6560-01-M**

**FEDERAL COMMUNICATIONS COMMISSION**

[BC Dockets Nos. 80-303, 80-304; Files Nos. BPH-781204AD, BPH-790328AG]

**Prairie Broadcasting, Inc., and Western Media, Inc.; Designating Applications for Consolidated Hearing on Stated Issues; Hearing Designation Order**

Adopted: June 11, 1980.

Released: June 26, 1980.

In re applications of Prairie Broadcasting, Inc., Dickinson, North Dakota, Req: 92.1 MHz, Channel 221 2.0 kW (H&V), 360 feet, BC Docket No. 80-303, File No. BPH-781204AD; Western Media, Inc., Dickinson, North Dakota, Req: 92.1 MHz, Channel 221 3.0 kW (H&V), 228 feet, BC Docket No. 80-304, File No. BPH-790328AG; for construction permit for New FM Station.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above captioned mutually exclusive applications of Prairie Broadcasting, Inc. (Prairie) and Western Media, Inc. (Western).

2. *Western.* Analysis of the financial data submitted by Western reveals that \$66,067 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment down payment.....	\$14,372
Equipment payments with interest.....	3,665
Building.....	5,000
Miscellaneous.....	31,000
Operating expenses (three months).....	12,030
<b>Total.....</b>	<b>66,067</b>

Western plans to finance construction

and operation with the following funds: (i) A \$50,000 loan from Liberty National Bank and Trust Company, of which \$43,333 will be available to applicant and (ii) \$33,305 in profits from Western's station KLTC(AM). The loan commitment from Liberty National Bank and Trust Company expired September 23, 1979 and there is no evidence that it has been renewed or extended. Thus, Western has shown only \$33,305 in financing, an amount insufficient to meet its proposed costs of \$66,067. Accordingly, a limited financial issue will be specified.

3. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated, proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Western:
  - (a) The source and availability of additional funds over and above the \$33,305 indicated; and
  - (b) Whether in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.
2. To determine which of the proposals would, on a comparative basis, better serve the public interest.
3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications, if either, should be granted.

6. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, which in 20 days of the mailing of this Order, file with the Commission

in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

7. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594(g) of the Commission's rules, give notice of the hearing (either individually or, if feasible and consistent with the rules, jointly) within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

**Jerold L. Jacobs,**

*Chief, Broadcast Facilities Division,  
Broadcast Bureau.*

[FR Doc. 80-19889 Filed 7-1-80; 8:45 am]

**BILLING CODE 6712-01-M**

**[Report No. A-12]**

**TV Broadcast Applications Accepted for Filing and Notification of CutOff Date**

Released: July 2, 1980.

Cut Off Date: August 11, 1980.

Notice is hereby given that the applications listed below are accepted for filing. They will be considered to be ready and available for processing after August 11, 1980. An application, in order to be considered with any application appearing below or with any other application on file by the close of business on August 11, 1980 which involves a conflict necessitating a hearing with any application listed below, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C. no later than August 11, 1980.

Petitions to deny any application listed below must be on file with the Commission no later than the close of business on August 11, 1980.

BPCT-791214KE (New)—Daytona Beach, Florida, Comark Television, Inc., Channel 26, ERP: Vis. 698 kW; HAAT: 585 feet.  
\*BPET-800307KF; KCPQ-TV—Tacoma, Washington, Kelly Broadcasting Company, Channel 13, ERP: Vis. 316 kW; HAAT: 2000 feet.

Federal Communications Commission.

**William J. Tricarico,**

*Secretary.*

[FR Doc. 80-19888 Filed 7-1-80; 8:45 am]

**BILLING CODE 6712-01-M**

\*Competing applications may not be filed against this application.

**[Report No. B-8]**

**TV Broadcast Applications Accepted for Filing and Notification of Cutoff Date**

Released: July 3, 1980.

Cutoff Date: August 11, 1980.

Notice is hereby given that the applications listed in the attached appendix are accepted for filing. Because the applications listed are in conflict with applications which were accepted for filing and listed previously as subject to a cut-off date for conflicting applications, no application which would be in conflict with any application on the attached list will be accepted for filing.

Petitions to deny the applications on the attached list and minor amendments thereto must be on file with the Commission not later than the close of business on August 11, 1980. Any application previously accepted for filing and in conflict with any application on the attached list may also be amended as a matter of right not later than the close of business on August 11, 1980. Amendments filed pursuant to this notice are subject to the provisions of § 73.3572(b) of the Commission's rules.

Federal Communications Commission.

**William J. Tricarico,**

*Secretary.*

BPCT-800521KE (New), Lakeland, Florida, Plaza Broadcasting, Inc., Channel 32, ERP: Vis. 5000 kW; HAAT: 865 feet  
BPCT-800521KF (New), Lakeland, Florida, A-T-O Communications, Inc., Channel 32, ERP: Vis. 2671 kW; HAAT: 1431 feet  
BPCT-800521KG (New), Lakeland, Florida, Mid-Florida Telecasters, Inc., Channel 32, ERP: Vis. 5000 kW; HAAT: 1939 feet  
BPCT-800521KH (New), Lakeland, Florida, Public Interest Corporation, Channel 32, ERP: Vis. 500 kW; HAAT: 510 feet  
BPCT-800521KI (New), Lakeland, Florida, Channel 32 Inc., Channel 32, ERP: Vis. 1000 kW; HAAT: 974 feet  
BPCT-800521KJ (New), Lakeland, Florida, Manning Telecasting, Channel 32, ERP: Vis. 2838 kW; HAAT: 863 feet  
BPCT-791026LB (New), Omaha, Nebraska, Pappas Telecasting, Inc., Channel 42, ERP: Vis. 79 kW; HAAT: 512 feet  
BPCT-791026KI (New), Corpus Christi, Texas, Christian Children's Network, Inc., Channel 38, ERP: Vis. 440 kW; HAAT: 873 feet  
BPCT-800505KE (New), Little Rock, Arkansas, Teleco Arkansas, Inc., Channel 16, ERP: Vis. 2510 kW; HAAT: 1690 feet  
BPCT-800515KE (New), Little Rock, Arkansas, Little Rock TV-16, Inc. Channel 16, ERP: Vis. 1125 kW; HAAT: 1752 feet  
BPCT-800516KF (New), Little Rock, Arkansas, LRTV Limited Partnership, Channel 16, ERP: Vis. 5000 kW; HAAT: 1590 feet

BPCT-800516KG (New), Little Rock, Arkansas, Central Arkansas Television, Inc., Channel 16, ERP: Vis. 2378 kW; HAAT: 1610 feet

BPCT-800516KH (New), Little Rock, Arkansas, May Broadcasting Company of Arkansas, Inc., Channel 16, ERP: Vis. 5000 kW; HAAT: 2000 feet

BPCT-800516KI (New), Little Rock, Arkansas, Grant Broadcasting Corporation of Little Rock, Channel 16, ERP: Vis. 1820 kW; HAAT: 1461 feet

[FR Doc. 80-19887 Filed 7-1-80; 8:45 am]

**BILLING CODE 6712-01-M**

**FEDERAL HOME LOAN BANK BOARD**

**Senior Executive Service-Performance Review Board; New Member**

In accordance with Title IV of the Civil Service Reform Act of 1978, the Federal Home Loan Bank Board hereby gives notice that Samuel D. Ewing, Jr. resigned from the Performance Review Board on May 31, 1980 and is replaced by Marshall A. Kaplan effective immediately.

**FOR FURTHER INFORMATION CONTACT:** Doris H. McGhee, Director of Personnel, Federal Home Loan Bank Board, (202) 377-6050.

**J. J. Finn,**

*Secretary to the Board, Federal Home Loan Bank Board.*

[FR Doc. 80-19791 Filed 7-1-80; 8:45 am]

**BILLING CODE 6720-01-M**

**FEDERAL MARITIME COMMISSION**

**Agreement Filed**

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, 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 the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street N.W., Room 10423 or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 14, 1980. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing

the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

**Agreement No. 10393**

Filing Party: Seymour H. Kligler, Esquire, Brauner, Baron, Rosenzweig, Kligler, Sparber & Bauman, 120 Broadway, New York, New York 10005.

Summary: Agreement No. 10393, a Space Allocation Agreement between Korea Shipping Corporation and Orient Overseas Container Line, Inc., has been filed to comply with the provisions of Agreement No. 10186-3, the KSC/OOCL Space Charter Agreement. Agreement No. 10393 provides for space allocation among its parties, among ports, vessel scheduling, space utilization, space release, emergency allocation, maximum space and terminal and stevedore contracts.

**Agreement No. 10394**

Filing Party: Seymour H. Kligler, Esquire, Brauner, Baron, Rosenzweig, Kligler, Sparber & Bauman, 120 Broadway, New York, New York 10005.

Summary: Agreement No. 10394 is a Agreement regarding the assistance between Korea Shipping Corporation and Orient Overseas Container Line, Inc. on the positioning and cross leasing of containers or related equipment. It provides that either party may assist the other to position containers or related equipment from a port where a surplus of equipment is experienced to a port where equipment is required through a lease of the surplus equipment but neither party will be given free use of the other party's containers or related equipment. All equipment leasing will be in accordance with Agreement No. 10369, Equipment Interchange and Lease Basic Agreement between KSC and OOCL and with Agreement No. 10186, the Space Charter Agreement to which Agreement No. 10394 complies.

Dated: June 26, 1980.

By Order of the Federal Maritime Commission.

Francis C. Hurney,  
Secretary.

[FR Doc. 80-19792 Filed 7-1-80; 8:45 am]

BILLING CODE 6730-01-M

## GENERAL SERVICES ADMINISTRATION

[F-80-10]

### 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 Mississippi Public Service Commission involving intrastate telecommunications service rates.

2. *Effective date.* June 20, 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 Mississippi Public Service Commission involving the application of the South Central Bell Telephone 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 20, 1980.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 80-19794 Filed 7-1-80; 8:45 am]

BILLING CODE 6820-25-M

[F-80-11]

### 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 Service, the consumer interest of the executive agencies of the Federal Government in proceedings before the Missouri Public Service Commission involving intrastate telecommunications service rates.

2. *Effective date.* June 20, 1980.

e. *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 Missouri Public Service Commission involving the

application of the Southwestern Bell Telephone Company for increases in rates for intrastate telecommunications 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 20, 1980.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 80-19793 Filed 7-1-80; 8:45 am]

BILLING CODE 6820-25-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Public Health Service

#### National Committee on Vital and Health Statistics; Meeting

Pursuant to the Federal Advisory Act (Pub. L. 92463), notice is hereby given that the Subcommittee on Data Concepts and Methodology of the National Committee on Vital and Health Statistics, pursuant to functions established by Section 306(K), Paragraph (4) of the Public Health Service Act (42 U.S.C. 242K), will convene Monday, July 14, 1980, at 2:00 p.m. in the Captain's Room of the Channel Inn Motel, 650 Water Street, SW, Washington, D.C.

Principal consideration will be devoted to a discussion of an inventory of data concepts in health statistics; quality of information regarding minimum data sets; Minimum Data Set for Hospices. There will also be a discussion of the Subcommittee's relation to HCFA: editorials, reviews, and provision of advice.

Agenda items are subject to change as priorities dictate.

The meeting is open to the public for observation and participation. Further information regarding this meeting of the Subcommittee or other matters pertaining to the National Committee on Vital and Health Statistics may be obtained by contacting Samuel P. Korper, Ph.D., M.P.H., Executive Secretary, National Committee on Vital and Health Statistics, Room 17A-55, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-2660.

Dated: June 25, 1980.

Wayne C. Richey, Jr.,

*Associate Director for Program Support,  
Office of Health Research, Statistics, and  
Technology.*

[FR Doc. 80-19825 Filed 7-1-80; 8:45 am]

BILLING CODE 4110-85-M

### National Committee on Vital and Health Statistics; Meeting

Pursuant to Federal Advisory Act (Pub. L. 92-463), notice is hereby given that the National Committee on Vital and Health Statistics (NCVHS) established pursuant to 42 U.S.C. 242K, section 306(K)(2) of the Public Health Service Act, as amended, will convene on Tuesday, July 15, 1980, at 9:30 a.m., and Wednesday, July 16, 1980, at 9:00 a.m., in Room 800 of the Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201.

Agenda items for discussion will include Committee membership and rotation issues; reports of the subcommittee on (1) Data Concepts and Methodology, (2) Environmental Health Statistics, (3) Cooperative Health Statistics System, and (4) International Health Statistics; National Mental Health Statistics System; small area analysis of health systems performance; HCFA activities; status of environmental reports; status of health U.S.; Social Security Administration studies of health care expenditures of other countries. In addition, the newly appointed members of the Committee will be sworn in.

These meetings are open for public observation and participation. Agenda items are subject to change as priorities indicate.

Further information regarding the Committee may be obtained by contacting Samuel P. Korper, Ph. D., M.P.H., Executive Secretary, National Committee on Vital and Health Statistics, Room 17A-55, 5600 Fishers Lane, Rockville, Maryland 20857, telephone 301-443-2660.

Dated: June 25, 1980.

Wayne C. Richey, Jr.,

*Associate Director for Program Support,  
Office of Health Research, Statistics, and  
Technology.*

[FR Doc. 80-19826 Filed 7-1-80; 8:45 am]

BILLING CODE 4110-85-M

### National Committee on Vital and Health Statistics; Nominations for Candidates

Announcement is made that the Office of the Assistant Secretary for Health is seeking nominations for candidates to serve on the National Committee on

Vital and Health Statistics. The Committee is mandated pursuant to section 306 of the Public Health Service Act, as amended, 42 U.S.C. 242(k), to provide advice, consultation, assistance to the Secretary, Department of Health and Human Services, and make recommendations on policies and plans in developing major national systems of health data collection in the Department; on coordination of Federal health data requirements; on analyses over a wide range of subjects relating to the general health of the population; health care resources; the use of health care services; health care financing and expenditures; and international health statistical activities.

Nominees for these positions should have distinguished themselves in the areas and disciplines such as health statistics, health planning, epidemiology, the provision of health services, and international health.

Specially sought is the nomination of women and minority group members in the above-mentioned disciplines; persons currently involved in or experienced with the Cooperative Health Statistics System, and persons involved in international health and epidemiology.

Please forward nominations by August 1, 1980 to Mr. James A. Smith, Chief, Conference Management Branch, Office of Health Research, Statistics, and Technology, Federal Center Building, Room 2-12, 3700 East-West Highway, Hyattsville, Maryland 20872. Telephone 301-436-7122.

Dated: June 25, 1980.

Wayne C. Richey, Jr.,

*Associate Director for Program Support,  
Office of Health Research, Statistics, and  
Technology.*

[FR Doc. 80-19824 Filed 7-1-80; 8:45 am]

BILLING CODE 4110-85-M

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Availability of Environmental Assessments for Wildlife Restoration Projects

**AGENCY:** Fish and Wildlife Service, Department of the Interior.

**ACTION:** Notice of availability for inspection and public comment.

**SUMMARY:** This notice provides a listing of Environmental Assessments available for public review to supplement those previously listed in the *Federal Register* July 20, August 3, September 6, October 5, November 16, and December 27, 1979, and March 7, April 3, and May 23, 1980.

The Assessments and Findings of No Significant Impact were prepared on certain projects conducted by State fish and wildlife agencies under the Federal Aid in Wildlife Restoration program. The public is invited to comment, and information is provided on the locations at which the documents may be reviewed.

**DATE:** Comments must be received at the locations indicated by August 1, 1980.

**ADDRESSES:** The assessments are available for inspection at the following locations:

FWS Federal Aid Office, 1000 N. Glebe Road, Arlington, Virginia 22201.

Region 4, FWS, Richard B. Russell Federal Building, 75 Spring Street, SW., Atlanta, Georgia 30303

Region 6, FWS, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225

Central headquarters office of the State fish and wildlife agency

Interested persons are invited to submit comments to the appropriate Regional Director at the above regional addresses within 30 days. Copies of the assessment may be obtained at the Regional offices upon payment of reasonable reproduction costs pursuant to 43 CFR, Part 2, Appendix A. Copies of any Finding of No Significant Impact will be provided free of cost.

**FOR FURTHER INFORMATION CONTACT:** Mr. Charles K. Phenicie, Chief, Division of Federal Aid, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone 703-235-1526.

**SUPPLEMENTARY INFORMATION:** On June 26, 1979, the U.S. District Court for the District of Columbia issued an order dismissing Civil Action No. 78-430 involving the Federal Aid in Wildlife Restoration program. The dismissal effected an agreement by plaintiffs and defendants which included a provision that the Fish and Wildlife Service would publish in the *Federal Register* a notice of availability of certain Environmental Assessments for inspection and public comments. Pursuant to the stipulated agreement, this notice lists Environmental Assessments prepared to date and will be supplemented as other assessments are prepared.

The principal author of this notice is Dr. Robert J. Sousa, U.S. Fish and Wildlife Service, Division of Federal Aid, Washington, D.C. 20240, telephone 703-235-1526.

Notice is hereby given of availability for inspection and comment of environmental assessments for the following Federal Aid projects funded in part by the U.S. Fish and Wildlife Service (FWS) under the Pittman-

Robertson Federal Aid in Wildlife Restoration Act, 16 U.S.C. 669 *et seq.* (Activities listed are not exclusive.)

*Addendum—Region 6*

Kansas W-48—D (Previously cited in October 5, 1979, *Federal Register*, p. 57520)

This Amendment adds development and maintenance activities at five State Wildlife Management Areas in southeastern Kansas. Four of the areas are presently managed under Federal Aid, while the fifth is a new area under U.S. Army Corps of Engineers ownership which will be turned over to Kansas for management as a wildlife area. Proposed activities include herbaceous seeding, construction of 3.5 miles of boundary fence, planting of trees and shrubs, construction of a 100-foot earthen dike, a 45 foot-dike, and water control structures. Fence maintenance, sign installation, and project administration are also included.

*Addendum—Region 4*

Georgia W-36 (Previously cited in July 20, 1979, *Federal Register*, p. 42792)

This Environmental Assessment Amendment adds the Oconee Wildlife Management Area to the project. Project activities to be carried out on the Oconee Unit include: construction and maintenance of buildings, roads, and public use facilities; boundary posting; wildlife food plots; land clearing; vegetation control by mowing and control burning; population control on nuisance animals; installation of wood duck nesting boxes; providing public hunts and other recreation; protecting the area; preparing and maintaining salt licks; and construction of browse enclosures.

Dated: June 26, 1980.

Lynn A. Greenwall,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 80-19854 Filed 7-1-80; 8:45 am]

BILLING CODE 4310-55-M

## National Park Service

### Chesapeake and Ohio Canal National Historical Park Commission; Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting of the Chesapeake and Ohio Canal National Historical Park Commission will be held Saturday, July 19, 1980, at 1 p.m. at the Thomas Shephard Grist Mill in Shepherdstown, West Virginia.

The Commission was established by Pub. L. 91-664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Mr. Donald R. Frush, Chairman, Hagerstown, Maryland  
Mrs. Bonnie Troxell, Cumberland, Maryland  
Miss Nancy Long, Glen Echo, Maryland

Mrs. Constance Morella, Bethesda, Maryland  
Mr. Kenneth S. Rollins, Brookmont, Maryland  
Mrs. Constance Lieder, Baltimore, Maryland  
Mr. Edwin F. Wesely, Jr., Brookmont, Maryland

Mr. John D. Millar, Cumberland, Maryland  
Mr. James B. Coulter, Annapolis, Maryland  
Mrs. Dorothy Grotos, Arlington, Virginia  
Mrs. Minny Pohlmann, Dickerson, Maryland  
Mrs. Margaret Dietz, Lovettsville, Virginia  
Mr. William H. Ansel, Jr., Romney, West Virginia  
Dr. James H. Gilford, Frederick, Maryland  
Mr. Donald H. Shannon, Washington, D.C.  
Mr. Silas F. Starry, Shepherdstown, West Virginia  
Mr. Rockwood H. Foster, Washington, D.C.  
Mr. R. Lee Downey, Williamsport, Maryland  
Mr. John C. Frye, Gapland, Maryland

Matters to be discussed at this meeting include:

Great Falls Development Concept Plan  
Resolution on Philosophy of Tree Cutting and Vegetative Management  
Land Acquisition Plan  
Proposed Memorial to Justice William O. Douglas  
H. R. 7105, National Hostel System  
Recognition of Private Donors to Canal Park  
Parcourse Fitness Course  
Horse Access and Use of Towpath  
Catocin Creek Bridge  
Terminus Walkway, Cumberland, Maryland

The meeting will be open to the public. Any member of the public may file with the Commission, a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact William R. Failor, Superintendent, C&O Canal National Historical Park, P.O. Box 4, Sharpsburg, Maryland 21782, telephone 301/739-4200.

Minutes of the meeting will be available for public inspection four (4) weeks after the meeting at Park Headquarters, Sharpsburg, Maryland.

Dated: June 24, 1980.

Robert Stanton,

Acting Regional Director, National Capital Region.

[FR Doc. 80-19841 Filed 7-1-80; 8:45 am]

BILLING CODE 4310-70-M

### Delta Region Preservation Commission;

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Delta Region Preservation Commission will be held at 1:30 p.m. CST on July 31, 1980, in the Holiday Inn, 100 West Bank Expressway, Gretna, Louisiana.

The Delta Region Preservation Commission was established pursuant to Pub. L. 95-265, Section 907(a) to advise the Secretary of the Interior in

the selection of sites for inclusion in Jean Lafitte National Historical Park, in the development and implementation of a general management plan, and in the development and implementation of a comprehensive interpretive program of the natural, historic, and cultural resources of the region.

Matters to be discussed at this meeting include:

1. Guidelines and criteria for development and use of property in the park protection zone of the Barataria Unit.
2. Status reports on Pontalba Building, French Quarter walking tours, land acquisition, General Management Plan, survey of plantations and fortification, and archeological analysis of big and Little Oak Island.
3. Survey of vernacular architecture of French Quarter.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come, first-served basis. Any member of the public may file a written statement concerning the matters to be discussed with the Superintendent, Jean Lafitte National Historical Park.

Persons wishing further information concerning this meeting, or who wish to submit written statements may contact James Isenogle, Superintendent, Jean Lafitte National Historical Park, 400 Royal Street, Room 200, New Orleans, Louisiana 70130, telephone area code 504-589-3882. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of Jean Lafitte National Historical Park.

Dated: June 18, 1980.

Robert I. Kerr,

Acting Regional Director, Southwest Region, National Park Service.

[FR Doc. 80-19842 Filed 7-1-80; 8:45 am]

BILLING CODE 4310-70-M

### Pacific Northwest Region, Ebey's Landing National Historical Reserve; Notice of Intent

This announcement is to provide public information that the National Park Service will prepare a draft environmental impact statement on the following action: Comprehensive Plan, Ebey's Landing National Historical Reserve, Washington.

The comprehensive plan, developed in cooperation with the appropriate state and local units of general government, provides for the protection, preservation, and interpretation of the reserve. It identifies areas of the reserve

most suitable for public use and development, historic and natural preservation, and private use.

**Alternatives.**—Major points of the alternatives to be developed in the draft environmental impact statement include:

- A. no action;
- B. purchasing *throughout the reserve* as many development rights as possible within the congressional limitation;
- C. purchasing *in critical areas* of the reserve as many development rights as possible within the congressional limitation;
- D. purchasing in fee simple as much land as available in critical areas of the reserve; and
- E. developing, in cooperation with the town and county governments, a zoning density within the critical areas which meets with the requirements of Pub. L. 95-625.

**Scoping.**—The public participation process has included a series of public meetings and a request for written comments. Public meetings were held from February to October, 1979, in order to explore and develop alternatives for development of the plan. The draft comprehensive plan has been circulated and the National Park Service has formally requested and received comments on the document. Because coordination with concerned agencies and organizations is already in progress and public meetings have already been held, additional meetings are not considered necessary.

**Availability of Draft Environmental Impact Statement.**—It is estimated that the draft environmental impact statement will be available to the public in December, 1980.

If you, or your organization, need additional information or wish to provide written comments for consideration during preparation of the statement, please advise Reed W. Jarvis, Project Manager, Ebey's Landing National Historical Reserve, Box 774, Coupeville, Washington 98230.

Dated: June 12, 1980.

Charles H. Odegaard,  
Acting Regional Director, Pacific Northwest Region.

[FR Doc. 80-19843 Filed 7-1-80; 8:45 am]

BILLING CODE 4310-70-M

### Office of Surface Mining Reclamation and Enforcement

[Federal Lease Nos. C-076713 and D-004420]

#### Northern Coal Company for the Rienau No. 2 Mine, Rio Blanco and Moffat Counties, Colo.; Availability for Public Review of a Proposed Major Modification to a Mining and Reclamation Plan to an Underground Coal Mine

**AGENCY:** Office of Surface Mining, Reclamation and Enforcement, Department of the Interior.

**ACTION:** Availability for public review of proposed major modification to a coal mining and reclamation plan.

**SUMMARY:** Pursuant to § 211.5 of Title 30 and § 1500.2 of Title 40, Code of Federal Regulations, notice is hereby given that the Office of Surface Mining (OSM) has received an application from Northern Coal Company to increase coal production at the Rienau No. 2 Mine from 150,000 tons per year to 500,000 tons per year. A brief description of the mine location follows:

#### Location of Lands To Be Affected

Applicant: Northern Coal Company  
Mine Name: Rienau No. 2  
State: Colorado  
Counties: Rio Blanco and Moffat  
Township, Range, Section: T2N, R93W, Sections 29, 32; T6N, R90W, Section 1  
Office of Surface Mining Reference No. CO 0008.

The operating mine is located approximately 40 miles south of Craig, Colorado and about 8 miles north of Meeker. The underground mining operation presently produces 100,000 tons annually from a single coal seam (G) in the 490 acre lease area. Mining is by room and pillar methods and surface disturbance involves about 12 acres.

Existing facilities include 3 coal bins, a tippie, conveyor, coal crushing facilities, and an office/bathhouse complex. Coal is hauled by truck to a railroad loadout facility about 37 miles north of the mine.

The mine was approved on June 14, 1979 by the Office of Surface Mining (OSM) and the State of Colorado for a maximum annual production of 150,000 tons. The modification of the mining and reclamation plan proposes increasing the annual production to 500,000 tons. Mining of the G seam would take place over a period of about a year and a half instead of over a period of eight years. This modification involves the addition of a second underground continuous miner, associated shuttle cars, and the

addition of eight highway haulage trucks.

The mining and reclamation plan has been determined to be sufficiently complete and this notice is issued to inform the public of the availability of the plan for review. The Office of Surface Mining will prepare a technical analysis (TA) to determine whether the proposed plan meets the requirements of SMCRA and an environmental assessment (EA) which will evaluate the impacts of actions the Department of the Interior may take on the plan. During the analytical review, it is possible that OSM will request additional information from the company. Any further information obtained would also be available for public review.

No action on the modified plan will be taken by the Regional Director until August 1, 1980. Prior to making a final decision on this proposed modification, the Office of Surface Mining will issue a Notice of Pending Decision pursuant to § 211.5(c)(2) of Title 30, Code of Federal Regulations.

This plan is available for public review at the Office of Surface Mining, Region V, Brooks Towers, 1020 15th Street, Denver, Colorado 80202, and at the State of Colorado, Division of Natural Resources, Colorado Mined Land Reclamation, 1313 Sherman Street, Denver, Colorado. Comments on the proposed mine plan application may be addressed to the Regional Director, Office of Surface Mining, at the above Denver address.

**FOR FURTHER INFORMATION CONTACT:** Dan B. Kimball or John E. Hardaway, Office of Surface Mining, Brooks Towers, 1020 15th Street, Denver, Colorado 80202.

R. H. Hagen,

Acting Regional Director.

[FR Doc. 80-19768 Filed 7-1-80; 8:45 am]

BILLING CODE 4310-05-M

### INTERSTATE COMMERCE COMMISSION

#### Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the

protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

**Note.**—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

#### Motor Carriers of Property

##### Notice No. 41, June 25, 1980

MC 116254 (Sub-309TA), filed September 8, 1979, and published in **Federal Register** issue of April 2, 1980, and republished as corrected this issue. Applicant: CHEM HAULERS, INC., P.O. Box 339, Florence, AL 35630. Representative: Mr. M. D. Miller (same address as applicant). *Chemicals*, in bulk, in tank vehicles, from the facilities of Witco Chemical Corporation (Argus Division) to AL, AR, DE, FL, GA, IL, IN, KY, MA, MI, MS, NJ, NY, NC, OH, PA, SC, TN, TX, and VA, for 180 days. Supporting shipper: Argus Chemical Corporation, a wholly-owned subsidiary of Witco Chemical Corporation, P.O. Box 308, Gretna, LA 70054. Send protests to: Mabel E. Holson, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203. The purpose of this republication is to reflect the correct route description.

MC 149365 (Sub-1TA), filed December 28, 1979, and published in **Federal Register** issue of April 2, 1980, and republished as corrected this issue. Applicant: WOOD DALE LEASING & TRUCKING CO., 212 Frederick Place, Wood Dale, IL 60191. Representative: William H. Towle, 180 N. LaSalle St., Chicago, IL 60601. (1) *Molten aluminum, aluminum ingots, processed scrap copper and scrap iron and steel*, from the facilities of Lissner Corporation at Chicago, IL to points in IN, OH, MI, WI,

MN, IA, MO, KY, and PA and (2) *scrap wire, scrap cable, scrap iron and steel and scrap metals* (except commodities in bulk), from points in IN, OH, MI, WI, MN, IA, MO, KY, and PA to the facilities of Lissner Corporation at Chicago, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Lissner Corporation 1000 N. Branch, Chicago, IL 60622. Send protests to: Transportation Assistant, ICC, Room 1386, 219 S. Dearborn, Chicago, IL 60604. The purpose of this republication is to reflect the correct route description.

MC 149135 (Sub-1TA), filed December 31, 1979, and published in **Federal Register** issue of March 10, 1980, and republished as corrected this issue. Applicant: HAILEY & SON TRUCKING AND LEASING, INC., Rt. 6, Box 252, High Point, NC 27260. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. (1) *Wire and cable*, from Atlanta, GA and Baltimore, MD and points in their commercial zones, to points in NC; (2) *empty wire and cable reels*, from points in NC and Gaston, SC to Atlanta, GA and Baltimore, MD and points in their commercial zones; *scrap wire, scrap cable and scrap wire and cable reels*, from points in NC to Gaston, SC and (4) *telephone directories* from Atlanta, GA and points in its commercial zone to points in NC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Southern Bell Telephone and Telegraph Co., 800 Robie St., Winston-Salem, NC 27107. Send protests to: Shelia Reece, T/A, Room CC516, 800 Briar Creek Rd., Charlotte, NC 28205. The purpose of this republication is to reflect the correct destination point.

##### Notice No. F-38

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 110525 (Sub-II-11TA), filed June 19, 1980. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Ave., Downingtown, PA 19335. Representative: Thomas J. O'Brien (same as applicant). *Liquid resins, in bulk, in tank vehicles* from Ashtabula, OH to pts. in AL, GA, IL, IN, KY, MI, MN, MO, NY, NC, PA, TN, WV for 180 days. Supporting shipper: Ashland Chemical Co., P.O. Box 2219, Columbus, OH 43216.

MC 118899 (Sub-II-6TA), filed June 19, 1980. Applicant: BALTIMORE TANK LINES, INC., 180 Eighth Ave., Glen Burnie, MD 21061. Representative: Lawrence E. Lindeman, 425 13th St., N.W., Suite 1032, Washington, DC 20004. (1) *Liquid Fertilizer*, in bulk, in tank

vehicles from Baltimore, MD to Alexandria, VA and Arlington, Fairfax, Prince William, Loudoun, Fauquier, Stafford, Shenandoah, Rockingham, Culpeper, Clarke, Frederick, Warren, Page, Madison, Rappahanock, Greene, Orange, Spotsylvania, Caroline, and King George Counties, VA. (2) *Liquid Fertilizer*, in bulk, in tank vehicles from Baltimore MD to Jefferson, Berkeley, Morgan, Hampshire, Mineral, Hardy and Grant Counties, WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: Trans Maryland Terminal Corp., 4000 Hawkins Point Rd., Baltimore, MD 21226. Lebanon Chemical Corp., P.O. Box 180, Lebanon, PA 17042.

MC 123255 (Sub-II-2TA), filed June 19, 1980. Applicant: B & L MOTOR FREIGHT, INC., 1984 Coffman Rd., Newark, OH 43055. Representative: C. F. Schnee, Jr., 1984 Coffman Rd., Newark, OH 43055. *Air Filters* from Ashville, OH, to Baltimore, MD, Boston, MA, Buffalo, NY, Chicago, IL, Detroit, MI, Indianapolis, IN, Kalamazoo, MI, Louisville, KY, North Bergen, NJ, Philadelphia, PA, Pittsburgh, PA, Richmond, VA, St. Louis, MO, Syracuse, NY, and DC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Air Filtration Concepts, P.O. Box 187, Granville, OH 43023.

WC 1307 (Sub-2-1TA), filed June 16, 1980. Applicant: S & E Shipping Corp., d.b.a. KINSMAN LINES, 1401 Rockefeller Bldg., Cleveland, OH 44113. Representative: J. J. Davis (same as applicant). Contract: *Prefabricated deck houses*, for the account of the American Ship Building Company, by water vessel, from the facilities of American Ship Building Co., at or near Chicago, IL, via Lakes Michigan, Huron and Erie, to the facilities of American Ship Building Co. at or near Lorain, OH, for 60 days. The Philadelphia Regional Motor Carrier Board approved the authority sought for 60 days commencing July 10, 1980. Protests should be submitted to the Philadelphia Regional Office within 20 days from date of publication. Supporting shipper: American Ship Building Co., 400 Colorado Ave., Lorain, OH 44052.

MC 64600 (Sub-II-4TA), filed June 18, 1980. Applicant: WILSON TRUCKING CORP., P.O. Drawer 2, Fishersville, VA 22939. Representative: William J. Jones (same as applicant). *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); Serving Westminster, MD and its Commercial Zone as an off-route point in connection with authorized regular

routes between Washington, DC and Baltimore, MD for 180 days. Applicant intends to tack authority sought herein with authority held in Docket No. MC 64600 and intends to interline with other carriers at Newington, Richmond, Roanoke and Norfolk, VA; Greensboro, Charlotte and Raleigh, NC; Columbia and Greer, SC. An underlying ETA seeks 90 days authority. Supporting shippers: There are 12 supporting shippers. Their statements may be examined at the office listed below: Interstate Commerce Commission, Federal Reserve Bank Bldg.—Room 620, 101 N. 7th St., Philadelphia, PA 19106.

MC 14125 (Sub-II-1TA), filed June 20, 1980. Applicant: PIQUA TRANSFER & STORAGE CO., 524 Young St., Piqua, OH 45356. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers of containers, except in bulk, between the facilities of Container Corp. of America in Piqua, OH, on the one hand, and, on the other, points in Chicago, IL and its Commercial Zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Container Corp. of America, 500 East North Ave., Carrol Stream, IL 60187.*

MC 150339 (Sub-2-3TA), filed June 20, 1980. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: J. Cody Quinton, Jr. (same as applicant). *Contract; irregular: (1) All products manufactured by the Maryland Cup Corp. including paper cups, straws, ice cream cones, and related products, and (2) materials, equipment and supplies used in the manufacture, sale and distribution of commodities named in (1) above, between the facilities of Maryland Cup Corp. in Baltimore, MD, and points in its commercial zone, on the one hand, and, on the other, all points in the US (except AK and HI), under continuing contract with Maryland Cup Corp. Supporting shipper: Maryland Cup Corp., Owings Mills, MD 21117.*

MC 2245 (Sub-II-2TA), filed June 19, 1980. Applicant: THE O. K. TRUCKING CO., 3000 E. Crescentville Rd., Cincinnati, OH 45241. Representative: Robert H. Kinker, P.O. Box 464, Frankfort, KY 40602. *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), serving the facilities of the Firestone Tire and Rubber Co. at or near Decatur, IL as an off-route point in connection with carrier's authorized*

regular route authority for 180 days. Applicant intends to tack authority sought herein with authority held under MC-2245. Restricted to traffic originating at or destined to facilities used by Firestone Wire and Cable Co. at or near Danville, KY. Supporting shipper: Firestone Wire and Cable Co., U.S. Hwy 127 By-pass, Danville, KY 40422.

MC 151085 (Sub-II-1TA), filed June 19, 1980. Applicant: FREDERICK M. OPPEL, 145 South Enola Dr., Enola, PA 17025. Representative: J. Bruce Walter, 410 North Third, St., P.O. Box 1146, Harrisburg, PA 17108. *Bananas from Baltimore, MD to Harrisburg, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Santanna Banana Co., P.O. Box 1403, 12th & Kelker Sts., Harrisburg, PA 17105.*

MC 150732 (Sub-II-1TA), filed June 19, 1980. Applicant: P. K. DELIVERY CO., 6002-B Brett Rd., New Castle, DE 19720. Representative: William C. Evans, Suite 1100, 1660 L St., N.W., Wash., DC 20036. *General commodities, (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Newark, NJ; Phila., PA; Wilmington and Newark, DE and Baltimore, MD. Restricted to shipments having a prior or subsequent movement by air. Supporting shipper(s): There are five supporting shippers. Their statements may be examined at the ICC Regional Office in Phila., PA.*

MC 119632 (Sub-II-9TA), filed June 19, 1980. Applicant: REED LINES, INC., 634 Ralston Ave., Defiance, OH 43512. Representative: Wayne C. Pence (same as applicant). *Animal and Pet Foods (except frozen or in bulk), between the facilities of Benco Pet Foods, Inc., Zanesville, OH and points in DC, DE, IL, IN, KY, MD, MI, MO, NJ, NY, PA, VA and WV, for 180 days. Restricted to shipments originating at or destined to facilities of Benco Pet Foods, Inc. An underlying ETA seeks 90 days authority. Supporting shipper: Benco Pet Foods, Inc., 7 Main St., Zanesville, OH 43701.*

MC 150522 (Sub-II-5TA) filed June 19, 1980. Applicant: VIRGINIAN ELECTRIC CO., d.b.a. VIRGINIAN POWER TRANSPORT, 6333 Emerson Ave., Parkersburg, WV 26101. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Glass containers and closures, From Coventry, RI to points in KY; and from Vienna, WV and Coventry, RI to points in AL, FL, GA, ME, MD, MA, NH, NJ, NY, OH, PA, RI, and WV. Underlying ETA seeks 90 days authority. Supporting shipper: National Bottle Co., Vienna, WV 26101.*

MC 140201 (Sub-II-3TA), filed June 16, 1980. Applicant: SONELL, INC., Neshaminy Plaza, Bldg. No. 1, Suite 111, Cornwells Heights, PA 19020. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW., Washington, DC 20005. *Paper and paper products and materials, supplies and equipment used in the manufacture, sale and distribution thereof, from the facilities of Scott Paper Co. in PA, NJ, NY, DE, and ME to PA, NY, NJ, ME, OH, VT, RI, NH, MA, MD, DE and DC. An underlying ETA seeks 90 days authority. Supporting shipper: Scott Paper Co., Scott Plaza II, Philadelphia, PA 19113.*

MC 114569 (Sub-II-22TA), filed June 16, 1980. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Applicant's representative: N. L. Cummins (same address as applicant). *Paper Bags, N. O. I., From Monroe and West Monroe, LA to points in AZ, CA, CO, NV, UT, and WY. An underlying ETA seeks 90 days authority. Supporting shipper: Bancroft Bag, Inc., P.O. Box 307, West Monroe, LA 71291.*

MC 146421 (Sub-II-1TA), filed June 18, 1980. Applicant: CLARENCE WYATT TRANSFER, INC., 716 E. 7th St., Richmond, VA 23204. Representative: Charles C. Chewning (same as applicant). *General commodities (except Classes A & B explosives, motor vehicles, household goods as defined by the Commission and those requiring special equipment), between Richmond, VA, on the one hand, and, on the other, Baltimore, MD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: National Bottle Co., Vienna, WV 26101.*

MC 115703 (Sub-II-3TA), filed June 19, 1980. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 6331, Wyomissing, PA 19610. Representative: Bernard L. Quaglia, (same as applicant). *Railroad-Railbed construction material and equipment, between the plantsite of Graystone Corporation, High Point, N.C. on the one hand, and on the other points in AZ, IL, KY, MD, MA, MI, MN, NJ, NY, NC, OH, PA, VA, WV, and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Graystone Corporation, Brittany Bldg., Suite 5007, 1717 Penn Ave., Pittsburgh, PA 15221.*

MC 143394 (Sub-II-5TA), filed June 18, 1980. Applicant: GENIE TRUCKING LINE, INC., 70 Carlisle Springs Road, P.O. Box 840, Carlisle, PA 17013. Representative: G. Kenneth Bishop, (same as applicant). *Contract; irregular: General commodities, (except classes A & B explosives, commodities in bulk, commodities of unusual value, household goods and those requiring the*

use of special equipment) from the facilities of Streamline Shippers Association, Inc., Los Angeles, California on the one hand, to points in the states of LA, AR, MS, TN, AL, GA, NC, SC, MD, NY, NJ, PA, DE, WV, VA on the other, restricted to traffic tendered by the named facilities and destined to the named states for 180 days. Supporting shipper: Streamline Shippers Association, Inc., 970 East Third Street, Los Angeles, CA 90013.

MC 125335 (Sub-2-10TA), filed June 16, 1980. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. *Such commodities as are dealt in by wholesale and retail discount stores (except commodities in bulk), from points in Bradford, Carbon, Columbia, Franklin, Lackawanna, Lehigh, Luzerne, Lycoming, Monroe, Montour, Northampton, Northumberland, Pike, Schuylkill, Tioga, Wayne, and Wyoming Counties, PA, and Broome, Cayuga, Chemung, Chenango, Cortland, Onandaga, Schuyler, Seneca, Steuben, Tioga, Tompkins and Yates Counties, NY, to points in AR, LA, OK, IN, CO, MI, and OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Northeastern Pennsylvania Shipper's Cooperative Association, Inc., Nelson Building, West Eight Street, W. Wyoming, PA.*

MC 124821 (Sub-II-18TA), filed June 17, 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. *Foodstuffs, canned or preserved, from the facilities of Heinz USA at or near Holland, MI, to points in CT, MA, NJ, NY and PA, restricted to traffic originating at the named facilities and destined to the named states, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Heinz USA, Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230.*

MC 150163 (Sub-II-5TA), filed June 17, 1980. Applicant: HORWATH TRUCKS, INC., R. D. #1, Coplay, PA 18037. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966. Authority sought: (1) *Aluminum concentrate, in bulk, in dump vehicles, From: So. River, NJ to the ports of entry on the International Boundary Line between the US and Canada, in NY.* (2) *Lead residue, in bulk, in dump vehicles, From: the ports of entry on the International Boundary Line between the US and Canada in NY to Nesquehoning, PA. Restricted to the transportation of traffic in foreign*

commerce, from and to the facilities of Tonolli Canada Ltd., Toronto, Canada. Supporting shipper: Tonolli Canada Ltd., 1333 Tonolli Road, Mississauga, Ontario, Canada L4Y2A4. An underlying ETA seeks 90-day authority.

MC 63417 (Sub-2-3TA), filed February 15, 1980. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same as applicant). *Glass, from Crystal City, MO; Nashville, TN; and Tulsa, OK to Galax, VA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Mirror Co., Galax, VA 24333.*

MC 63417 (Sub-2-1TA), filed February 11, 1980. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same as applicant). *New furniture and fixtures from Temple, TX to points in SC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Nu Idea School Supply, Inc., P.O. Box 1248, Sumter, SC 29150.*

MC 148001 (Sub-2-2TA), filed March 12, 1980. Applicant: M. G. BROADDUS, III, Box 113 H, Route 1, Bowling Green, VA 22427. Representative: Calvin F. Major, 200 West Grace St., Suite 415, Richmond, VA 23220. *Contract; irregular: Lumber, Plywood, Shakes & Shingles from Milford, VA to CO, DE, FL, ME, MD, MA, NH, NJ, NY, PA, RI, TN, VT, VA, and WV for 180 days. Supporting shipper: Hoover Universal, Inc., P.O. Box 290, Milford, VA 22514.*

MC 112304 (Sub-II-2TA), filed February 11, 1980. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock St., Cincinnati, OH 45223. Representative: John D. Herbert (same address). (1) *Metal articles, from the facilities of Southeast Metal Deck, Inc., at or near Chesapeake, VA, to all points in the states of AL, CT, DE, FL, GA, KY, ME, MD, MA, MS, NH, NJ, NY, NC, PA, RI, SC, TN, VA, VT, WV, and DC, and (2) Equipment, materials and supplies (except in bulk), used in the manufacture of metal articles, in the reverse direction, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Southeast Metal Deck, Inc., 1400 Cavalier Blvd., Chesapeake, VA 23323.*

MC 107403 (Sub-2-1TA), filed February 12, 1980. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes (same as applicant). *Titanium dioxide, in bulk, in tank vehicles from Hamilton, MS to Bardstown, KY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kerr-McGee*

Chemical Corp., Kerr-McGee Center, Oklahoma City, OK 73125.

MC 147491 (Sub-II-1TA), filed June 16, 1980. Applicant: TAB TRUCKING INC., 4342 Janitrol Rd., Columbus, OH 43228. Applicant's representative: Frank L. Calvary, 3066 N. Star Rd., Columbus, OH 43221. *Cooling or freezing machines, from Montgomery, AL to Delaware, OH for 180 days. Supporting shipper: Grumman Flexible Corp., 970 Pittsburgh Dr., Delaware, OH 43015.*

MC 138068 (Sub-II-1TA), filed June 16, 1980. Applicant: WAREHOUSE TRANSPORTATION CO. INC., P.O. Box 84, Urbana, OH 43078. Applicant's representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215. *Contract; Irregular; Foodstuffs (except commodities in bulk), from the facilities owned or used by General Foods Corporation located at Jacksonville, FL, to Louisville, KY; Taylor, MI; Chicago, IL (and its commercial zone); Clifton and Moonachie, NJ; Dedham, MA; Liverpool, NY; and Boardman, OH for 180 days. Supporting shipper(s): General Foods Corp., 250 North St., White Plains, NY 10625.*

MC 116763 (Sub-II-17), filed June 17, 1980. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same as applicant). (1) *Plastic, plastic articles and (2) Such commodities as are used in the manufacturing, distribution, and sale of the commodities in (1) above, restricted in (1) and (2) above against the transportation of commodities in bulk, in tank vehicles, between points in the United States in and east of MN, IA, MO, OK and TX, for 180 days. Restricted to the transportation of traffic originating at or destined to the facilities of Plast-O-Meric, Inc. Supporting shipper: Plast-O-Meric, Inc., 21300 Doral Rd., Waukesha, WI 53186.*

MC 142051 (Sub-II-1TA), filed June 3, 1980. Originally published in the *Federal Register* of June 16, 1980. Applicant: MOYER PACKING TRANSPORTATION CO., d.b.a. V & J DERSTINE, P.O. Box 395, Allentown Rd., Souderton, PA 18964. Representative: Edwin L. Scherlis, Suite 420, 1315 Walnut St., Philadelphia, PA 19107. *Contract, irregular: Hides, tallow, feather blood and blood meal, bakery meal, animal fat, raw offal, meat meal, fat and bones between the plantsites of Moyer Packing Co., in the Commonwealth of PA, on the one hand, and on the other, points in DE, FL, GA, IN, IL, MA, MI, NC, SH, SC, VT, WI, DC, IA, MN, MS, AR, KY, TN, AL, LA, NE, KS, OK, TX and MO under a continuing contract or contracts with the North Penn Hide Co., Div. of Moyer Packing*

Co. for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to tack. Supporting shipper: Moyer Packing Transportation Co., P.O. Box 395, Souderton, PA 18964.

MC 21227 (Sub-II-1TA), filed May 28, 1980. Originally published in *Federal Register* of June 16, 1980. Applicant: BUDIG TRUCKING CO., 100 Gest St., Cincinnati, OH 45203. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. Common, Regular, *Electrical transmission and distribution equipment, materials and supplies*, (1) from Columbia, MO, over U.S. Hwy 63 to junction MO Hwy 22, then east over MO Hwy 22 to Centralia, MO, and return over the same route, serving no intermediate points; and, (2) from Centralia, MO, over MO Hwy 22 to Mexico, MO, and return over the same route, serving no intermediate points. An underlying ETA seeks 90 days authority. Applicant intends to tack and interline. Supporting shipper: A. B. Chance Co., 210 N. Allen St., Centralia, MO 65240.

MC 150954 (Sub-II-2TA), filed June 16, 1980. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Dr., Suite 515, San Antonio, TX 78217. *New Aluminum Beverage Cans, Empty, Without Lids*, From the facilities of American Can Company, San Antonio, TX to New Orleans, (and points within the commercial zone thereof) and Reserve, LA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: American Can Corp., P.O. Box 10279, San Antonio, TX 78210.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7520, Atlanta, GA 30357.

MC 105457 (Sub-3-1TA), filed June 18, 1980. Applicant: THURSTON MOTOR LINES, 600 Johnston Road, Charlotte, NC 28206. Representative: John V. Luckadoo (same as above). *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*, (1) between Chattanooga, TN and Birmingham, AL and points in its commercial zone over Interstate Hwy 59 serving no intermediate points; (2) between Atlanta, GA and Birmingham, AL and points in its commercial zone over Interstate Hwy 20 serving no intermediate points; (3) between Cullman, AL and Birmingham, AL and points in its commercial zone over Interstate Hwy 65 serving no

intermediate points; (4) between Tupelo, MS and Birmingham, AL and points in its commercial zone over US Hwy 78, serving no intermediate points. Applicant requests to tack this authority to authority held under MC-105457 and subs thereto and to interline with other carriers at Atlanta, GA, Chattanooga, TN and Birmingham, AL. Supporting shipper: There are 182 supporting statements attached to the application which may be reviewed at the Atlanta, ICC Regional Office.

MC 85970 (Sub-3-7TA), filed June 18, 1980. Applicant: SARTAIN TRUCK LINE, INC., 1625 Hornbrook Street, Dyersburg, TN 38024. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Popular Avenue, Memphis, TN 38137. (1) *Aluminum extrusions, shower doors, carpet grippers and (2) materials, equipment and supplies used/usedful in the manufacture, distribution, or sale thereof*, between the facilities of Kinkhead Industries, Inc., located at or near Union City, TN, on the one hand, and, on the other, points in the U.S. except AK and HI. Supporting shipper: Kinkhead Industries, N. 5th Street, Union City, TN, 38261.

MC 148763 (Sub-3-1TA), filed June 19, 1980. Applicant: GRIBBLE BROS. RENTAL SERVICE, INC., 4958 Atlanta Road, S. E., Smyrna, GA 30080. Representative: W. H. Gribble, Jr., 192 Pine Lake Drive, N. W., Atlanta, GA 30327. *Lumber, Plywood, Particleboard, and Cedar Shingles*, between points in GA, AL, TN, SC, and FL. Supporting shippers: There are six (6) statements of support attached to this application which may be examined at the Atlanta Regional Office.

MC 148817 (Sub-3-1TA), filed June 18, 1980. Applicant: BALL MOTOR LINE, INC., P.O. Box 665, Plymouth, FL 42768. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. *Contract, irregular Plastic molded shipping containers* from Batavia, NY to De Leon Springs, FL, under a continuing contract with Sparton Electronics Florida, Inc. Supporting shipper: Sparton Electronics Florida, Inc., a Division of Sparton Corporation, P.O. Box 788, De Leon Springs, FL 32028.

MC 17000 (Sub-3-1TA), filed June 18, 1980. Applicant: HOHENWALD TRUCK LINES, INC., P.O. Box 196, Hohenwald, Tennessee 38462. Representative: 618 United American Bank Building, Nashville, Tennessee 37219. *Automotive parts and commodities used in the manufacture and distribution of automotive parts*, between Linden, TN on the one hand, and, on the other, points in NY, and IN. Supporting

shipper: Linden Products Co., Squirrel Hollow Road, Linden, TN 37096.

MC 125368 (Sub-3-10TA), filed June 19, 1980. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: C. W. Fletcher (same address as applicant). *Refrigeration, air condition coils, and temperature control products*, between the facilities of Singer Company, Coil Division, located at or near Wilmington, NC on the one hand, and, on the other, points in the U.S., except AK and HI. Supporting shipper: Singer Company, Coil Division, 602 Sunnyvale Dr., Wilmington, NC.

MC 143059 (Sub-3-11TA), filed June 17, 1980. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. *Plastic, plastic articles, plastic pipe, tubing, fittings and connections, and materials, supplies, machinery and accessories used in the manufacture and installation thereof (except in bulk, in tank vehicles)*, between the facilities of Dyka, U.S.A. at or near Macon, GA, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Dyka, U.S.A., Inc., P.O. Box 10246, Wilson Airport, Macon, GA 31297.

MC 144041 (Sub-3-3TA), filed June 16, 1980. Applicant: DOWNS TRANSPORTATION CO., INC., P.O. Box 465, Conyers, GA 30207. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. *Plastic articles*, from the facilities of Paramount Packaging Company at or near Murfreesboro, TN to all points in the U.S. (except AK and HI). Supporting shipper: Paramount Packing Company, 106 Samsonite Blvd., Murfreesboro, TN 37130.

MC 138882 (Sub-3-21TA), filed June 16, 1980. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, Alabama 36081. Representative: John J. Dykema (same as applicant). (1) *Rubber and plastic articles (except in bulk in tank vehicles); and (2) Materials, equipment and supplies used in the manufacture and distribution of rubber and plastic articles (except in bulk in tank vehicles)*, between the facilities of Injection Molders, Inc. located at or near Ft. Worth, TX on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Injection Molders, Inc., 2745 Ludelle Ave., Ft. Worth, TX 76105.

MC 107478 (Sub-3-4TA), filed June 16, 1980. Applicant: OLD DOMINION FREIGHT LINE, INC., P.O. Box 2006, High Point, N.C. 27261. Representative:

C. T. Harris, 506 Mayo Street, P.O. Box 999, Wilson, N.C. 27893. (1) *Plastic pipe, tubing, fittings, valves and hydrants and (2) materials and supplies used in the manufacturing and distribution of the commodities in (1) above (except in bulk)*, between the facilities of Tridyn Industries, Inc., located at Colfax, NC, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Tridyn Industries, Inc., P.O. Box 156, Colfax, NC 27235.

MC 121699 (Sub-3-1TA), filed June 16, 1980. Applicant: VOLUNTEER EXPRESS, INC., 1220 Daydur Court, Nashville, TN 37210. Representative: Walter Harwood, P.O. Box 15214, Nashville, TN 37215. *Plastic and plastic products, and materials, equipment and supplies used in the manufacture and distribution thereof, except in bulk*, (a) between Bryan, OH and Kenton, TN, and (b) between Bryan, OH and Kenton, TN, on the one hand, and on the other, points in the U.S. in and east of TX, AR, MO, KS, IA and MN. Supporting shipper: Custom Plastics, 918 S. Union St., Bryan, OH 43506.

MC 110878 (Sub-3-6TA), filed June 16, 1980. Applicant: ARGO TRUCKING COMPANY, INC., P.O. Box 955, Elberton, GA 30635. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. (1) *Salt and Salt Products, except in bulk*, and (2) *Products, Equipment, Materials and Supplies, except in bulk, used in agricultural, water treatment, food processing, wholesale grocery and institutional supply houses when in mixed shipments with salt and salt products*, from Grand Saline, TX, to points in AL, AR, FL, GA, KS, LA, MS, MO, NM, OK, SC and TN. Supporting shipper: Morton Salt Division of Morton, Norwich, 110 North Wacker Drive, Chicago, IL 60606.

MC 151038 (Sub-3-1TA), filed June 16, 1980. Applicant: DER TRUCKING CO., INC., Box 4B, 1105 N. Main Street, Gainesville, FL 32601. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Mobile Decontaminating Systems and Equipment used in the nuclear power industry, between points in the U.S. (except AK and HI)*. Supporting shipper: Health Physics Systems, Inc., 2727 NW 43rd St., Gainesville, FL 32601.

MC 138157 (Sub-3-24TA), filed June 19, 1980. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, TN 37412. Representative: Patrick E. Quinn (same address as applicant). *Automotive and textile sealers and materials, equipment, and supplies used in the*

*manufacture, production, and distribution of automobile and textile sealers*, between Frederick, OK on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, AR, and TX. Restriction: Restricted against the transportation of commodities in bulk and further restricted to traffic originating at or destined to the facilities of Schlegel Oklahoma, Inc. Supporting shipper: Schlegel Oklahoma, Inc., Airport Industrial Park, Frederick, OK 73542.

MC 151092 (Sub-3-1TA), filed June 18, 1980. Applicant: LOCKLAR ENTERPRISES, INC., P.O. Box 3, Statesville, NC 28677. Representative: W. G. Reese, III, P.O. Box 3004, Charlotte, NC 28203. *Contract carrier: irregular: New furniture, home furnishing accessories, electrical appliances and commodities dealt in by retail furniture stores* requiring inside delivery between points in NC and points and places in SC, GA, FL, VA, WV, MD, DE, NJ, NY, OH, IN, MI, IL, WI, KY, TN, LA, MS, AL, PA, and DC. There are 6 supporting shipper statements which may be examined at the ICC Regional office in Atlanta.

MC 121568 (Sub-3-11TA), filed June 18, 1980. Applicant: HUMBOLDT EXPRESS, INC., 345 Hill Ave., Nashville, TN. Representative: James G. Caldwell (same address as applicant). *General commodities, viz: caulking or glaziers compound, paint, roof coatings and roofing cement, and the materials, supplies, and equipment used in the manufacture and distribution of these commodities (except in bulk)*, between Fort Worth, TX and the states of AR and TN. Supporting shipper: Parr Inc., 18400 Syracuse Ave., Cleveland, OH 44110. Applicant intends to tack in MC 121568 and interline at Memphis, TN and Nashville, TN and other authorized points.

MC 150986 (Sub-3-1TA), filed June 19, 1980. Applicant: YOUNG TRANSFER, INC., d.b.a. YOUNG TRANSFER, P.O. Box 8226, Charlotte, NC 28208. Representative: Terry Lynn Welch (same address as applicant). *Paper boxes, pulpboard boxes, and materials, equipment and supplies used in the manufacturing and distribution thereof*, between Charlotte, NC, on the one hand, and, on the other, Athens, GA, and points in its commercial zone. Supporting shipper: Weyerhaeuser Co., P.O. Box 668469, Charlotte, NC 28266.

MC 111302 (Sub-3-5TA), filed June 19, 1980. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10108, Knoxville, TN 37919. Representative: David A. Petersen (same address as applicant). *Liquid chemicals*, in bulk, in

tank vehicles, from the facilities of Westvaco Corp. at or near DeRidder, LA to points in AL, CA, FL, IL, MI, MS, MO, OK, TX. Supporting shipper: Westvaco Corporation, Box 70848, Charleston Heights, SC 29405.

MC 148423 (Sub-3-4TA), filed June 20, 1980. Applicant: AVANT TRUCKING CO., INC., P.O. Box 216, Gray, GA 31032. Representative: R. Napier Murphy, 700 Home Federal Building, Macon, GA 31201. *Road building materials and aggregates* from points in GA to points in AL and points in FL north of a line formed by Interstate 4. Supporting shipper: Martin-Marietta Corporation, P.O. Box 4380, Augusta, GA 30907.

MC 151095 (Sub-3-1TA), filed June 20, 1980. Applicant: BLUE & WHITE EXPRESS, INC., Rt. 1, Box 27BD, Richmond, KY 40475. Representative: Luis J. Amato, P.O. Box E, Bowling Green, KY 42101. *Malt beverages in containers, and empty malt beverage containers*, (1) between Cincinnati and Columbus, OH and St. Louis, MO, on the one hand, and, on the other, Lexington, Richmond, and Winchester, KY; (2) between Belleville and Peoria, IL, Evansville, IN, and Perry, GA, on the one hand, and, on the other, Lexington and Winchester, KY; and (3) between Detroit, MI, on the one hand, and, on the other, Richmond, KY. Supporting shippers: Barnett & Co., Richmond, KY; Ace Beer Dist. Co., Inc., d.b.a. Champion Distributing Co., Lexington, KY 40508; and Bennie Robinson, Inc. and Old South Distributing Co., Inc., Lexington, KY 40508.

MC 135895 (Sub-3-8TA), filed June 13, 1980. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. (1) *Chemicals, toilet preparations, shampoo, soap, such commodities as are dealt in by department, grocery and hardware stores (except foodstuffs, meats and commodities in bulk)*, and (2) *materials and supplies used in the manufacture of commodities described in (1) above (except commodities in bulk)* between the facilities of American Cyanamid Company at or near Jackson, MS, on the one hand, and, on the other, points in FL, OK, and TX. Supporting shipper: American Cyanamid Company, Wayne, NJ 07407.

MC 107960 (Sub-3-1TA), filed June 16, 1980. Applicant: SUMMERFORD TRUCK LINE, INC., 206 Broadway, Ashford, AL 36312. Representative: Robert J. Corber, 1250 Connecticut Ave., N.W., Washington, DC 20036. *Charcoal, charcoal briquettes, wood chips, sawdust and wax impregnated logs and*

materials, supplies and equipment used in the manufacture, production, and sale thereof, between Dothan, AL on the one hand, and, on the other, points and places in AR, FL, GA, LA, MS, NC, SC, TN and TX. Supporting shipper: Kingsford Company, Post Office Box 1033, Louisville, KY 40201.

MC 124306 (Sub-3-5TA), filed June 19, 1980. Applicant: KENAN TRANSPORT COMPANY, INCORPORATED, P.O. Box 2729, Chapel Hill, NC 27514.

Representative: W. David Fesperman, (same as above). *Petroleum products, in bulk, in tank vehicles*, from Richmond, VA to points in NC. Supporting shipper: Swann Oil of Virginia, Inc., 130 Presidential Blvd., Bala Cynwyd, PA 19004.

MC 107515 (Sub-3-33TA), filed June 19, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Esq., 3390 Peachtree Road, N.E., 5th Floor-Lenox Towers South, Atlanta, GA 30326. *General Commodities (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* from the facilities of Streamline Shippers Association, Inc. located at or near Los Angeles, CA to points in the US in and east of ND, SD, NE, KS, OK and TX. Supporting shipper: Streamline Shippers Association, Inc., 970 E. 3rd Street, Los Angeles, CA 90013.

MC 140563 (Sub-3-1TA) filed June 20, 1980. Applicant: W. T. MYLES TRANSPORTATION CO., P.O. Box 321, Conley, GA 30027. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. (1) *Cleaning and polishing compounds, textile softeners, lubricants, deodorants, disinfectants, hypochlorite solutions, paints, stains, varnishes, and plastic bags and filters (except in bulk)*, from the facilities of Economics Laboratory, Inc., at or near Joliet, IL, to points in AL, FL, GA, NC, SC, and TN; and (2) *Materials, equipment and supplies used in the manufacture or distribution of the commodities named in (1) above (except in bulk)*, from points in AL, FL, GA, NC, SC, and TN, to the facilities of Economics Laboratory, Inc. at or near Joliet, IL. Supporting shipper: Economics Laboratory, Inc., Osborn Building, St. Paul, MN 55102.

MC 106074 (Sub-3-10TA), filed June 18, 1980. Applicant: B AND P MOTOR LINES, INC., Shiloh Rd. and U.S. Hwy 221 S., Forest City, NC 38043. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, Georgia 30328. *Meats, Meat Products, and Meat By-Products; and Articles distributed by*

*Meat Packing Houses as described in described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 MCC 209 and 766 (except hides and commodities in bulk)* between points in NC, on the one hand, and, on the other, points in GA and KY. Supporting shipper: Fast Food Merchandisers, Inc., P.O. Box 1241, Rocky Mount, NC 27801.

MC 144140 (Sub-3-3TA), filed June 18, 1980. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 158, Eustis, FL 32726. Representative: John L. Dickerson (same as above). *Foodstuffs and materials and supplies used in the manufacturing of foodstuffs*, between Cuyahoga Falls, OH, on the one hand, and points in DE, IL, IN, KY, MD, MI, NJ, NY, OH, PA, TN, VA and WV, on the other. Supporting shipper: Citrus Central, Inc., P.O. Box 17774, Orlando, FL 32860.

MC 116254 (Sub-3-11TA), filed June 18, 1980. Applicant: Chem-Haulers, Inc., P.O. Box 339, Florance, AL 35631. Representative: M. D. Miller (same address as applicant). *Aluminum Articles*, from the facilities of Alumax of South Carolina, at or near Mt. Holly (Berkeley County), SC, to OK and TX. Supporting shipper: Alumax of South Carolina, Inc., P.O. Box 1000, Goose Creek, SC 29445.

MC 121699 (Sub-3-2TA), filed June 19, 1980. Applicant: VOLUNTEER EXPRESS, INC., 1220 Faydur Court, Nashville, TN 37201. Representative: Walter Harwood, P.O. Box 15214, Nashville, TN 37215. *Boxes or crates, wood or wood and wire combined, materials, equipment and supplies used in the manufacture and distribution thereof*, (a) between Martin, TN and Toledo, OH, and (b) between Martin, TN and Toledo, OH, on the one hand, and, on the other, points in the U.S. in and east of TX, AR, MO, KS, IA, and MN. Supporting shipper: Martin Bros. Container and Timber Products Co., Box 87, Martin, TN 38237.

MC 112617 (Sub-3-9TA), filed June 18, 1980. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, KY 40221. Representative: Larry W. Thompson (same address as applicant). *Acrylonitrile Butadiene Styrene (ABS), in bulk in tank or hopper type vehicles*, from the facilities of United States Steel Corporation located at or near Haverhill, Scioto County, OH, to points in the U.S. (except Alaska and Hawaii), and returned and rejected shipments from the above named destination territory to the above named origin point. Supporting shipper: United States Steel Corporation, 600 Grant Street, Pittsburgh, PA 15230.

MC 134064 (Sub-3-5TA), filed June 18, 1980. Applicant: INTERSTATE TRANSPORT, INC., 1600 Highway 129, South Gainesville, GA 30501. Representative: Charles M. Williams, 350 Capitol Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. (1) *Foodstuffs (except in bulk) and (2) Materials, equipment, and supplies used by restaurants in the conduct of their businesses (except in bulk)*, from Tracy, Stockton, Sacramento, Modesto and Visalia, CA; Memphis, TN; Elmira and Horseheads, NY; Hutchison, KS; Kansas City, MO; Ft. Worth and Sherman, TX; Knoxville and Algona, IA; Atlanta, GA and Denver, CO; and points in their respective commercial zones, to the facilities of Franchise Services, Inc. located at or near City of Industry, CA; Wichita and Kansas City, KS; Grand Prairie, TX; Jackson, MS; Burnsville, MN; Morrow, GA; Orlando, FL; Langhorne, PA; Albany, NY; and Indianapolis, IN. Supporting shipper: Franchise Services, Inc., P.O. Box 484, Wichita, KS 67201.

MC 143594 (Sub-3-4TA), filed June 19, 1980. Applicant: NATIONAL BULK TRANSPORT, INC., 624 Holcomb Bridge Rd., Suite 13, Roswell, GA 30075. Representative: Patrick M. Byrne, P.O. Box 2298, Green Bay, WI 54306. *Chemicals, in bulk, in tank vehicles*, from the facilities of Reichhold Chemicals at or near Houston, TX to points in WI, OH, SC, CO, FL, IL, LA, MN, AR, OK, KS, AL and VA. Supporting shipper: Reichhold Chemicals, Inc., 2800 N. Loop West, Houston, TX 77018.

MC 121699 (Sub-3-3TA), filed June 19, 1980. Applicant: VOLUNTEER EXPRESS, INC., 1220 Faydur Court, Nashville, TN 37210. Representative: Walter Harwood, P.O. Box 15214, Nashville, TN 37215. *Wheels, hubs, tires, brakes, brake parts, spindles, chemicals, paint, equipment, materials and supplies used in the manufacture thereof, except commodities in bulk*, (a) between Dresden, TN and Des Moines, IA, and (b) between Dresden, TN and Des Moines, IA, on the one hand, and, on the other, points in the U.S. in the east of TX, AR, MO, KS, IA, and MN. Supporting shipper: DICO, Inc., Hwy 22, Dresden, TN 38225.

MC 128521 (Sub-3-1TA), filed June 19, 1980. Applicant: BIRMINGHAM-NASHVILLE EXPRESS, INC., P.O. Box 100417, Nashville, Tennessee 37210. Representative: Robert S. Durrett (Same address as applicant). *Air coolers or air conditioners, furnaces, house heating, or component parts thereof*, between Nashville, TN and its commercial zone on the one hand, and on the other, points in

AL, MS, LA, FL, GA, and SC. Supporting shipper: Heil Quaker Distribution Center, 1714 Heil-Quaker Blvd., Laverne, TN 37086. Applicant seeks to interline at Birmingham, AL, New Orleans, LA, and Atlanta, GA.

MC 144026 (Sub-3-5TA), filed April 21, 1980. Republication—originally published in *Federal Register* of May 7, 1980, page 30152, volume 45, No. 90. Applicant: WILLIAMS CARTAGE COMPANY, INC., P.O. Box 897, Hartsville, SC 29550. Representative: M. John Bowen, Jr., P.O. Box 11390, Columbia, SC 21211. *Plastic containers and closures and materials and supplies used in the manufacture thereof*, between the facilities of Incon, at or near Columbia, SC, on the one hand, and, on the other points in the states of FL, GA, NC, TN, VA, and WV. Supporting shipper: Incon, 10109 Two Notch Rd., Columbia, SC 29206.

The following applications were filed in Region 4: Send protests to: ICC, Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, IL 60604.

MC 150705 (Sub-4-3TA), filed June 20, 1980. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). *Contract; irregular: Such commodities as are dealt in or used by manufacturers or distributors of containers*, between points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, under continuing contracts with Smith Container Corporation. Supporting shipper: Smith Container Corporation, 3500 Browns Mill Road, Atlanta, GA 30308.

Note.—An underlying ETA seeks 90 days authority.

MC 8515 (Sub-4-3TA), filed June 19, 1980. Applicant: TOBLER TRANSFER, INC., Junction Interstate 80 and Illinois 89, Spring Valley, IL 61362. Representative: Leonard R. Kofkin, 39 S. La Salle St., Chicago, IL 60603. *General commodities (except commodities in bulk, household goods as defined by the Commission, commodities which because of size or weight require the use of special equipment, and classes A and B explosives)*; between points in IL and MO on the one hand, and, on the other, all points in the U.S. (except AK and HI). Supporting shipper: Federal Warehouse Company, 200 National Rd., East Peoria, IL 61611.

MC 145664 (Sub-4-5TA), filed June 19, 1980. Applicant: STALBERGER, INC., 223 S. 50th Ave., W., Duluth, MN 55807. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Food additives, such as fumaric and malic acid*, from Duluth, MN to Los

Angeles, Madera and San Jose, CA, Chicago, IL, Evansville, IN, Port Huron, MI, St. Louis, MO, Oklahoma City, OK, and points in NJ and WA, restricted to the traffic of Alberta Gas Chemicals, Inc. An underlying ETA seeks 90 days authority. Supporting shipper: Alberta Gas Chemicals, Inc., Spring St. at Waterfront, Duluth, MN 55808.

MC 106674 (Sub-4-22TA), filed June 19, 1980. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). *Plastic pipe, plastic pipe fittings and materials, supplies and accessories used in the manufacture thereof*, between the facilities of Cement Asbestos Products Company at or near Mt. Vernon, IN on the one hand, and, on the other, points in the U.S. (except AK & HI). Supporting shipper: Cement Asbestos Products Company, Subsidiary of ASARCO Incorporated, 611 Olive St., Suite 1755, St. Louis, MO 63101.

MC 119654 (Sub-4-3TA), filed June 19, 1980. Applicant: HI-WAY DISPATCH, INC., P.O. Box 509, 1401 W. 26th St., Marion, IN 46952. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. (1) *Malt beverages*, from Peoria, IL and Frankenmuth, MI to Angola, IN; and (2) *Empty malt beverage containers*, from Angola, IN to Peoria, IL and Frankenmuth, MI. An underlying ETA seeks 90 days authority. Supporting shipper: Angola Distributors, Inc., 313 E. Mechanics St., Angola, IN 46703.

MC 119704 (Sub-4-3TA), filed June 18, 1980. Applicant: R. A. HARRIS & SONS, INC., 3501 22nd St., Menominee, MI 49858. Representative: Robert A. Harris (same address as applicant). *Contract; Irregular: Chilled shot-steel (not ammo) chilled grit-steel and machines*, (1) from Wadsworth, OH to points in IN, IL, MN, WI, MO, KS, IA, OK, ND, SD, and MI; (2) from Waukesha, WI to points in IN, IL, MN, MO, KS, IA, OK, ND, SD, and MI; and (3) from OK back to WI. Supporting shipper: Industrial Associates, Inc., W246 S. 3234 Industrial Lane, Waukesha, WI.

MC 126555 (Sub-4-18TA), filed June 19, 1980. Applicant: UNIVERSAL TRANSPORT, INC., P.O. Box 3000, Rapid City, SD 57709. Representative: Truman Stockton, 1650 Grant St. Bldg., Denver, CO 80203. *Slag and mill products*, from AZ and TX to CO. Supporting shipper: Rockwood Industries, Inc., P.O. Box 5170, Denver, CO, 80217.

MC 136545 (Sub-4-2TA), filed June 16, 1980. Applicant: NUSSBERGER BROS. TRUCKING CO., INC., 929 Railroad St., Prentice, WI 54556. Representative:

Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. (a) *Farm implements, and related parts and accessories and (b) materials, equipment and supplies used in the production and distribution of farm implements*, between the facilities of Multi, Inc., at or near Chili, WI on the one hand and, on the other hand, points in the U.S. (except AK and HI). An underlying ETA seeks 90 days authority. Supporting shipper: Multi, Inc., South and Linden, Chili, WI 54420.

MC 141958 (Sub-4-1TA), filed June 16, 1980. Applicant: FEDCO FREIGHTLINES, INC., P.O. Box 422, Effingham, IL 62401. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Contract, irregular: Chewing gum*, from Chicago, IL to Dallas, TX for the account of Wm. Wrigley, Jr. Company. Supporting shipper: Wm. Wrigley, Jr. Company, 410 No. Michigan Ave., Chicago, IL 60611.

MC 150206 (Sub-4-1TA), filed June 17, 1980. Applicant: DANTE GENTILINI TRUCKING, INC., P.O. Box 387, West Chicago, IL 60185. Representative: Donald S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016. *Plastic containers*, from West Chicago, IL to Beloit, WI. Supporting shipper: Amoco Containers Co., 2111 Powers Ferry Rd. NW., Suite 300, Atlanta, GA 30339.

MC 51146 (Sub-4-48TA), filed June 18, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). *Gray iron castings*, from Florence, AL to New Athens, IL. Supporting shipper: Autocrat Corporation, Illinois & Benton Streets, New Athens, IL 62264.

MC 117068 (Sub-4-6TA), filed June 16, 1980. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Hwy. 63, Rochester, MN 55901. Representative: Richard C. McGinnis, 711 Washington Bldg., Washington, DC 20005. *Iron and steel articles*, (1) from the Chicago, IL, commercial zone to the facilities of Joseph T. Ryerson & Son, Inc. at or near Plymouth, MN; and (2) from the Minneapolis-St. Paul, MN, commercial zone to the facilities of Joseph T. Ryerson & Son, Inc. at or near Chicago, IL. Supporting shipper: Joseph T. Ryerson & Son, Inc., P.O. Box 8000-A, Chicago, IL 60680.

MC 119656 (Sub-4-1TA), filed June 16, 1980. Applicant: NORTH EXPRESS, INC., P.O. Box 247, Winamac, IN 46996. Representative: Fred Zahrt (same address as applicant). *Machinery, Railway Car Parts, materials, equipment and supplies used in the*

manufacture, sale and distribution of *Railway Cars*, between the facilities of Evans Products Company and its subsidiaries at or near Chicago and Woodstock, IL, Atlanta and Doraville, GA, Ozark, AL, Ashland City, TN, Junction City, KS and Washington, IN. Supporting shipper: Evans Products Co., 2250 Golf Road, Rolling Meadows, IL.

MC 110988 (Sub-4-41TA), filed June 18, 1980. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Ave., Appleton, WI 54911. Representative: Patrick M. Byrne, P.O. Box 2298, Green Bay, WI 54306. *Commodities in bulk*, between points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of traffic moving from, to, or between the facilities of J. M. Huber Corporation. Supporting shipper: J. M. Huber Corporation, Thrnally St., Edison, NJ 08817.

MC 119726 (Sub-4-1TA), filed June 18, 1980. Applicant: N.A.B. TRUCKING CO., INC., 1644 W. Edgewood Ave., Indianapolis, IN 46217. Representative: James L. Beattley, 300 E. Fall Creek Pkwy., Suite 403, Indianapolis, IN 46205. *Household appliances and materials and supplies used in the manufacture and distribution of household appliances*, between Mansfield and Columbus, OH, and points in the U.S. (except AK and HI). Supporting shipper: White Westinghouse Appliance Company, 930 Fort Duquesne Boulevard, Pittsburgh, PA 15222.

MC 126346 (Sub-4-8TA), filed June 19, 1980. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Elaine M. Conway, 10 S. LaSalle St., Chicago, IL 60603. *Contract irregular: Air conditioners, compressors, humidifying and heating equipment and materials, and materials, equipment, and supplies used in the manufacture and distribution of the above commodities*, between Muskegon, MI; Vineland and Edison, NJ; Buffalo, NY; Frederick, MD; and Effingham, IL on the one hand, and on the other, points in the U.S., restricted to traffic moving under continuing contact with Fedders Corporation. An underlying ETA seeks 90 days authority. Supporting shipper: Fedders Corporation, Woodridge Ave., Edison, NJ 08817.

MC 151080 (Sub-4-1TA), filed June 19, 1980. Applicant: THE SENATE CARTAGE COMPANY, INC., 1010 Jorie Blvd., Oak Brook, IL 60521. Representative: Abraham A. Diamond, 29 S. La Salle St., Chicago, IL 60603. *Commodities such as are dealt in by manufacturers, wholesalers, and retailers of paint and coating materials, painters' and decorators' supplies,*

*equipment and materials (other than in bulk)*, between the facilities of Standard T Chemical Company, Inc., on the one hand, and, on the other, points in the continental U.S. Supporting shipper: Standard T Chemical Co., Inc., Chicago Heights, IL 60411.

MC 147876 (Sub-4-4TA), filed June 19, 1980. Applicant: SHAY COMPANY, INC., P.O. Box 2081, Clarksville, IN 47130. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. *Contract, irregular, (1) Stoves, fireplaces, fireplace screens, chimney systems, pallets and refractory products (except in bulk), (2) materials, equipment and supplies (except in bulk) used in the manufacture and distribution of commodities in (1) above*, between the facilities of Pacific Fireplace Company at Corona, CA and Raleigh, NC on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Pacific Fireplace Company of Corona, CA. Supporting shipper: Pacific Fireplace Company, P.O. Box 23, Corona, CA 91720.

MC 110988 (Sub-4-42TA), filed June 19, 1980. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Ave., Appleton, WI 54911. Representative: Patrick M. Byrne, P.O. Box 2298, Green Bay, WI 54306. *Such commodities as are dealt in, or used by, manufacturers and distributors of containers, in bulk*, between points in the U.S. (except AK and HI), restricted to the transportation of traffic moving from, to, or between the facilities of Continental Group, Inc. Supporting shipper: Continental Group, Inc., 5745 E. River Road, Chicago, IL 60631.

MC 41406 (Sub-4-3TA), filed June 19, 1980. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 8400 Westlake Dr., Merrillville, IN 46410. Representative: Wade H. Bourdon (same address as applicant). *Fabricated Structural Steel*, from the plant site of Mesker Steel, at Evansville, IN, to Huntsville, MO. Supporting shipper: Mesker Steel, Inc., 400 NW First Street, Evansville, IN 47706.

MC 150837 (Sub-4-1TA), filed June 20, 1980. Applicant: GREENWOOD TRUCKING, LTD., Route 4, Hwy 12, Baraboo, WI 53913. Representative: Quale, Hartmann, Bohl & Evenson, 619 Oak St., Baraboo, WI 53913. *Contract; irregular: Livestock feeds; livestock medications (mixed or shipped separately); fertilizer; fertilizer materials serving area north of Highway 180, east of Highway 169, and south of Highway 194 (in the States of WI, IA, and MN)*. An underlying ETA seeks 90 days authority. Supporting shipper: Sauk

County Farmers Union Co-operative, Supply Company, 330 Lynn St., Baraboo, WI 53913.

MC 150867 (Sub-4-1TA), filed June 20, 1980. Applicant: PRESS EXPRESS, 15234 Evers, Dolton, IL 60419. Representative: John W. Cooper, Suite 634 Woodward Bldg., 1927 1st Ave. N., Birmingham, AL 35203. *Contract, irregular: (1) machinery, parts and supplies, from Chicago, IL, to all points in the U.S. (except AK and HI); and (2) materials, equipment and supplies, except commodities in bulk*, on return. Supporting shipper: Verson Allsteel Press Company, 1355 E 3rd St., Chicago, IL.

MC 116227 (Sub-4-3TA), filed June 20, 1980. Applicant: POLMAN TRANSFER, INC., Rt. 3, Box 470, Wadena, MN 56482. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Frozen fruit juice concentrate*, from Lake Wales, Bartow, Auburndale and Umatilla, FL to Wadena and Thief River Falls, MN. An underlying ETA seeks 90 days authority. Supporting shippers: Russ Davies Wholesale, Inc., 266 4th St. NE., Box 272, Wadena, MN 56482, and L. B. Hartz Wholesale, 120 S. Arnold Ave., Thief River Falls, MN 56701.

MC 145341 (Sub-4-1TA), filed June 30, 1980. Applicant: NORTH CENTRAL DISTRIBUTING CO., Box 5453 University Station, Fargo, ND 58105. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Waferboard*, from the facilities of Louisiana-Pacific Corporation at or near Hayward, WI, to points in and west of MT, WY, CO and NM. An underlying ETA seeks 90 days authority. Supporting shipper: Louisiana-Pacific Corporation, P.O. Box 756, Escanaba, MI 49829.

MC 69901 (Sub-4-1TA), filed June 20, 1980. Applicant: COURIER-NEWSOM EXPRESS, INC., P.O. Box 270, Columbus, IN 47201. Representative: Joel H. Steiner, 39 S. LaSalle St., Chicago, IL 60603. *Common; regular: General commodities (except classes A & B explosives, commodities in bulk and commodities which because of their size or weight require special equipment)*, to serve Jefferson, WI as an off-route point in connection with the presently authorized regular route operations. An underlying ETA seeks 90-day authority. Supporting shipper: Borg Textiles, Rossville, GA.

Note.—Applicant proposes to tack the sought authority with its presently held certificates to permit the provision of a through service between Jefferson, WI on the one hand, and, on the other, points currently authorized to be served by the carrier.

MC 146007 (Sub-4-1TA), filed June 20, 1980. Applicant: MADISON AIR FREIGHT, INC., 2020 Holmberg St.,

Madison, WI. 53704. Representative: James A. Spiegel, Esq., Olde Towne Office Park, 6425 Odana Rd., Madison, WI 53719. *General Commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the the Commission, commodities in bulk, commodities injurious or contaminating to other lading, and those requiring special equipment)*, restricted to traffic having a prior or subsequent movement by air, between the Dane County Regional Airport, Madison, WI, on the one hand, and, on the other hand, O'Hare International Airport, Chicago, IL. An underlying ETA seeks 90 days authority. There are 16 supporting shippers.

MC 128837 (Sub-4-9TA), filed June 20, 1980. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62626. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. *Canned and preserved foodstuffs*, from the facilities of Heinz U.S.A. at or near Fremont and Toledo, OH, Holland, MI and Pittsburgh, PA to points in TX; and from the facilities of Heinz USA at or near Muscatine and Iowa City, IA to points in AR, KS, OK, TN, TX and WI. Supporting shipper: Heinz USA, Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230.

MC 128837 (Sub-4-10TA), filed June 20, 1980. Applicant: TRUCKING SERVICE, INC., Box 229, Carlinville, IL 62626. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. *Zinc Oxide*, from the facilities of Eagle-Picher Industries, Inc., at Hillsboro, IL to points in AR, IA, IL, IN, OH and PA. Supporting shipper: Eagle-Picher Industries, Inc., P.O. 550, Joplin, MO 64801.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 80-19815 Filed 7-1-80; 8:45 am]  
BILLING CODE 7035-01-M

#### [No. 37384]

#### Marketing Corporation of America— Petition for Declaratory Order— Distribution of Promotional Coupons

##### Correction

In FR Doc. 80-16563, published at page 37310, make the following corrections:

1. On page 37310, in the second column, in the Preamble under "Dates", comments are due by "July 2, 1980".

2. On page 37311, in the first column, the "File Line" should be corrected to read "[FR Doc. 80-16563 Filed 5-30-80; 8:45 am]".

BILLING CODE 1505-01-M

#### [Corrected Ninth Revised Exemption No. 141]

##### 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

\*Atlantic and Western Railway Company  
Reporting Marks: ATW  
Chicago, West Pullman & Southern Railroad Company

Reporting Marks: CWP  
\*Columbus and Greenville Railway Company  
Reporting Marks: CAGY

East St. Louis Junction Railroad Company  
Reporting Marks: ESLJ

\*Illinois Terminal Railroad Company  
Reporting Marks: ITC

Louisiana Midland Railway Company  
Reporting Marks: LOAM

Maryland and Delaware Railroad Company  
Reporting Marks: MDDE

Octoraro Railway, Inc.  
Reporting Marks: OCTR

\*The Pittsburgh and Lake Erie Railroad Company

Reporting Marks: PLE  
Southern Railway Company  
Reporting Marks: SOU

Effective June 20, 1980, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., June 20, 1980.  
Interstate Commerce Commission.

Joel E. Burns,  
Agent.

[FR Doc. 80-19817 Filed 7-1-80; 8:45 am]  
BILLING CODE 7035-01-M

\*Addition.

#### [Exemption No. 55-A]

##### Norfolk and Western Railway Co. and Consolidation Rail Corp.

Upon further consideration of Exemption No. 55 (unrestricted use by one carrier of the other carrier's plain gondola cars less than 61 feet in length). Exemption No. 55 to the mandatory Car Service Rules be, and it is hereby vacated.

Effective June 20, 1980.

Issued at Washington, D.C., June 18, 1980.  
Interstate Commerce Commission.

Joel E. Burns,  
Agent.

[FR Doc. 80-19818 Filed 7-1-80; 8:45 am]  
BILLING CODE 7035-01-M

#### [Volume No. 145]

##### Permanent Authority Decision, Decision-Notice

##### Correction

In FR Doc. 80-14547, at page 31508, in the issue of Tuesday, May 13, 1980, on page 31517, the last column, the second full paragraph designated as "MC 134477 (Sub-407F)" the third line from the end of the paragraph, insert "KY" after "KS".

BILLING CODE 1505-01-M

#### INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701-TA-52 (Final)  
Through 701-TA-60 (Final)]

##### Certain Nonquota Cheese 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<sup>1</sup> developed in investigations Nos. 701-TA-52 (Final) through 701-TA-60 (Final), the Commission unanimously determined, 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, by reason of imports of certain Fiore Sardo and Pecorino cheeses made from sheep's milk<sup>2</sup> and certain Feta cheese

<sup>1</sup> The record is defined in § 207.2(j) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(j)).

<sup>2</sup> I.e., Fiore Sardo and Pecorino cheeses, made from sheep's milk, not grated or powdered, of a fat content, by weight, not exceeding 40% and a water

Footnotes continued on next page

made from goat's or sheep's milk<sup>3</sup> from the nine member states of the European Communities, either individually or collectively, with respect to which the Department of Commerce has found that a subsidy is being provided.

In arriving at its determination, the Commission gave due consideration to all written submissions from interested parties and information adduced at the hearing as well as information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

#### 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 had been waived pursuant to section 303(d) of the Tariff Act of 1930, and which applies to merchandise other than quota cheese as defined in section 701(c)(1) of the Trade Agreements Act of 1979.

On January 7, 1980, the Commission received notice from the U.S. Department of Commerce that countervailing duty cases on dairy products (other than quota cheeses) from member states of the European Communities (EC) were being referred to the Commission for an injury determination. The collection of duties on such items had been waived pursuant to section 303(d) of the Tariff Act of 1930.

On February 5, 1980, the Commission received from the Department of Commerce the most current net subsidy information available with respect to the subsidies bestowed on nonquota cheese. Accordingly, the Commission instituted these investigations on imports of such cheese from the member states of the EC. 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, the U.S. International Trade Commission, Washington, D.C., and at the

Footnotes continued from last page content, by weight, of the non-fatty matter not exceeding 47%, provided for in TSUS items 117.65, 117.67, or 117.70.

<sup>3</sup> I.e., Feta cheese, made from goat's or sheep's milk, not grated or powdered, of a fat content, by weight, not exceeding 40%, a water content, by weight, of the non-fatty matter exceeding 62% but not exceeding 72%, and with a fat content, by weight, of the dry matter of 39% or more, all the foregoing in containers holding brine, provided for in TSUS items 117.70, 117.75, or 117.88.

Commission's New York City Office. Notice was also given by publishing the notice in the *Federal Register* of March 12, 1980 (45 FR 16050). The public hearing was held in Washington, D.C., on May 21, 1980.

#### Views of Chairman Bill Alberger, Vice Chairman Michael J. Calhoun and Commissioner Paula Stern

In order for the Commission to reach an affirmative determination in the subject investigations,<sup>1</sup> it is necessary to find that an industry in the United States is materially injured or threatened with material injury, or that the establishment of an industry in the United States is materially retarded, by reason of imports of certain Fiore Sardo, Pecorino and Feta cheeses from member states of the European Communities (EC) upon which the Department of Commerce (Commerce) has found that a subsidy is being provided by the EC.<sup>2</sup> The imposition and collection of the countervailing duties on such products were waived by the Department of the Treasury (40 FR 21720) pursuant to section 303(d) of the Tariff Act of 1930 (19 U.S.C. 1303(d)).

#### The Domestic Industry<sup>3</sup>

Fiore Sardo and Pecorino cheeses are made exclusively from sheep's milk. Virtually all sources contacted during the Commission's investigations agreed that cheeses like or cheeses similar in characteristics and uses with Fiore Sardo and Pecorino are not produced in the United States. Indeed such imported cheeses afford little, if any, competition to domestic cheeses made from cow's milk. Thus it is our view that there is no domestic industry producing a product like or a product similar in characteristics and uses with these imported cheeses. As well, there is no information on the record to indicate any attempt to establish production of such products in the United States.

<sup>1</sup> These investigations were conducted pursuant to section 104(a)(2) of the Trade Agreements Act of 1979 (19 U.S.C. 1671 Note).

<sup>2</sup> On Feb. 5, 1980, Commerce reported that subsidies on certain Fiore Sardo and Pecorino cheeses ranged from 59.9 cents per pound for exports from Italy to 95.1 cents per pound for exports from West Germany. The subsidies on certain Feta cheese varied from 16.6 cents per pound for exports from Italy to 36.8 cents per pound for exports from West Germany.

<sup>3</sup> Section 771(4)(A) of the Tariff Act of 1930, defines industry 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.

Like product 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 article subject to an investigation under this title.

Consequently, there is no domestic industry which can be materially injured by such imports or threatened with material injury and material retardation of the establishment of an industry does not exist.

Although Feta cheese can be made from goat's, sheep's, or cow's milk, or combinations thereof, only that containing cow's milk is subject to the waived countervailing duty order relating to subsidized imports from the EC. No firms in the United States are known to produce Feta cheese made from goat's or sheep's milk, however, six firms are known to produce Feta cheese from cow's milk. Thus, there is no domestic cheese like the goat's or sheep's milk Feta, but Feta cheese from cow's milk is most similar in characteristics and uses to Feta cheese from goat's or sheep's milk. Therefore, we have concluded that the appropriate domestic industry against which the impact of subsidized imports of Feta cheese from the EC should be measured consists of those facilities in the United States producing Feta cheese from cow's milk.

#### Material Injury or Threat Thereof

The cow's milk Feta cheese industry experienced declining production, capacity utilization, shipments, and profitability during the 1977-79 period. In addition, the share of the domestic market for Feta cheese supplied by U.S. producers fell during this period. Although producers' prices increased, the increase was insufficient to cover increased production costs. Whatever difficulties the domestic may have experienced, however, were not by reason of subsidized imports from the EC of Feta cheese made from goat's or sheep's milk.

Imports from the EC of Feta cheese made from goat's or sheep's milk averaged 0.5 million pounds annually during 1977-79, showing no discernible trend. Imports of Feta cheese from the EC remained at about 5 percent of the U.S. market during this period. Imports of Feta cheese made from goat's and sheep's milk from the EC, in fact, declined as a percentage of apparent U.S. consumption of all Feta cheese from 6.4 percent in 1977 to 5.1 percent in 1979.

The Commission's investigations also revealed that there has been no price undercutting by the imported subsidized merchandise and no pattern of price suppression or depression by reason of such imports. Prices received by importers of Feta cheese made from goat's or sheep's milk and imported from the EC were consistently and substantially higher during 1977-79 than prices received by importers of such

cheese from non-EC sources or prices received by U.S. producers for domestically produced Feta cheese made from cow's milk. For example, U.S. produced Feta cheese sold for \$1.17 per pound in 1979 compared with imported Feta from the EC which sold at approximately \$1.80 per pound in that year. Prices for non-EC cheese were between those charged for domestic and EC cheeses. Moreover, in response to the Commission's questionnaires, only one firm reported lost sales of Feta cheese to similar EC imports. The Commission was unable to confirm that such sales were, in fact, lost to subsidized imports.

In light of the facts that the Commission found no evidence of lost sales due to subsidized EC imports, that prices of such imported products were consistently and substantially higher than prices of comparable domestic products, and that imports from the EC accounted for only a relatively small percentage of domestic consumption, there is no indication that the difficulties which the domestic industry may have experienced to date can be attributed to such subsidized imports of Feta cheese from the EC. Further, because most of the goat and sheep population of the EC is believed to be used for the production of meat rather than milk and the milking of sheep and goats is particularly labor intensive,<sup>1</sup> we do not foresee any threat of material injury to domestic producers of Feta cheese from EC imports.

Therefore, on the basis of the record in these investigations, we determine that an industry in the United States is not materially injured, is not threatened with material injury, and the establishment of an industry is not materially retarded by reason of imports of certain Fiore Sardo and Pecorino cheeses and certain Feta cheese from the member states of the EC, individually or collectively.

#### Findings of Fact

Our conclusion is based on consideration of the economic factors enumerated by section 771(7) of the Tariff Act of 1930 (19 U.S.C. 1677(7)).

##### A. Volume of Imports

1. U.S. imports of Pecorino cheese from the EC rose from 6.2 million pounds in 1977 to 6.7 million pounds in 1978, and then declined slightly to 6.6 million pounds in 1979; imports of such cheese from the EC were supplied entirely by Italy. Imports of Feta cheese made from goat's or sheep's milk from the EC (again supplied entirely by Italy) averaged about 0.5 million pounds annually during 1977-79, showing no discernible trend.

No imports of Fiore Sardo cheese from the EC were reported. (Report at A-5 and A-10, table 1)

2. Imports of Feta cheese made from goat's or sheep's milk from the EC (all of which came from Italy), expressed as a percentage of apparent U.S. consumption of all Feta cheese declined from 6.4 percent in 1977 to 5.1 percent in 1979. Imported Pecorino cheese supplies all of the U.S. market for such cheese. (Report at A-11 and A-12)

3. Imports of Feta cheese made from goat's or sheep's milk from non-EC countries (chiefly in Eastern Europe) rose from 3.4 million pounds in 1977 to 5.5 million pounds in 1979. The share of the domestic market for Feta cheese accounted for by such imports from non-EC sources rose from 36.7 percent in 1977 to 49.7 percent in 1979. (Report at A-12, table 1)

##### B. Effect of Imports on United States Prices

4. Prices received by importers for Feta cheese made from sheep's or goat's milk and imported from the EC were consistently and significantly higher during 1977-79 than prices received by U.S. producers for comparable domestic products. The average price received by domestic producers for Feta cheese made from cow's milk increased from 90 cents per pound during the first 3 quarters of 1977 to \$1.17 per pound in the fourth quarter of 1979. In comparison, the average price of Feta cheese made from goat's or sheep's milk and imported from the EC during the 1977-79 period ranged from a peak of \$2.09 per pound in the first quarter of 1977 to a low of \$1.78 per pound in the first quarter of 1978. (Report at A-12 through A-14)

5. The average price of Feta cheese made from goat's or sheep's milk and imported from non-EC countries ranged from \$1.37 per pound in the first quarter of 1978 to \$1.48 per pound in the first and fourth quarters of 1979. The Feta cheese produced in the U.S., is the lowest priced Feta cheese on the U.S. market. (Report at A-12)

##### C. Impact on the Affected Industry

6. U.S. production of Feta cheese made from cow's milk rose from 5.2 million pounds in 1977 to 5.6 million pounds in 1978, and then declined to 5.0 million pounds in 1979. (Report at A-8)

7. The share of the U.S. market for Feta cheese accounted for by domestic producers declined from 56.5 percent in 1977 to 44.8 percent in 1979. (Report at A-12)

8. As reported in response to the Commission's questionnaires, U.S. capacity to produce Feta cheese made from cow's milk increased by about 50 percent during 1977-79. Because

production of domestic firms declined somewhat from 1977 to 1979, the rate of utilization of capacity to produce Feta cheese made from cow's milk fell during 1977-79. No measurable capacity exists for production of Fiore Sardo, Pecorino, and Feta cheeses made from goat's or sheep's milk. (Report at A-9)

9. Domestic shipments of U.S.-produced Feta cheese made from cow's milk, as reported to the Commission by producers, decreased from 3.9 million pounds, valued at \$4.0 million, in 1977 to 3.3 million pounds, valued at \$3.9 million, in 1979. (Report at A-9)

10. There are no known exports of domestically produced Feta cheese made from cow's milk. (Report at A-9)

11. U.S. producers' yearend inventories of cow's milk Feta cheese showed no consistent pattern of buildup or decline during 1977-79. Such inventories averaged less than 5 percent of annual production. (Report at A-9)

12. Employment in the United States in the production of Feta cheese from cow's milk did not change significantly during 1977-79; about 50 workers were so employed. Many of the workers were apparently not producing Feta cheese on a full-time basis. The average hourly wage paid to such workers rose from \$4.12 in 1977 to \$5.00 in 1979. (Report at A-10)

13. Aggregate net sales of Feta cheese by domestic producers supplying information on their profit-and-loss experience increased by 12 percent from 1977 to 1979. However, aggregate net operating profit and the ratio of net operating profit to net sales declined during this 3-year period. Net operating profit declined because the sales prices received by domestic producers, although rising during 1977-79, did not keep pace with increasing costs of production. (Report at A-10 and A-11)

14. The Commission's staff contacted the two firms listed by domestic producers as customers to which they had lost sales but was unable to confirm any instances of lost sales. (Report at A-14)

15. Most of the goat and sheep population of the EC is believed to be used for the production of meat rather than milk and the milking of sheep and goats is labor intensive. (Report at A-8)

16. Most domestic producers did not respond to the Commission's request for information pertaining to the actual and potential negative effects, if any, of subsidized imports from the EC of Fiore Sardo, Pecorino, and Feta cheeses on the producers' growth, investment, cash flow, and ability to raise capital.

<sup>1</sup> Report at A-8.

### Conclusions of Law

A. There is no domestic industry against which to measure imports of Pecorino and Fiore Sardo cheeses, and there is no evidence of any attempt to establish such an industry.

B. The appropriate domestic industry against which the impact of subsidized imports from the EC of Feta cheese made from goat's milk or sheep's milk should be measured consists of those domestic facilities devoted to the production of Feta cheese made from cow's milk.

C. The domestic industry is not materially injured or threatened with material injury, and the establishment of an industry is not materially retarded, by reason of subsidized imports from the EC of Feta cheese made from goat's or sheep's milk.

### Statement of Reasons for the Negative Determination of Commissioners Catherine Bedell and George M. Moore

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, by reason of imports of certain Fiore Sardo and Pecorino cheeses made from sheep's milk (provided for in items 117.65, 117.67, or 117.70 of the Tariff Schedules of the United States) and certain Feta cheese made from goat's or sheep's milk (provided for in items 117.70, 117.75, or 117.88 of the Tariff Schedules of the United States) from the nine member States of the European Communities (EC), either individually or collectively, with respect to which the Department of Commerce has found that a subsidy is being provided by the EC, and which are subject to outstanding countervailing duty orders, but for which the imposition and collection of countervailing duties have been waived.

### The Subsidy

On February 5, 1980, the Commission received from the Department of Commerce the most current information available regarding subsidies bestowed on exports to the United States of dairy products produced in the EC. Commerce reported that all benefits were in the form of export restitution payments made to EC exporters. The subsidies on Fiore Sardo and Pecorino cheeses ranged from 59.9 cents per pound for exports from Italy to 95.1 cents per pound for exports from West Germany. The subsidies on Feta cheese varied

from 16.6 cents per pound for exports from Italy to 36.8 cents per pound for exports from West Germany.<sup>1</sup>

### 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 Feta cheese made from cow's milk. Six firms are known to produce such cheese in the United States; most of these producers also make other varieties of cheese. Some of the producers reported to the Commission that they have been making FETA for only a few years, and undertook such production as a means of diversifying their operations and providing a continuing market for the local production of milk.<sup>1</sup>

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 article subject to an investigation under this title." Section 771(4) 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 producer's profits. If the domestic production of the like product has no separate identity in terms of such criteria, then the effect of the subsidized or dumped imports shall be assessed by the examination of the production of the narrowest group or range of products, which includes a like product, for which the necessary information can be provided.

The Fiore Sardo and Pecorino cheeses subject to the waived countervailing duty order relating to subsidized imports from the EC are made exclusively from sheep's milk. Virtually all sources contacted during the Commission's investigations agreed that cheeses like or similar in characteristics and uses to Fiore Sardo and Pecorino are not produced in the United States and that such imported cheeses afford little, if any, competition to domestic cheeses made from cow's milk.

Although Feta cheese can be made from goat's, sheep's, or cow's milk, or

combinations thereof, only that not containing cow's milk is subject to the waived countervailing duty order relating to subsidized imports from the EC. No firms in the United States are known to produce Feta cheese made from goat's or sheep's milk. However, six firms are known to produce Feta cheese from cow's milk. Because Feta cheese is generally cured in brine, neither the type of milk used to make the cheese nor the country of origin of the cheese is easily identified. Thus, pursuant to section 771(4)(D), we have assessed the impact of the subsidized imports of certain Fiore Sardo and Pecorino cheeses made from sheep's milk and certain Feta cheese made from goat's or sheep's milk against the narrowest range of domestic products which included like products, viz, Feta cheese made from cow's milk.

### 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(7)(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 on domestic prices of like products, and the impact of such imports on the affected U.S. industry.

*The volume of subsidized imports.*—As reported in response to the Commission's questionnaires, U.S. imports of Pecorino cheese from the EC (supplied entirely by Italy) rose from 6.2 million pounds in 1977 to 6.7 million pounds in 1978, and then declined slightly to 6.6 million pounds in 1979. Imports of FETA cheese made from goat's or sheep's milk from the EC (again supplied entirely by Italy) averaged about 0.5 million pounds annually during 1977-79. No imports of Fiore Sardo cheese from the EC were reported.<sup>1</sup>

Although imports from the EC of FETA cheese made from goat's or sheep's milk showed no discernible trend during recent years, imports of such cheese from non-EC countries (chiefly in Eastern Europe) rose steadily from 3.4 million pounds in 1977 to 5.5 million pounds in 1979. The loss of market share by domestic producers of cow's milk FETA cheese (it declined from 56.5 percent in 1977 to 44.8 percent in 1979) resulted from increased imports of goat's or sheep's milk Feta cheese from non-EC countries, not from imports of such cheese from the EC. The share of the U.S. market for Feta cheese supplied by imports from non-EC sources rose from 36.7 percent in 1977 to 49.7 percent

<sup>1</sup> See Commission report in investigations Nos. 701-TA-52-80 (Final) (hereafter "Report"), at p. A-5.

<sup>1</sup> Report at p. A-8.

<sup>1</sup> Report at pp. A-5 and A-10, table 1.

in 1979, but the share supplied by members of the EC declined from 6.4 percent to 5.1 percent during the 3-year period.<sup>3</sup>

*Price effects of subsidized imports.*—The Commission's investigations revealed that there has been no significant price undercutting of like products produced in the United States by the imported subsidized merchandise and no pattern of price suppression or depression by reason of such imports. On the contrary, prices received by importers for Feta cheese made from goat's or sheep's milk and imported from the EC were consistently and substantially higher during 1977-79 than prices received by U.S. producers for domestically produced Feta cheese.

The average price received by domestic producers increased from a low of 90 cents per pound during the first three quarters of 1977 to a high of \$1.17 per pound in the fourth quarter of 1979. In comparison, the average price received for Feta cheese made from goat's or sheep's milk and imported from the EC ranged from \$1.78 to \$2.09 per pound during 1977-79; at no time during this 3-year period did such imported Feta cheese undersell the domestically produced product. The average price of Feta cheese made from goat's or sheep's milk and imported from non-EC countries was between the price of such cheese imported from the EC and the price of domestically produced Feta.<sup>4</sup>

Although domestically produced Feta cheese was the lowest priced Feta cheese available to U.S. consumers during 1977-79, the domestic product lost market share to the higher priced Feta cheese made from goat's or sheep's milk and imported from non-EC countries. Therefore, in our opinion, Feta cheese made from goat's or sheep's milk and imported from the EC—which was the highest priced Feta cheese available to U.S. consumers—was not a significant factor in the loss of market share by domestic producers.

*Impact of subsidized imports on the affected industry.*—Section 771(7)(C)(iii) 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 investment, 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 obtained information from all known domestic producers of Feta cheese 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.

As reported in response to the Commission's questionnaires, U.S. production of Feta cheese rose from 5.2 million pounds in 1977 to 5.6 million pounds in 1978, and then declined to 5.0 million pounds in 1979.<sup>1</sup> Domestic producers that furnished usable data on both production and capacity reported that their practical capacity to produce Feta cheese rose by 50 percent from 1977 to 1979; because production by these producers remained fairly stable or declined somewhat, however, capacity utilization fell sharply during this 3-year period.<sup>2</sup>

Shipments of Feta cheese reported by domestic producers fell from 3.9 million pounds, valued at \$4.0 million, in 1977 to 3.3 million pounds, valued at \$3.9 million, in 1979. There are no known U.S. exports of such Feta cheese.<sup>3</sup> Yearend inventories of Feta cheese held by U.S. producers averaged less than 5 percent of annual production during 1977-79, and showed no consistent pattern of buildup or decline.<sup>4</sup>

Employment in the United States in Feta cheese production did not change significantly during 1977-79. An average of about 50 workers were employed during this 3-year period; many of these workers were apparently not producing Feta cheese on a full-time basis. The average hourly wage paid to such workers rose from \$4.12 in 1977 to \$5.00 in 1979.<sup>5</sup>

Although the Commission's staff contacted all firms named by domestic producers as customers to which they had lost sales because of subsidized imports from the EC of Feta cheese made from sheep's or goat's milk, it was unable to confirm any of the alleged instances of lost sales.<sup>1</sup>

Aggregate net sales of Feta cheese by producers reporting data on profit-and-loss experience increased by 12 percent from 1977 to 1979. Aggregate net operating profit decreased sharply during this period, however, because the average sales price, although rising, did

not keep pace with the increasing costs of production.<sup>2</sup>

In light of the facts that the Commission found no evidence of sales lost to subsidized EC imports, that prices of such imports were consistently higher than prices of comparable domestic products, and that imports from the EC accounted for only a relatively small and stable percentage of domestic consumption, the decline in profit cannot be attributed to the subsidized imports. Rather, decreased profit appears to be related to rising costs of production occasioned chiefly by increased milk costs and to competitive pressures in the domestic market from increased imports of Feta cheese from non-EC countries.

Most domestic producers did not respond to the Commission's request for information pertaining to actual and potential negative effects, if any, of subsidized imports from the EC of Fiore Sardo and Pecorino cheeses made from sheep's or goat's milk on their growth, investment, and ability to raise capital. Those producers that did respond stated that imported Feta, primarily from Eastern bloc countries, is competitive in price with domestically produced Feta, and referred to the pressures on domestic producers resulting from the combination of imports and increased milk costs.

#### 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 certain Fiore Sardo, Pecorino, and Feta cheeses from the EC which the Department of Commerce has found are being subsidized.

Issued: June 24, 1980.

By order of the Commission.

Kenneth R. Mason,  
Secretary.

[FR Doc. 80-19930 Filed 7-1-80; 8:45 am]

BILLING CODE 7020-02-M

#### [Investigation No. 337-TA-69]

#### Certain Airtight Cast-Iron Stoves; Dental of Petition

On June 24, 1980, the U.S. International Trade Commission denied the petition by complainants and the Commission investigative attorney in the above-captioned case to make a determination with regard to

<sup>2</sup> Report at pp. A-10 and A-11.

<sup>3</sup> Report at pp. A-11 and A-12.

<sup>4</sup> Report at pp. A-12, table 1.

<sup>5</sup> Report at pp. A-12 through A-14.

<sup>1</sup> Report at p. A-8.

<sup>2</sup> Report at p. A-9.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> Report at p. A-10.

<sup>6</sup> Report at p. A-14.

motion No. 69-29. The Commission also waived rule 210.60(b) for motion No. 69-29 insofar as it requires that interlocutory appeals to be filed within 5 days after notice of the presiding officer's determination.

Copies of the Commission's Action, Order, and Opinion are available in the Office of the Secretary, 701 E Street, NW., Washington, D.C. 20436. Phone (202) 523-0161.

Issued: June 25, 1980.

By order of the Commission.

Kenneth R. Mason,  
Secretary.

[FR Doc. 80-19929 Filed 7-1-80; 8:45 am]

BILLING CODE 7020-02-M

#### Investigation No. 337-TA-76]

##### **Certain Food Slicers and Components Thereof; Commission Determination Remanding Order No. 10 and Clarifying the Procedure in Certifying to the Commission Certain Motions Denied by the Presiding Officer**

On May 23, 1980, the presiding officer in the above captioned case issued Order No. 10, certifying a request for a Commission ruling on interlocutory appeals as they relate to a motion on the taking of depositions. The Commission is remanding that order to the presiding officer. The presiding officer correctly construed the procedure under 19 CFR 210.60(b) that the presiding officer need only certify to the Commission interlocutory appeals which meet the conditions set forth under § 210.60(b). In addition, with respect to the presiding officer's request, the order is remanded to clarify that motions to amend pursuant to 19 CFR 210.22 whether granted or denied by the presiding officer, must be certified to the Commission with a recommendation by the presiding officer.

Copies of the Commission's Action, Order, and Opinion are available at the Office of the Secretary, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, telephone (202) 523-0161.

Issued: June 27, 1980.

By order of the Commission.

Kenneth R. Mason,  
Secretary.

[FR Doc. 80-19925 Filed 7-1-80; 8:45 am]

BILLING CODE 7020-02-M

#### [Investigation No. 337-TA-67]

##### **Certain Inclined-Field Acceleration Tubes and Components Thereof; Termination**

Upon consideration of the presiding officer's recommendation and the record

in this proceeding, the Commission is ordering the termination of Investigation No. 337-TA-67, Certain Inclined-Field Acceleration Tubes and Components Thereof, as to respondent the University of Rochester, by granting Motion Docket No. 67-16 by the University of Rochester.

The order is effective as of June 24, 1980.

Any party wishing to petition for reconsideration of the Commission's action may do so within fourteen (14) days of service of the Commission order. Such petitions must be in accord with Commission rule 210.56 (19 CFR 210.56).

Copies of the Commission's action and order and any other public documents in this investigation are available to the public during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, telephone (202) 523-0161.

Notice of the institution of this investigation was published in the *Federal Register* of June 27, 1979 (44 FR 32567).

Issued: June 24, 1980.

By order of the Commission.

Kenneth R. Mason,  
Secretary.

[FR Doc. 80-19931 Filed 7-1-80; 8:45 am]

BILLING CODE 7020-02-M

#### [Investigation No. 337-TA-75]

##### **Certain Large Video Matrix Display Systems, and Components Thereof; Designation of Investigation as More Complicated**

**AGENCY:** United States International Trade Commission.

**ACTION:** Designation of investigation No. 337-TA-75 as "more complicated" within the meaning of 19 U.S.C. 1337(b)(1) and 19 CFR 210.15, allowing 6 additional months for completion of the investigation.

**NEW DATE FOR COMPLETION OF INVESTIGATION:** June 19, 1981.

**FOR FURTHER INFORMATION CONTACT:** Michael B. Jennison, Esq., Office of the General Counsel (202-523-0189).

**SUPPLEMENTARY INFORMATION:** *Background.* On November 20, 1979, the United States International Trade Commission instituted an investigation to determine whether there is, or there is reason to believe there is, a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the unlawful importation of certain large video matrix display systems and components thereof into the United States, or in their sale,

because such large video matrix display systems are allegedly covered by the claims of U.S. Letters Patent Nos. 3,495,762, 3,941,926, 4,009,335, and 4,148,073, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

On May 21, 1980, respondent SSIH Equipment S.A. requested the Commission to designate the investigation "more complicated" within the meaning of 19 U.S.C. 1337(b)(1), allowing the Commission an additional 6 months in which to make its determination (Motion Docket No. 75-10). The Commission investigative attorney supported the motion and complainant Stewart-Warner Corporation opposed it. The presiding officer recommended that the investigation be designated more complicated and certified the motion and accompanying papers to the Commission on June 9, 1980 (Order No. 12).

*Authority.* Section 1337(b)(1) of title 19, United States Code, requires the Commission to "make its determination \* \* \* at the earliest practicable time, but not later than one year (18 months in more complicated cases) after the date of publication of notice" in the *Federal Register*, in this case, December 19, 1980 (44 FR 75242). The Commission's Rules of Practice and Procedure provide that a "more complicated" investigation is "of an involved nature owing to the subject matter, difficulty in obtaining information, or large number of parties involved" (19 CFR 210.15). The display system at issue in this investigation is technologically highly sophisticated. The 35 or more patent claims at issue are accompanied by hundreds of pages of specifications and drawings. In addition to extensive discovery on the technical question, information on possible anticompetitive and predatory practices is being obtained from third parties in regard to respondent's affirmative defenses. The subject matter of the investigation is involved; obtaining information is difficult. The Commission therefore orders that this investigation be designated "more complicated."

Copies of any public documents in this investigation are available to the public during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

Issued: June 27, 1980.

By order of the Commission.  
Kenneth R. Mason,  
Secretary.  
[FR Doc. 80-19932 Filed 7-1-80; 8:45 am]  
BILLING CODE 7020-02-M

[Investigation No. 337-TA-85]

**Certain Slide Fastener Strings;  
Designation of Commission  
Investigative Attorney**

Mr. David J. Dir is designated Commission investigative attorney for Investigation No. 337-TA-85, Certain Slide Fastener Strings. The service of all papers on the Commission investigative attorney should be upon Mr. Dir, effective June 25, 1980.

The Secretary is requested to publish this notice in the Federal Register.

Edward M. Lebow,  
Acting Chief, Unfair Import Investigations  
Division.

[FR Doc. 80-19926 Filed 7-1-80; 8:45 am]  
BILLING CODE 7020-02-M

Investigation No. 337-TA-85

**Certain Slide Fastener Stringers and  
Machines and Components Thereof  
for Producing Such Slide Fastener  
Stringers**

Notice is hereby given that a prehearing conference will be held in this case at 10:00 a.m. on July 3, 1980, in the Dodge Center, Room 201, 1010 Wisconsin Avenue, NW., Washington, D.C. The purpose of this prehearing conference is to review the trial memoranda submitted by the parties, to stipulate into the record as many exhibits as possible, and to discuss any questions raised by the parties relating to the hearing.

Notice is also given that the hearing in this proceeding will commence at 10:00 a.m. on July 7, 1980, in the Dodge Center, Room 201, 1010 Wisconsin Avenue, N.W., Washington, D.C.

The Secretary shall publish this notice in the Federal Register.

Issued: June 23, 1980.  
Janet D. Saxon,  
Administrative Law Judge.  
[FR Doc. 80-19927 Filed 7-1-80; 8:45 am]  
BILLING CODE 7020-02-M

[Investigation No. 337-TA-85]

**Certain Slide Fastener Stringers and  
Machines and Components Thereof  
for Producing Such Slide Fastener  
Stringers; Procedure for Submission  
of Information on Public Interest  
Factors**

Notice is hereby given that oral presentations concerning remedy, bonding, and the public interest considerations, which factors the Commission is to consider in the event it determines relief should be granted, will be heard beginning at 9:00 a.m. on July 21 and Room 201, 1010 Wisconsin Avenue, NW, Washington, D.C. 20007. Written submissions on these questions may be submitted at any time until that date.

If oral presentations are made, participants will have the option of presenting the statement of a witness under oath, subject to cross-examination, or making an oral statement of position, not under oath, and not subject to cross-examination.

In the oral presentations all parties, interested persons, and Government agencies will be limited in their presentations to no more than 15 minutes, not including cross-examination, if there is cross-examination. Each participant will be permitted an additional 5 minutes for closing arguments after all oral presentations have been concluded. Requests for permission to make oral presentations of positions should be filed, in writing, with the Secretary of the Commission at his office in Washington no later than close of business, July 14, 1980.

The Secretary shall publish this notice in the Federal Register.

Issued: June 25, 1980.  
Janet D. Saxon,  
Administrative Law Judge.  
[FR Doc. 80-19926 Filed 7-1-80; 8:45 am]  
BILLING CODE 7020-02-M

**NATIONAL AERONAUTICS AND  
SPACE ADMINISTRATION**

[Notice 80-52]

**NASA Advisory Council (NAC);  
Aeronautics Advisory Committee  
(AAC); Meeting**

A meeting of the Informal Executive Subcommittee of the NAC AAC will be held July 22, 1980, from 8:30 a.m. to 4:00 p.m. in room 625, NASA Headquarters, 600 Independence Avenue, S.W., Washington, DC 20546. The meeting will be open to the public up to the seating capacity of the room (about 45 persons

including committee members and participants).

The AAC was established to advise NASA senior management through the NAC in the area of aeronautical research and technology. The purpose of the Executive Subcommittee meeting is to discuss the organization and operation of the NAC AAC, to review the results of the June 16-17, 1980 Committee discussion of NASA's Long Range Aeronautics Plan, and to discuss the initiation of an ad hoc activity to study the NASA commuter aircraft technology activity. The Chairperson is Dr. Robert G. Loewy. There are six members on the Subcommittee.

For further information, contact C. Robert Nysmith, Executive Secretary, (202) 755-3238, NASA Headquarters, Code R, Washington, DC 20546.

Russell Ritchie,  
Deputy Associate Administrator for External  
Relations.

June 25, 1980.  
[FR Doc. 80-19785 Filed 7-1-80; 8:45 am]  
BILLING CODE 7510-01-M

[Notice 80-51]

**NASA Advisory Council (NAC); Space  
and Terrestrial Applications Advisory  
Committee (STAAC); Meeting**

The Ad Hoc Informal Advisory Subcommittee on Technology Transfer of the NAC-STAAC will meet on July 17 and 18, 1980 at NASA Headquarters, Room 226A, Federal Building 10B, 600 Independence Avenue SW, Washington, DC 20546. Except as noted below the meeting will be open to the public. Members of the public will be admitted to the meeting on both days on a first-come, first-served basis and will be required to sign a visitors' register. The seating capacity of the meeting room is for 35 persons.

This Subcommittee, chaired by Dr. Robert P. Morgan, is comprised of eight members of the NAC-STAAC and will review and discuss highlights of the Technology Transfer program and status of the transition of the Landsat operational satellite system.

The meeting will be closed to the public from 2:00 p.m. to 3:30 p.m. on July 18, 1980, for a discussion of the qualifications of candidates for membership of the Advisory Committee. Such a discussion would invade the privacy of the candidates and other individuals involved. Since this session will be concerned throughout with matters listed in 5 U.S.C. 552b(c)(6), it has been determined that this session should be closed to the public.

The approved agenda for the meeting is as follows:

July 17, 1980

*Time and Topic*

- 8:30 a.m.—Chairperson's Remarks  
 8:45 a.m.—Review and General Discussion of  
 NAC/STAAC Chairperson's Report to  
 NASA Advisory Council  
 10:30 a.m.—Technology Transfer Division  
 Overview  
 1:00 p.m.—Program Status Review  
 (Dissemination and Analysis)  
 2:45 p.m.—Program Status Review (Space  
 Applications)  
 4:00 p.m.—Transition of Landsat to National  
 Oceanic and Atmospheric Administration  
 4:30 p.m.—Adjourn

July 18, 1980

*Time and Topic*

- 8:30 a.m.—Program Status Review  
 (Terrestrial Applications)  
 10:30 a.m.—Review Planning Process  
 Planning Issues  
 11:00 a.m.—Committee Discussion  
 1:00 p.m.—Summary of Conclusions and  
 Recommendations for Report to Executive  
 Committee  
 2:00 p.m.—Suggestions on Candidates for  
 membership (Closed Session)  
 3:30 p.m.—Adjourn

For further information regarding the meeting, please contact Ms. Cathy Bruns, Technology Transfer Division, Washington, DC (202) 755-2244.

Russell Ritchie,

*Deputy Associate Administrator for External Relations.*

June 26, 1980.

[FR Doc. 80-19784 Filed 7-1-80; 8:45 am]

BILLING CODE 7510-71-M

## NATIONAL COMMUNICATIONS SYSTEM

### Telecommunications; Interoperability and Security Requirements for use of the Data Encryption Standard in Data Communication Systems

The Administrator of the General Services Administration (GSA) is responsible, under the provisions of the Federal Property and Administrative Services Act of 1949, as amended, for the Federal Standardization Program. On August 14, 1972, the National Communications System (NCS) was designated by the Administrator, GSA, as the responsible agent for the development of telecommunications standards for NCS interoperability and the computer-communications interface. Further information on the NCS can be found in Department of Defense Directive 5100.41, "Arrangements for Discharge of Executive Agent Responsibilities for the NCS," and in an NCS Information Brochure available upon request from the National Communications System (NCS).

The two purposes of this proposed Federal standard are to facilitate the interoperability of telecommunication systems and networks of the Federal Government and to describe techniques which aid in achieving required security objectives. Copies of proposed Federal Standard 1026 may be obtained from the Office of Technology and Standards, NCS.

The purpose of this Notice is to solicit comments on proposed Federal Standard 1026. The proposed Federal standard has been prepared under the Federal Telecommunication Standards Program (FTSP) by the National Communications System's Office of Technology and Standards. An earlier draft of this proposed standard was announced as being available in the January 8, 1979, issue of the *Federal Register* (page 1770).

Prior to formal coordination and adoption of the proposed Federal standard, it is considered essential that proper consideration be given to the needs and views of industry, the public, and State and local governments. Interested parties may submit their comments to the Office of Technology and Standards, National Communications System, Washington, D.C. 20305. All comments should be submitted on or before September 2, 1980. Telephone inquiries and requests for copies of the proposed standard should be directed to Mr. Robert M. Fenichel, telephone (202) 692-2124.

Joseph Rose,

*Deputy Manager.*

June 25, 1980.

[FR Doc. 80-19821 Filed 7-1-80; 8:45 am]

BILLING CODE 3610-05-M

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Determination With Regard to the Modification of Tariff Treatment of Certain Chemicals and Chemical Products

Under the authority delegated to me by paragraph (2)(e) of Presidential Proclamation 11768, I have determined that the modifications provided for in Section G of Annex II of the Proclamation shall become effective as to articles both exported to the United States on or after July 1, 1980 and entered or withdrawn from warehouse for consumption on or after July 1, 1980,

unless otherwise suspended, modified or revoked.

Reubin O'D. Askew,

*United States Trade Representative.*

[FR Doc. 80-20096 Filed 7-1-80; 9:44 am]

BILLING CODE 3190-01-M

## POSTAL SERVICE

### Phased Postage Rates; Effective Date of Certain Changes in Rates

Notice is given that, effective 12:01 a.m. on July 6, 1980, the ninth step of phased postage rate increases will be placed in effect for the following classes of mail: second-class; third-class bulk mail for qualified nonprofit organizations and qualified political committees; and library-rate fourth-class. This action represents the next step of scheduled rate increases for the designated classifications of mail to be phased in over a period of 16 years, depending on the particular mail classification involved. The phrasing period was extended to 16 years by Act of Congress effective June 30, 1974 (Pub. L. 93-328). This ninth step of phased postage rate increases for the classes of mail listed above marks the end of phasing for regular rate second-class mail, controlled circulation, and special rate fourth-class mail.

The rates of postage to be established, effective 12:01 a.m. on July 6, 1980, are set forth in the schedule published below.

(39 U.S.C. 101(d), 401, 403, 404, 3626)

W. Allen Sanders,

*Associated General Counsel for General Law and Administration.*

BILLING CODE 7710-12-M

## Phased Postal Rates—Step 9

### SECOND-CLASS

Step 9  
(New)

Step 9  
(New)

#### Rate Category

#### In County

#### Pound-Rate Matter:

Per Pound	3.1¢
Per Piece	1.6

#### Regular Rate Publications

#### Per Pound

Non-advertising portion	13.1
Advertising portion	
zones 1 & 2	17.5
1&2*	9.6
3	18.4
4	19.9
5	22.7
6	26.0
7	29.4
8	31.8
Per-Piece** (Level A)	7.0
Per-Piece*** (Level B)	5.4
Per-Piece**** (Level C)	4.4
Per-Piece***** (Level D)	2.6
Per-Piece***** (Level E)	2.0

\* Science of Agriculture publications.

Publications mailing 5,000 or more copies per issue outside county of publication:

\*\* Level A—Pieces which do not qualify for Levels B or C (i.e., SCF, States, and mixed states).

\*\*\* Level B—Packages of six or more addressed pieces sorted by 3-digit City/Multi-ZIP City and 5-digit destinations (see 467.6 DMM).

\*\*\*\* Level C—Packages of six or more addressed pieces sorted by Carrier Route or a finer sortation (see 467.6 DMM).

Publications mailing less than 5,000 out-of-county copies per issue:

\*\*\*\*\* Level D—Pieces not qualifying for Level E sort.

\*\*\*\*\* Level E—Packages of six or more addressed pieces sorted by 3-digit City/Multi-ZIP City and 5-digit destinations (see 467.6 DMM).

#### Non-Profit Organization

#### Per Pound

Non-advertising portion	6.4
Advertising portion	
zones 1 & 2	9.6
3	10.3
4	11.6
5	13.4
6	15.2
7	16.6
8	18.0
Per Piece	2.6

#### Classroom Publications

#### Per Pound

Non-advertising portion	3.9
Advertising portion	
zones 1 & 2	5.2
3	5.8
4	7.0
5	9.0
6	11.3
7	13.1
8	14.9
Per Piece	1.5

### THIRD-CLASS

#### Non-Profit Bulk Rate

#### Per Pound

Ordinary Matter	20.0 <sup>1</sup>
Books, Catalogs, Etc.	17.0 <sup>1</sup>

#### Minimum-Per-Piece

Non-Carrier Route Presort	3.5
Carrier Route Presort	3.2

### FOURTH-CLASS

#### Library Rate

First Pound	19.0
Each Additional Pound Thru 7	7.0
Each Additional Pound	5.0

<sup>1</sup> Less 0.3¢ per piece for carrier route presort.

## SECURITIES AND EXCHANGE COMMISSION

### Boston Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

June 25, 1980.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

American Israeli Paper Mills Ltd., American Shares, 1 Israeli Pound Par Value (File No. 7-5651)  
Atlas Consolidated Mining & Development Corp., Class B Capital Stock, 10 Phil. Peso Par Value (File No. 7-5652)  
Condec Corp., Common Stock, \$10 Par Value (File No. 7-5653)  
Geosource, Inc., Common Stock, \$1 Par Value (File No. 7-5654)  
Heinicke Instruments Co., Common Stock, \$.16% Par Value (File No. 7-5655)  
Huyck Corporation, Common Stock, \$1 Par Value (File No. 7-5656)  
King Radio Corporation, Common Stock, \$.30 Par Value (File No. 7-5657)  
National Homes Corp., Common Stock, \$.50 Par Value (File No. 7-5658)  
North American Mortgage Investors, Common Stock, No Par Value (File No. 7-5659)  
Petrolane Incorporated, Common Stock, \$1 Par Value (File No. 7-5660)  
Teleflex Inc., Common Stock, No Par Value (File No. 7-5661)  
Tosco Corp., Common Stock, \$.15 Par Value (File No. 7-5662)  
Twin Fair Inc., Common Stock, \$1 Par Value (File No. 7-5663)

These securities are listed and registered on one or more other national securities exchanges.

Interested persons are invited to submit on or before July 17, 1980 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 80-19800 Filed 7-1-80; 8:45 am]  
BILLING CODE 8010-01-M

[Release No. 16929; (SR-BSE-80-2)]

### Boston Stock Exchange, Inc.; Order Approving Proposed Rule Change

June 24, 1980.

On April 14, 1980, the Boston Stock Exchange, Inc. ("BSE") 53 State Street, Boston, MA 02109, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) ("Act"), and Rule 19b-4 thereunder, copies of a proposed rule change to amend Chapter XII-A of its rules, concerning odd-lot dealers in securities, the primary market for which is on another market. The proposed rule change would require odd-lot orders to be filled on the basis of the last reported round-lot transaction, regular way, on the primary market and would eliminate the current requirement that specialists wait two minutes after an odd-lot order is received before executing it on the basis of the next round-lot transaction. The proposed rule also would state that specialists may charge a reasonable differential, if any, and such differentials would be specifically prohibited on odd-lot market orders received before the opening of trading for execution at the opening.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 16315, May 16, 1980) and by publication in the *Federal Register* (45 FR 34489, May 22, 1980). All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552) were made available to the public at the Commission's Public Reference Room.

One comment was received. The commentator objected to approval of the proposed rule change until the BSE establishes a book entry system that is interfaced with other exchanges, due to the high clearing costs presently associated with executing odd-lot transactions on the BSE. The Commission understands that the BSE

has begun implementing a book entry clearing system which should be in place by September 1980. As a result, the higher clearing costs experienced on the BSE should be reduced in the future.

Accordingly, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6(b)(5), and 11A of the Act, and the rules and regulations thereunder, in that it would facilitate implementation of an effective and uniform method for the execution of odd-lots, thereby protecting investors and the public and providing a means of determining the accuracy of executions for surveillance purposes.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 80-19796 Filed 7-1-80; 8:45 am]  
BILLING CODE 8010-01-M

[Release No. 16928; (SR-PSE-80-3)]

### Pacific Stock Exchange Inc.; Order Approving Proposed Rule Change

June 24, 1980.

On April 10, 1980, the Pacific Stock Exchange Incorporated ("PSE"), 301 Pine Street, San Francisco, California 94104, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change to amend PSE Rule IV, Section 64 to clarify the prohibition against floor brokers' use of discretion and to limit marketmakers' exercise of discretion to accounts in which they have a direct interest. Additionally, the proposed rule change will adopt new Options Floor Procedures Advices (1) to interpret the phrase "direct interest in an account" in Rule VI, Section 64, (2) to delineate the responsibility of floor brokers with respect to orders that "print through," (3) to clarify that marketmakers may not effect opening transactions in their marketmaker accounts from off the floor of the Exchange, and (4) to explain the term "marking" and to inform members that "marking" is considered by the PSE to be a serious violation of the PSE rules. Finally, the proposed rule change will amend a current Options Floor Procedure Advice to extend to all

marketmakers supplemental appointments to all securities admitted to trading on the PSE options floor.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-16803, May 12, 1980) and by publication in the Federal Register (45 FR 33755, May 20, 1980). No written statements with respect to the proposed rule change were received.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is Therefore Ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 80-19797 Filed 7-1-80; 8:45 am]  
BILLING CODE 8010-01-M

[Release No. 11230; (812-4679)]

**Sparbankernas Bank; Application for an Order Pursuant to Section 6(c) of the Act Exempting Applicant From All Provisions of the Act**

June 24, 1980.

Notice is hereby given that Sparbankernas Bank ("Applicant") Brunkebergstorg 8, S-105 34 Stockholm, Sweden, filed an application on May 12, 1980 for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that its principal office is located at Brunkebergstorg 8, Stockholm, Sweden, and that it is the parent of a bank group which, at the end of 1979, ranked on the basis of consolidated total assets as the fourth largest bank in Sweden. Applicant's assets are stated to have totaled \$2,758,000,000 at December 31, 1979, of which loans and advances (including interbank lending) accounted for approximately 50%. Applicant states that since it was founded in 1942 it has been totally owned by Swedish savings

banks and that its share capital at the end of 1979 amounted to \$22,000,000. Applicant represents that it has no domestic branches and no foreign subsidiaries, branches or agencies, though it owns a minority interest in a Luxembourg consortium bank.

Applicant represents that it functions principally as a central and commercial bank for Swedish savings banks and as a fully service commercial bank. Applicant's business activities are said to include accepting deposits, extending credit through loan agreements, discounting bills and providing overdraft facilities, acting as a securities broker and underwriter and performing clearing, accounting, trust, financial advisory and securities administration services. Applicant states that it provides international banking services to customers through its worldwide correspondent banking network and participates in underwriting and selling groups for international bond issues in the international capital market. Through its three principal subsidiaries, Applicant states, it is a major home mortgage lender and engages to a lesser extent in municipal finance, factoring and leasing. Applicant represents that, during the three fiscal years ended December 31, 1979, Applicant's revenues from brokerage, trading and underwriting activities never constituted more than 22% of its annual gross revenues.

Applicant states that at December 31, 1979 its total loans and advances amounted to \$1,366,000,000 (50% of total assets) and customer deposits represented 80% of total liabilities, and for the year then ended interest income accounted for 54% of gross revenues. Applicant states further that at the end of 1979 investment securities constituted 37% of its total assets, primarily due to the 45% liquidity ratio imposed upon Applicant by the Central Bank of Sweden ("Central Bank"). It is stated that, at December 31, 1979, 98% of its deposits represented deposits from, and 97% of Applicant's loans and advances constituted credits extended to, Swedish customers of Applicant. Applicant states that the largest portion of its funding has traditionally been based on interest-accruing demand deposits, which at December 31, 1979 represented approximately 27% of its total deposits, and that it has approximately 5,500 separate depositors.

Applicant represents that it is extensively regulated by Swedish governmental authorities, operates, as do all Swedish commercial banks, under a government charter which is granted for a period not exceeding ten years and

which upon application may be extended for subsequent periods of up to ten years (Applicant's current charter extends to December 31, 1984), and is supervised by the Swedish Bank Inspection Board ("Inspection Board") and the Central Bank. Applicant states its administration and financial operations are subject to regular supervision by five auditors, four of whom are elected by shareholders at an annual meeting. One of those four elected auditors must be a qualified, full-time professional accountant, authorized by the Swedish Board of Commerce. The fifth auditor is an independent accountant appointed annually by the Inspection Board. The Inspection Board periodically examines each bank's loan portfolio, requires monthly statements of financial condition and may intervene in management if deemed necessary to enforce the Swedish Banking Companies Act of 1955, as amended ("Bank Act"), or preserve the solvency of a bank. Applicant states that the Central Bank regulates Swedish banking and credit markets as well as monetary and foreign exchange matters, imposing reserve requirements and liquidity ratios on banks and cash or Central Bank deposit requirements on commercial banks and recommending bank credit and interest rate ceilings. Applicant further states that the Bank Act imposes lending limits as well as capital coverage and legal reserve fund requirements, forbids, Swedish banks to hold for their own account shares in other corporations without government approval, limits insider transactions, permits no more than one in every five directors of a bank to be an official of the bank and prohibits senior bank officers from serving as directors of securities dealers or underwriters.

Applicant states that it proposes to issue and sell unsecured prime quality commercial paper notes denominated in United States dollars to a commercial paper dealer in the United States, which will then reoffer the notes in the minimum denomination of \$100,000 to the types of investors which normally purchase commercial paper. Applicant states that the notes will provide a source of funds for it to finance or refinance its short-term U.S. dollar and other non-Swedish currency credits. According to Applicant, its commercial paper notes will rank *pari passu* among themselves and with all other unsecured unsubordinated indebtedness of Applicant, including Applicant's deposit liabilities, and ahead of its share capital.

Applicant plans to sell the notes without registration under the Securities

Act of 1933, as amended (the "1933 Act"), in reliance upon an opinion of its United States special counsel that the offering will qualify for exemption from the registration requirements of the 1933 Act provided for certain short-term commercial paper by Section 3(a)(3) thereof. Applicant will not proceed with its proposed offering until it has received such an opinion letter.

Applicant does not request Commission review or approval of such opinion letter, and the Commission expresses no opinion as to the availability of any such exemption. Applicant further represents that the proposed issue of securities and all future issues of securities of Applicant in the United States will have received, prior to issuance, one of the three highest investment grade ratings from at least one of the nationally recognized statistical rating organizations and that its counsel shall have certified that such rating has been received; provided, however, that no such rating will be required to be obtained with respect to any such issue if in the opinion of Applicant's counsel, having taken into account for the purposes thereof the doctrine of "integration" referred to in various releases and no-action letters made public by the Commission, an exemption from registration is available with respect to such issue under Section 4(2) of the 1933 Act. Applicant undertakes to ensure that the dealer will provide each offeree who has indicated an interest in Applicant's commercial paper notes, prior to any sale of the notes to such offeree, with a memorandum describing the business of Applicant together with the most recent publicly available fiscal year-end balance sheet and income statement of Applicant, which shall have been audited in such manner as is customarily done for the Bank by Swedish auditors. Applicant represents that the aforementioned memorandum will be accompanied by a brief paragraph highlighting material differences between Swedish and United States generally accepted accounting principles applicable to banks. Applicant also represents that such memorandum will be at least as comprehensive as those customarily used in commercial paper offerings in the United States. Such memorandum will be updated periodically to reflect material changes in Applicant's financial status. Applicant also states that it is not subject to the reporting requirements of the Securities Exchange Act of 1934 and will not become subject to such requirements as a result of the issuance and sale of its notes.

Applicant further represents that, although it has no present intention of doing so, it may in the future offer other securities (other than shares of its capital stock) in the United States pursuant to a registration statement under the 1933 Act, or pursuant to an applicable exemption from registration under the 1933 Act, and any such offerings will be made on the basis of disclosure documents at least as comprehensive as those used in the proposed offering. Applicant undertakes to ensure that such disclosure documents will be provided to each offeree who has indicated an interest in the securities then being offered by Applicant, prior to any sale of such securities to such offeree, except that in the case of an offering made pursuant to a registration statement under the 1933 Act, such disclosure documents will be provided to such persons and in such manner as may be required by the 1933 Act and the rules and regulations thereunder. Applicant consents to having any order granting the relief requested under Section 6(c) of the Act expressly conditioned upon its compliance with its undertakings regarding disclosure documents.

Applicant represents that it will appoint a United States corporation as its agent to accept service of process in any action based on any of its commercial paper and instituted in any State or Federal court by a holder of its commercial paper. Applicant further represents that it will expressly accept the jurisdiction of any State or Federal court in the City and State of New York with respect to any action and that both its appointment of an authorized agent and such acceptance of jurisdiction will be irrevocable until all amounts due and to become due with respect to the commercial paper have been paid. Applicant represents that it will similarly appoint an agent for service of process and accept jurisdiction in suits arising from any other offerings of securities that it may make in the United States.

Applicant requests an order pursuant to Section 6(c) of the Act exempting it from all provisions of the Act. Applicant states that, among other things, compliance by it with a number of substantive provisions of the Act would, as a practical matter, conflict with its operation as a commercial bank and that Applicant would thus be effectively precluded from selling securities in the United States if it were required to register as an investment company and comply with such provisions of the Act. Moreover, Applicant states, approval of the application would facilitate

Applicant's access to the United States capital market and would thus implement a broad objective of the International Banking Act of 1978, which is to place United States banks and foreign banks on a basis of competitive equality in their United States transactions. Applicant asserts that it is a major commercial bank subject to extensive regulation by Swedish banking authorities and therefore that imposition of the requirements of the Act upon Applicant would be unnecessary. As a Swedish commercial bank subject to such regulations, Applicant argues that it is significantly different from the type of institution that Congress intended the Act to regulate. Applicant concludes that granting its requested exemptive order pursuant to Section 6(c) of the Act would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 24, 1980, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons, Secretary.

[FR Doc. 80-19795 Filed 7-1-80; 8:45 am] BILLING CODE 8010-01-M

[Release No. 34-16918; File No. SR-MSE-80-11]

Midwest Stock Exchange, Inc.; Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 10, 1980 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Description of the Subjects and Issues Involved in the Proposed Rule Change

The Midwest Stock Exchange, Incorporated ("MSE") proposes to amend Part II of its By-Laws by deleting all references therein to MSE's organization, operation and regulation of an options market and to delete in their entirety most of the rules of Part IV of the By-Laws of the MSE, which relates specifically to options trading. The MSE intends to retain only those rules in Part IV applicable to the handling of orders and the conduct of accounts relating to options trading—specifically Article XLVIII, Rules 1-9 and 11-13, and Article L, Rule 3.

MSE's Statement on the Basis and Purpose of the Proposed Rule Change

The basis and purpose of the proposed rule change is as follows:

The Midwest Stock Exchange, Incorporated and the Chicago Board Options Exchange, Incorporated entered into an agreement dated August 15, 1978 to combine the options markets of the two exchanges. The Proposed Rule Change, File No. SR-MSE-78-30, submitted December 21, 1978, outlines the implementation of the full combination of the two options markets, such that Midwest ceases to have responsibility for or connection with an options market.

In view of the fact that the full Combination became effective on June 2, 1980, the specific purpose of the proposed amendments to Midwest Stock Exchange Rules is to eliminate all references to Midwest's organization, operation and regulation of an options market. This is accomplished by deleting from Midwest's rules those

rules with respect to options trading that have been adopted since November 15, 1976, when the Commission approved Midwest's establishment of an options market.

With respect to the Combination, the proposed amendments to Midwest's rules would effect the termination of Midwest's operation and regulation of an options market. As such the provisions of Section 6(b)(i)-4, 6, and 7 of the Act are not applicable. However, insofar as the proposed amendments reflect Midwest's judgment as to the best interests of its members and the public they are designed "to protect investors and the public interest" in accordance with Section 6(b)(5) of the Act.

The Midwest Stock Exchange, Incorporated has neither solicited nor received any comments on the proposed rule changes.

Midwest does not believe that the Combination will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. File No. SR-MSE-78-30, submitted December 21, 1978, Exhibit 3, Joint Memorandum in Support of Combination of Midwest and CBOE Options Program, Part IV, pp. 22-28, sets forth the basis for such conclusion and is incorporated herein by reference.

On or before August 6, 1980, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of all such filings with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 23, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons, Secretary.

June 23, 1980. [FR Doc. 80-19799 Filed 7-1-80; 8:45 am] BILLING CODE 8010-01-M

[Release No. 34-16930; File No. SR-SCCP 80-3]

Stock Clearing Corporation of Philadelphia; Self-Regulatory Organization; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 23, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of Terms of Substance of the Proposed Rule Change

Stock Clearing Corporation of Philadelphia (SCCP) proposes an amendment to Rule 23, Compensation, which deals with charges for services rendered. The proposed rule change establishes a depository fee of 10¢ per line item for pledges to a SCCP margin account from positions in a participant's PHILADEP account. There is no charge for releases of collateral. The text of the rule change is as follows (new material italicized.)

Rule 23. For the services rendered to clearing members as herein provided, such clearing member shall pay compensation to Stock Clearing Corporation and PHILADEP as follows: (Sections 1 through 5 remain unchanged.)

6. PHILADEP Depository Charges	
a. Brokers and Dealers Custody fee, per \$1,000 of market value, per month (\$600 monthly maximum).....	05
OCC pledge (or release) fee, per line item.....	35
Bank loan pledge (or release) fee, per line item.....	35
SCCP margin pledge fee, per line item (no charge for release).....	10
(The remainder of Section 6 and all of Section 7 remain unchanged.)	

Basis and Purpose of Proposed Rule Change

The purpose of the margin pledge fee is to establish a charge for a procedure which is available to participants who wish to pledge stock to their SCCP margin accounts from positions in their PHILADEP depository accounts. The cost related fee is nominal in order to

encourage greater use of SCCP margin accounts.

The proposed rule change provides equitable allocation of reasonable dues, fees and other charges among participating members in accordance with the standards set forth in Section 17A(b)(3)(D) of the Act.

No formal comments have been solicited or received regarding the proposed Rule change.

No burden on competition will be imposed by the proposed rule change. The proposed rate schedule does not discriminate between marketplaces nor does it inhibit clearing interfaces.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof, with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 "L" Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 23, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

June 25, 1980.

[FR Doc. 80-19798 Filed 7-1-80; 8:45 am]

BILLING CODE 8010-01-M

## SMALL BUSINESS ADMINISTRATION

[License No. 01/01-0299]

### Boston Hambro Capital Co.; Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Boston Hambro Capital Company (Boston

Hambro), One Boston Place, Boston, Massachusetts 02106, a Federal Licensee under the Small Business Investment Act of 1958, as amended, has filed an application pursuant to § 107.1004 of the regulations governing small business investment companies (13 CFR 107.1004 (1980)), for approval of a conflict of interest transaction.

Mr. James F. Stone, President and a Director of Boston Hambro Corp., the general partner of Boston Hambro, is deemed an Associate of Boston Hambro pursuant to Section 107.3(a) of the Small Business Administration Rules and Regulations.

Mr. Stone has also been a Director of Hendrix Electronics, Inc. (Hendrix), 670 North Commercial Street, Manchester, New Hampshire 03101, since 1972. He has had, since 1976, an option to acquire shares of common stock in Hendrix as long as he remains a Director of Hendrix. Should Mr. Stone exercise his option, he would have an ownership interest in Hendrix of less than one-tenth of one percent. Mr. Stone is one of seven Directors of Hendrix.

Boston Hambro is proposing to make an investment in Hendrix. The financing would be made as part of a \$2,500,000 financing package. Boston Hambro is proposing to purchase a \$500,000, 10 percent subordinated note with a five year maturity. In addition, Boston Hambro would purchase for \$500,000 warrants to acquire 50,000 shares of common stock at any time over a five year period.

Since Mr. Stone is a Director of Hendrix, Hendrix is an Associate of Boston Hambro, and the proposed financing falls within the purview of § 107.1004(b)(1) of SBA Regulations and requires written approval of SBA.

Notice is further given that any person may, not later than July 17, 1980, submit to SBA written comments on the proposed transaction. Any such comments should be addressed to the Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Manchester, New Hampshire and Boston, Massachusetts.

(Catalog of Federal Domestic Assistance Programs No. 59.011, Small Business Investment Companies)

Dated: June 26, 1980.

Michael K. Casey,

Associate Administrator for Investment.

[FR Doc. 80-19907 Filed 7-1-80; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-0402]

### Capital Group (Limited Partnership); Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1980)) under the name of The Capital Group (Limited Partnership) (Applicant) for a license to operate as a limited partnership small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended, and the rules and regulations promulgated thereunder.

The formation and licensing of a limited partnership SBIC is subject to the provisions of § 107.4 of the regulations. The application shall provide for a sole general partner, which must be a corporation, organized under State law solely for the purpose of managing the functions and activities of the limited partnership SBIC. There may be any number of limited partners.

The initial investors and their percent of ownership of the Applicant are as follows:

CIG, Inc., General Partner, 500 Park Ave., New York, NY 10022; 1 percent

Edward Jay Minskoff, Limited Partner, 20 East 9th St., New York, NY 10003; 11% percent

Securities Groups, Limited Partner, 375 Park Ave., New York, NY 10022; 87 1/2 percent

The Applicant will commence operations with an initial private capital of \$3,000,000 consisting of \$30,000 from the corporate general partner and \$2,970,000 from the limited partners. The Applicant anticipates it will primarily provide venture capital in the form of equity financing and long-term debt. It will have a broad financing policy. Also, the Applicant intends to provide advisory and management services to client portfolio concerns.

The corporate general partner (CIG, Inc.) will consist of the following officers, directors and shareholders:

Edward Joseph Polito, 333 Bay 10th St., Brooklyn, NY 11228; President

Linda Cecilia Hellew, 207 Clinton St., Brooklyn, NY 11201; Secretary

Susan Elizabeth Powers, 449 7th St., Brooklyn, NY 11215; Treasurer

Kenneth Theodore Kaltman, 14-23 160th St., Beechhurst, NY 11357; Chairman, Director

& 50 percent owner

Steven Robert Hageman, Oak Hill Road, Philmont, NY 12565; Vice Chairman,

Director & 50 percent owner

There will be only one class of stock

(common) with the initial paid-in capital

and paid-in surplus being \$300,000, of which \$30,000 is to be invested in the limited partnership SBIC.

The limited partners are (1) Edward J. Minskoff—11 2/3% and (2) The Securities Groups—87 1/3% which consists of The Security Group and The Monetary Group, each of which are limited partnerships. Charles Atkins, Kenneth T. Kaltman and Steven R. Hageman are General Partners of the Monetary Group. None of the partners, limited or general, in either The Security Group or The Monetary group owns as much as 10% of the partnership capital and neither partnership has more than 5% of its assets accounted for by securities issued by SBICs.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed officers, directors, and shareholders of the corporate general partner, as well as the limited partners of the Applicant, and the probability of successful operation of the Applicant in accordance with the Act and Regulations.

Notice is further given that any person may, not later than July 17, 1980, submit to SBA, in writing, comments on the proposed licensing of this company. Any such communication should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published by the Applicant in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies);

Dated: June 23, 1980.

Michael K. Casey,

Associate Administrator for Investment.

[FR Doc. 80-19904 Filed 7-1-80; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-0395]

#### **E S One Capital Corp.; Issuance of a License To Operate as a Small Business Investment Company**

On April 2, 1980, a Notice was published in the Federal Register (45 FR 27077) stating that E S One Capital Corporation, 400 Madison Avenue, New York, New York 10017, had filed an application with the Small Business Administration pursuant to § 107.102 of the SBA rules and regulations governing small business investment companies (13 CFR 107.102 (1980)), for a license to operate as a small business investment company.

Interested parties were given until the close of business May 7, 1980, to submit their comments. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA on June 2, 1980, issued License No. 02/02-0395 to E S One Capital Corporation, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies)

Date: June 26, 1980.

Michael K. Casey,

Associate Administrator for Investment.

[FR Doc. 80-19905 Filed 7-1-80; 8:45 am]

BILLING CODE 8025-01-M

#### **Interest Rates**

SBA regulations (13 CFR 120.3(b)(2)(iv)) require the Agency to periodically publish the maximum allowable interest rate that a participating lender can charge on a guarantee loan or its share of an immediate participation loan.

Effective for business loan guarantee applications received by SBA on or after July 1, 1980, the maximum rate the lender may charge is based on the minimum Money Center (New York) prime rate printed in the Wall Street Journal that was published on the date SBA received the application. For loans with original maturities less than seven (7) years, the maximum allowable rate is up to, but not to exceed, two and one-quarter (2 1/4) percentage points over the minimum Money Center prime rate. For loans with original maturities of seven (7) or more years, the maximum allowable rate is up to, but not to exceed, two and three-quarters (2 3/4) percentage points over the minimum Money Center prime rate. The maximum allowable rate for the lenders' share of an immediate participation loan is one (1) percent below the maximum guarantee interest rate for loans with comparable maturities.

Dated: June 26, 1980.

William H. Mauk,

Acting Administrator.

[FR Doc. 80-19902 Filed 7-1-80; 8:45 am]

BILLING CODE 8025-01-M

[License No. 01/01/0003]

#### **Narragansett Capital Corp.; Exemption With Respect to Conflict of Interest Transaction**

Narragansett Capital Corporation (Narragansett), 40 Westminster Street,

Providence, Rhode Island 02903, is registered as a closed-end, non-diversified, management investment company under the Investment Company Act of 1940 (Act), and is also licensed as a Small Business Investment Company under the Small Business Investment Act of 1958, as amended.

The transaction involves a financing of Charter Supply Co., Inc. (Charter) by means of a subordinated loan of \$1,755,000 and purchase of 210 shares (\$210,000) of nonvoting common stock by Narragansett and 70 shares (\$70,000) of voting common stock by Gary B. Jacobsen, an associate of Narragansett at the time of the financing, who also became the Chief Executive Officer of Charter.

Section 107.1004 of the Small Business Administration's (SBA) Regulations prohibits, among other things, the financing by a licensee (Narragansett) to an associate (Charter) except upon written exemption by SBA in special instances. That Section further provides that in the case of such a transaction which is granted an exemption by the SEC, exemption of the transaction by SBA is automatic, subject only to publication in a newspaper by the licensee of a notice prescribed by SBA.

On May 28, 1980, the SEC issued an Order (Release No. 11190) pursuant to Section 17(d) of the Act and Rule 17(d)-1 thereunder exempting and permitting the proposed transaction by Narragansett under applicable Sections of the Act and Rules thereunder. Consequently, the transaction is exempt from § 107.1004 of SBA Regulations upon publication by Narragansett of this Notice in a newspaper of general circulation in the locality most affected by the transaction.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 25, 1980.

Michael K. Casey,

Associate Administrator for Investment.

[FR Doc. 80-19903 Filed 7-1-80; 8:45 am]

BILLING CODE 8025-01-M

#### **Region VII Advisory Council Executive Board; Change in Meeting Time of Scheduled Meeting**

The Small Business Administration Region VII Advisory Council Executive Board, has changed the meeting time for its public meeting to be held on Friday, July 11, 1980. The meeting is now scheduled to be held at 10:00 a.m., at the Federal Building, 911 Walnut, Room 2400, Kansas City, Missouri, to discuss such business as may be presented by members, staff of the U.S. Small

Business Administration, and others attending.

For further information, write or call Lonah Birch, Acting Regional Advocate, U.S. Small Business Administration, 911 Walnut, Room 2309, Kansas City, Missouri 64106—(816) 374-3607.

Dated: June 25, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-19906 Filed 7-1-80; 8:45 am]

BILLING CODE 8025-01-M

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

#### Treasury Bonds of 1995

[Department Circular, Public Debt Series—No. 21-80]

June 27, 1980.

#### 1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately \$1,500,000,000 of United States securities, designated Treasury Bonds of 1995 (CUSIP No. 912810 CQ 9). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

#### 2. Description of Securities

2.1. The securities will be dated July 9, 1980, and will bear interest from that date, payable on a semiannual basis on November 15, 1980, and each subsequent 6 months on May 15 and November 15, until the principal becomes payable. They will mature May 15, 1995, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000, and \$1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

#### 3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Wednesday, July 2, 1980. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, July 1, 1980.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is \$1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11 percent. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed \$1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each

customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a  $\frac{1}{8}$  of one percent increment, which results in an equivalent average accepted price close to 100,000 and a lowest accepted price above the original issue discount limit of 96.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent

to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

#### 4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

#### 5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.5., must be made or completed on or before Wednesday, July 9, 1980. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Monday, July 7, 1980. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented.

Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of Public Debt, Washington, D.C. 20226. The Securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

#### 6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Supplementary Statement: The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

Paul H. Taylor,

*Fiscal Assistant Secretary.*

[FR Doc. 80-19857 Filed 7-1-80; 8:45 am]

BILLING CODE 4810-40-M

# Sunshine Act Meetings

Federal Register

Vol. 45, No. 129

Wednesday, July 2, 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

	<i>Items</i>
Commodity Futures Trading Commission .....	1-3
Federal Communications Commission .....	4
Federal Energy Regulatory Commission .....	5
Federal Maritime Commission .....	6
National Transportation Safety Board .....	7
Nuclear Regulatory Commission .....	8, 9
Parole Commission .....	10, 11
Railroad Retirement Board .....	12

### 1

#### COMMODITY FUTURES TRADING COMMISSION.

**TIME AND DATE:** 11 a.m., Friday, July 11, 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:** June Stuckey, 254-6374.

[S-1269-80 Filed 6-30-80; 12:15 pm]

**BILLING CODE 6351-01-M**

### 2

#### COMMODITY FUTURES TRADING COMMISSION.

**TIME AND DATE:** 10 a.m., July 8, 1980.

**PLACE:** 2033 K Street NW., Washington, D.C., Fifth floor hearing room.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:**

- Amendments to the Commodity Pool Operator and Commodity Trading Advisors Regulations.
- Member to Member Arbitration—Final Rule.
- Proposed arbitration rules of the Chicago Board of Trade.

**CONTACT PERSON FOR MORE INFORMATION:** Jane Stuckey, 254-6314.

[S-1276-80 Filed 6-30-80; 8:45 am]

**BILLING CODE 6351-01-M**

### 3

#### COMMODITY FUTURES TRADING COMMISSION.

**TIME AND DATE:** 11:30 a.m., July 8, 1980.

**PLACE:** 2033 K Street NW., Washington, D.C., Fifth floor hearing room.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Enforcement matters.

**CONTACT PERSON FOR MORE INFORMATION:** Jane Stuckey, 254-6314.

[S-1277-80 Filed 6-30-80; 3:36 pm]

**BILLING CODE 6351-01-M**

### 4

#### FEDERAL COMMUNICATIONS COMMISSION.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING:** 9:30 a.m., Tuesday, July 1, 1980.

**PLACE:** Room 856, 1919 M Street NW., Washington, D.C.

**STATUS:** Special open Commission meeting.

**CHANGES IN THE MEETING:** Additional item to be considered:

#### *Agenda, Item Number, and Subject*

Common Carrier—5—ITT, RCA, TRT, WUI and WUI Caribbean proposed tariff revisions for establishing separate charges for terminals, tielines, and transmission offered in connection with international telex service and implementing expanded gateways and additional domestic operating areas for international telecommunications service.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: June 27, 1980.

[S-1272-80 Filed 6-30-80; 2:05 pm]

**BILLING CODE 6712-01-M**

### 5

#### FEDERAL ENERGY REGULATORY COMMISSION.

**"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:** 45 FR 43925, June 30, 1980.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING:** 10 a.m., July 2, 1980.

**CHANGE IN MEETING:** The following items have been added:

*Item Number, Docket Number, and Company*  
RP-3—OR78-1, Trans-Alaska Pipeline System (formerly I&S Docket No. 9164).

CP-3—TC79-8, Transcontinental Gas Pipe Line Corp.

**Kenneth F. Plumb,**  
*Secretary.*

[S-6450-85 Filed 6-30-80; 11:08 am]

**BILLING CODE 6450-85-M**

### 6

#### FEDERAL MARITIME COMMISSION.

**TIME AND DATE:** 10 a.m., July 9, 1980.

**PLACE:** Hearing Room One, 1100 L Street N.W., Washington, D.C. 20573.

**STATUS:** Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

**MATTERS TO BE CONSIDERED:** Portions open to the public:

1. Standards to be applied to the requisite factors for obtaining an exemption under General Order 7 from the requirement for independent policing authority.
2. Interpretative rule with respect to bulk commodities loaded in containers.
3. Informal Docket No. 681(F): Sanrio, Inc. V. Maersk Line—Consideration of the record.
4. Docket No. 80-28: In the Matter of Furnishing Container Chassis—Review of Responses to petition for declaratory order.
5. Docket No. 80-30: Petition for Declaratory Order that the Water Carrier Operation of Kugkaktlik, Limited is Exempt from the Tariff Filing Requirements of the Intercoastal Shipping Act of 1933—Consideration of the record.
6. Docket No. 77-13: First International Development Corporation v. Ships Overseas Services, Inc. and Docket No. 77-23: In the Matter of Agreement No. 10294.

Portion closed to the public:

1. Docket No. 79-74: Japan/Korea-Atlantic and Gulf Freight Conference (Agreement No. 3103-67—Extension of Intermodal Authority)—Consideration of the record.

**CONTACT PERSON FOR MORE INFORMATION:** Francis C. Hurney, Secretary (202) 523-5725.

[S-1275-80 Filed 6-30-80; 3:32 pm]

**BILLING CODE 6730-01-M**

### 7

[NM-80-25]

#### NATIONAL TRANSPORTATION SAFETY BOARD.

**TIME AND DATE:** 9 a.m., Tuesday, July 8, 1980.

**PLACE:** NTSB board room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

**STATUS:** The first item will be open to the public; the second item will be closed under Exemption 9B of the Government in the Sunshine Act.

**MATTERS TO BE CONSIDERED:**

1. *Pipeline Accident Report*—Washington Gas Light Company, Natural Gas Explosion, 215 Third Street SE, Washington, D.C., October 30, 1979, and *Recommendations to the Research and Special Programs Administration of the U.S. Department of Transportation and to the Washington Gas Light Company.*

2. *Aircraft Incident Report*—Aeromexico DC-10-30, XA-DUH, over Luxembourg, Europe, November 11, 1979.

**CONTACT PERSON FOR MORE**

**INFORMATION:** Sharon Flemming 202-462-6022.

June 27, 1980.

[S-1266-80 Filed 6-27-80; 4:10 pm]

**BILLING CODE 4910-58-M**

**8**

**NUCLEAR REGULATORY COMMISSION.**

**DATE:** Thursday, June 26, 1980 (change).

**PLACE:** Commissioners' Conference room, 1717 H Street NW., Washington, D.C.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** Thursday, June 26 (additional item):

9:15 a.m.

1. Affirmation of Order in TMI-2 Venting Lawsuit (approximately 15 minutes, public meeting).

(Remainder of meetings for June 26 as previously announced.)

**CONTACT PERSON FOR MORE**

**INFORMATION:** Walter Magee (202) 634-1410.

**AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE:** (202) 634-1498.

Those planning to attend a meeting should reverify the status on the day of the meeting.

Dated: June 25, 1980.

Roger M. Tweed,  
*Office of the Secretary.*

[S-1270-80 Filed 6-30-80; 12:33 pm]

**BILLING CODE 7590-01-M**

**9**

**NUCLEAR REGULATORY COMMISSION.**

**DATE:** Week of June 30, 1980.

**PLACE:** Commissioners conference room, 1717 H Street NW., Washington, D.C.

**STATUS:** Open/closed.

**MATTERS TO BE CONSIDERED:** Thursday, July 3:

10 a.m.

1. Discussion of Management-Organization & Internal Personnel Matters (Approximately 2 hours, closed—exemptions 2 & 6).

2 p.m.

1. Staff Response to Panel Presentation on Emergency Planning (Approximately 1 1/2 hours, public meeting).

2. Affirmation Session (approximately 10 minutes, public meeting).

a. Delegations of Authority in Export-Related Areas (tentative).

3. Time Reserved for Discussion & Vote on Affirmation Items (if required) (Approximately 15 minutes, public meeting).

**CONTACT PERSON FOR MORE**

**INFORMATION:** Walter Magee (202) 634-1410.

**AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE:** (202) 634-1498.

Those planning to attend a meeting should reverify the status on the day of the meeting.

Dated: June 26, 1980.

Walter Magee,  
*Office of the Secretary.*

[S-1271-80 Filed 6-30-80; 12:33 pm]

**BILLING CODE 7590-01-M**

**10**

**PAROLE COMMISSION.**

National Commissioners (the Commissioners presently maintaining Offices at Washington, D.C. Headquarters).

**TIME AND DATE:** 9:30 a.m., Friday, June 27, 1980.

**PLACE:** Room 826A, 320 First Street NW., Washington, D.C. 20537.

**STATUS:** Closed pursuant to a vote to be taken at the beginning of the meeting.

**MATTERS TO BE CONSIDERED:** Referrals from Regional Commissioners of approximately 3 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

**CONTACT PERSON FOR MORE**

**INFORMATION:** Linda Wines Marble, Analyst (202) 725-3094.

[S-1273-80 Filed 6-30-80; 3:01 pm]

**BILLING CODE 4410-01-M**

**11**

[0P0401]

**PAROLE COMMISSION.**

National Commissioners (the Commissioners presently maintaining offices at Washington, D.C. Headquarters).

**TIME AND DATE:** 9:30 a.m., Tuesday, July 1, 1980.

**PLACE:** Room 826A, 320 First Street, NW., Washington, D.C. 20537.

**STATUS:** Closed pursuant to a vote to be taken at the beginning of the meeting.

**MATTERS TO BE CONSIDERED:** Referrals from Regional Commissioners of approximately 5 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

**CONTACT PERSONS FOR MORE**

**INFORMATION:** Linda Wines Marble, Analyst (202) 724-3094.

[S-1274-80 Filed 6-30-80; 3:01 pm]

**BILLING CODE 4410-01-M**

**12**

**RAILROAD RETIREMENT BOARD.**

**TIME AND DATE:** 9 a.m., July 8, 1980.

**PLACE:** Board's meeting room, eighth floor, headquarters building, 844 Rush Street, Chicago, Illinois, 60611.

**STATUS:** Part of this meeting will be open to the public. The rest of the meeting will be closed to the public.

**MATTERS TO BE CONSIDERED:** Portion open to the public.

(1) Interview by industrial psychologist.  
(2) Office of Personnel Management Survey of Bureau of Unemployment and Sickness Insurance.

(3) Registration requirements for unemployment insurance.

(4) Appeal from method of computation of annuity, Lillian B. Sprouse.

Portions closed to the public:

(A) Intra-Board personnel matters.

(B) Appeal from referee's denial of disability annuity application, Elmer L. Tunstall, Jr.

(C) Appeal from referee's denial of claim for a "period of disability", John W. Ayers.

(D) Appeal from referee's denial of disabled child's insurance annuity, Harry G. Byrnes.

(E) Appeal from referee's denial of disability annuity application, Karl A. Konopacky.

(F) Appeal from referee's denial of disability annuity application, Harry Sperry.

(G) Appeal from referee's denial of disabled widow's insurance annuity, Louise Whitfield.

(H) Appeal from referee's denial of disability annuity application, Alfred Willoughby.

(I) Appeal from referee's denial of disability annuity application, Jimmie W. Braxton.

**CONTACT PERSON FOR MORE**

**INFORMATION:** R. F. Butler, Secretary of the Board, COM No. 312-751-4920, FTS No. 387-4920.

[S-1267-80 Filed 6-30-80; 10:04 am]

**BILLING CODE 7905-01-M**

# **federal register**

---

Wednesday  
July 2, 1980

---

**Part II**

## **Environmental Protection Agency**

---

**Approval and Promulgation of  
Implementation Plans for Connecticut;  
Attainment Status Designations**

**ENVIRONMENTAL PROTECTION  
AGENCY**
**40 CFR Parts 52 and 81**
**[FRL 1529-1]**
**Approval and Promulgation of  
Implementation Plans for Conn.;  
Attainment Status Designations**
**AGENCY:** Environmental Protection  
Agency.

**ACTION:** Proposed rulemaking.

**SUMMARY:** Revisions to the State Implementation Plan (SIP) for the State of Connecticut were received by the Environmental Protection Agency (EPA) on June 27 and December 28, 1979, and February 1 and May 1, 1980. The intended effect of the revisions is to meet the requirements of Part D of the Clean Air Act (the Act) as amended in 1977, "Plan Requirements for Non-Attainment Areas", through the implementation of new measures for controlling emissions and providing for attainment of the National Ambient Air Quality Standards (NAAQS) by the required dates. In addition, the revisions respond to certain other requirements of the Act. This Notice discusses the Connecticut submittal and EPA's proposed action concerning it. EPA invites public comment and/or corrections as to these proposed actions, the identified and other relevant issues and generally on whether the Connecticut SIP revisions should be approved or disapproved.

**DATES:** Comments may be submitted to EPA at the address listed below on or before August 1, 1980, or may be presented in testimony at a public meeting before Connecticut and EPA officials on July 30, 1980 at 1:30 p.m.-6:00 p.m. and 7:00 p.m.-10:00 p.m.

**ADDRESSES:** Copies of the SIP revisions and documents containing EPA's guidance are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460; and the Air Compliance Unit, Department of Environmental Protection, State Office Building, 165 Capitol Avenue, Hartford, Connecticut 06115.

Comments should be submitted to Harley F. Laing, Acting Chief, Air Branch, Environmental Protection Agency, Region I, JFK Federal Building,

Room 1903, Boston, Massachusetts 02203.

The public meeting will be held at the Hall of the House, State Capitol, Hartford, Connecticut.

**FOR FURTHER INFORMATION CONTACT:** Harley F. Laing, Acting Chief, Air Branch, Environmental Protection Agency, Region I, JFK Federal Building, Room 1903, Boston, Massachusetts 02203, (617) 223-5609.

**SUPPLEMENTARY INFORMATION:** EPA published the requirements (hereafter the General Preamble) for an approvable non-attainment SIP in the *Federal Registers* of April 4 (44 FR 20372); July 2 (44 FR 38583); August 28 (44 FR 50371); September 17 (44 FR 53761) and November 23, 1979 (44 FR 67182)). These publications supplement this proposal by identifying the major considerations that guide EPA's evaluation of state submittals. These considerations are not restated in detail in this Notice but copies of the documents in which they are stated are available at the locations listed in the Addresses section of this Notice.

EPA is proposing to approve:

1. The request for an extension of time to attain the ozone standard.
2. The request for an extension of time to attain the carbon monoxide standard.
3. The transportation plan, program and project conformity procedures and criteria.
4. The carbon monoxide attainment plan.
5. The commitment to public transportation.
6. The inspection/maintenance program.
7. The mobile source emissions inventory.
8. The reasonable further progress demonstration for carbon monoxide attainment.
9. The procedure for advancing transportation projects through the planning process.
10. The four statewide transportation projects.
11. The redesignation of the entire state except Waterbury and Greenwich to attainment for the primary total suspended particulate standard.
12. The reasonable further progress demonstration for total suspended particulates in Waterbury.
13. The request for an 18 month extension to prepare a secondary total suspended particulate attainment plan.
14. The resource commitments.
15. The plan showing evidence of public, local and state involvement in SIP development.
16. The notice and hearing provisions.
17. The revisions to regulations 19-508-4 and 19-508-5, dealing with source

surveillance, monitoring, recordkeeping and reporting.

18. The changes to the boundaries of air quality control regions 43 and 44.

19. The withdrawal of Connecticut's indirect source regulation.

20. The request to delete regulation 18-508-23, controlling objectionable odors, from the existing SIP.

EPA is proposing to *approve conditionally*:

1. The stationary volatile organic compound source control strategies.

2. The procedure to analyze reasonably available transportation measures.

3. The stationary source emission inventory.

4. The reasonable further progress demonstration for ozone attainment.

5. The total suspended particulate attainment demonstration for Greenwich.

6. The total suspended particulate attainment plan for Waterbury.

7. The program to review new and modified major stationary sources in nonattainment areas.

EPA is proposing to take *no action on*:

1. The amendments to sub-section (a)(9) of regulation 19-508-19, relating to requirements for certain coal burning sources.

2. The new source ambient impact analysis guideline.

3. The program to review new and modified major stationary sources in attainment areas (prevention of significant deterioration).

4. Permit fee requirements.

5. Intergovernmental consultation provisions.

6. Stack height requirements.

7. Interstate pollution notification.

8. Public notification.

9. Monitoring requirements.

10. Conflict of interest provisions.

EPA is proposing to *withdraw* its previous proposed rulemaking addressing Stage I vapor recovery and inspection/maintenance.

**Background**

On March 3, 1978 (43 FR 8962), pursuant to the requirements of Section 107 of the Act, EPA promulgated lists designating as non-attainment areas where the NAAQS were not attained as of August 7, 1977, as attainment where the standards had been attained or as unclassifiable when insufficient information was available. The designations were made for carbon monoxide, total suspended particulates, sulfur dioxide, nitrogen dioxide and ozone, the air pollutants for which there are NAAQS.

In Connecticut, there is statewide attainment for nitrogen dioxide and

sulfur dioxide. In the March 3, 1978 Federal Register notice, the entire state (AQCRs 41, 42, 43 and 44) was designated non-attainment for ozone and the secondary total suspended particulate (TSP) standard. Air Quality Control Regions (AQCRs) 42 and 43 were classified non-attainment for carbon monoxide while AQCRs 42 and 44 were classified non-attainment for the primary TSP standard. On September 11, 1978 a designation change was published in the Federal Register adding AQCR 43 to the primary TSP standard non-attainment list. In the revisions of June 27 and December 28, 1979, Connecticut requested that Waterbury and Greenwich remain classified non-attainment for the primary TSP standard and that the remainder of AQCRs 42 and 43 and all of AQCR 44 be redesignated non-attainment for the secondary TSP standard.

On July 10, 1979 (44 FR 40360), February 13, 1980 (45 FR 9750) and May 23, 1980, EPA published Notices that the Connecticut SIP revisions of June 27, 1979, December 28, 1979, and May 1, 1980 respectively, were available for review and invited the public to comment on their approvability. Several comments have been received in response to these notices, stating that the revisions, as submitted to EPA, were different from the version on which state public hearings were held in January of 1979. Commissioner Stanley Pac, of the Department of Environmental Protection (DEP), has requested that EPA participate with the state in a public meeting at which time discussion will be invited on the revisions. Testimony presented there as well as all written comments received by the expiration of the public comment period will be considered in EPA's final rulemaking action.

Pursuant to Part D of the Act, each state must satisfy specific requirements in the areas designated as non-attainment. The SIP must be revised to demonstrate attainment of the NAAQS as expeditiously as practicable, but no later than the end of 1982 (or the end of 1987 for areas with difficult ozone or carbon monoxide problems). In some cases of secondary standard non-attainment, the SIP may provide for an attainment date beyond 1982. These requirements and the major considerations that will guide EPA's evaluation of attainment plans are briefly summarized below. After each item is a citation to the applicable section of the Act and the applicable paragraphs of EPA Administrator Costle's February 24, 1978 memorandum

(hereafter the Administrator's Memorandum) on "Criteria for Approval of 1979 SIP Revisions" which was published in the Federal Register on May 19, 1978 (43 FR 21673).

#### Requirements for All Part D SIP's

- Demonstrate that both primary and secondary NAAQS will be attained within the non-attainment area as expeditiously as practicable, but for primary NAAQS no later than the following final deadlines: (§ 172(a); ¶¶ 1, 3, 5.)

- for sulfur oxides, particulate matter, and nitrogen dioxide, December 31, 1982.

- for ozone or carbon monoxide, December 31, 1982, except, if the state demonstrates that attainment by December 31, 1982 is impossible despite implementation of all reasonably available measures, December 31, 1987.

- Require reasonable further progress in the period before attainment, including regular, consistent reductions sufficient to assure attainment by the required date. (§ 172(b)(3); ¶ 6.)

- Provide for implementation of all reasonably available control measures (RACM) as expeditiously as practicable, insofar as necessary to assure reasonable further progress and attainment by the required date. This includes reasonably available control technology (RACT) for stationary sources and reasonably available transportation control measures (§ 172(b)(2), (8); ¶¶ 4-5.)

- Include an accurate, current inventory of emissions that have an impact on the non-attainment area, and provide for annual updates to indicate emissions from existing sources. (§ 172(b)(4); ¶¶ 2, 7-8.)

- Express quantify the emissions growth allowance, if any, that will be allowed to result from new major sources or major modifications of existing sources, which may not be so large as to jeopardize reasonable further progress or attainment by the required date (§ 172(b)(3) and (5); ¶ 7.)

- Require preconstruction review permits for new major sources and major modifications of existing sources, to be issued in accordance with Section 173 of the Act. (§ 172(b)(6); ¶ 9.)

- Include the following additional SIP elements: (§ 172(b)(7), (9)-(10); ¶¶ 4, 10-11.)

- identification and commitment of the necessary resources to carry out the Part D provisions of the plan.

- evidence of public, local government, and state legislative involvement and consultation in accordance with Section 174 of the Act.

- identification and brief analysis of the air quality, health, welfare, economic, energy, and social effects of the plan provisions chosen and the alternatives considered, and a summary of the public comment on the analysis.

- written evidence that the state and other governmental bodies have adopted the necessary requirements in legally enforceable form.

- written evidence that the state and other governmental bodies are committed to implement and enforce the appropriate elements of the SIP.

Additional requirements must be met in Connecticut since carbon monoxide and ozone attainment will not take place in the state prior to 1982. These requirements include:

- Prior to issuance of a permit, conduct an analysis of alternate sites, sizes, production and environmental control regulations for the proposed source which demonstrates that its benefits significantly outweigh its environmental and social costs.

- Submission of an Inspection and Maintenance (I/M) program including the key elements addressed in the July 17, 1978 Guidance Memorandum or a schedule committed to by the governor. Legal authority must be obtained by June 30, 1979. Implementation must proceed either 1½ or 2½ years from legislative approval.

- Evidence of a commitment by the responsible officials to establish, expand or improve public transportation.

These requirements were discussed in the General Preamble, specifically the Notice published on July 2, 1979 (44 FR 38583). It included, among other things, a discussion of EPA's intent to approve a plan conditionally where there are minor deficiencies and where a state provides assurance that it will submit corrections on a specified schedule within one year. This Notice solicits comment on what items should be conditionally approved in the Connecticut SIP revisions, and on the deadlines where these are specified in the Notice. A conditional approval will mean that the restrictions on new major source construction will not apply unless the state fails to submit the necessary SIP revisions by the scheduled deadlines, or unless the revisions are not approved by EPA.

EPA proposes in this Notice to approve certain items which are expected to be submitted during the public comment period. EPA specifically solicits comment on this procedure and on whether the public perceives a need for comment on the items received in compliance with the conditions.

The remainder of this Notice is divided into two parts. The first part describes Connecticut's non-attainment SIP revisions, the attainment status redesignations and the results of EPA's review. The second part discusses Connecticut's response to certain general requirements of the Act and EPA's judgment as to whether those requirements have been met.

### Connecticut's Nonattainment SIP Revisions

#### A. Ozone (O<sub>3</sub>) and Carbon Monoxide (CO)

##### 1. Request for Extensions

Connecticut was designated non-attainment statewide for ozone (O<sub>3</sub>) in the March 3, 1978 *Federal Register* (43 FR 8977). Ozone is formed by complex chemical reactions involving various precursors, primarily oxides of nitrogen and volatile organic compounds (VOCs). Emissions of VOCs are controlled in order to reduce ozone concentrations. The terms VOCs, hydrocarbons (HCs) and non-methane hydrocarbons tend to be used interchangeably, and for the purpose of this Notice, HC will be used in connection with automobile exhaust and VOC for stationary source emissions or for a combination of both.

The strategies contained in Connecticut's revisions, once the conditions in this Notice are met, will represent reasonably available control measures to reduce ozone concentrations in Connecticut. Although the control measures addressed in the plan will significantly reduce the level of VOCs they will not provide for attainment of the standard by 1982. Governor Grasso, therefore, has requested an extension for attainment of the ozone standard until December 31, 1987.

The state determined the level of control necessary to attain the ozone standard utilizing a departure from EPA methodology (Uses, Limitations, and Technical Basis of Procedures for Quantifying Relationships Between Photochemical Oxidants and Precursors, EPA-450/2-77-021). EPA does not agree with certain assumptions used by the state in its demonstration. It is the Agency's judgment that because ambient air quality data under southwest wind conditions are ignored, worst-case conditions are not presented. This judgment was explained in a letter from EPA Regional Administrator William R. Adams, Jr. to Governor Grasso on November 28, 1978.

Despite the use of a methodology different from that recommended by EPA, EPA agrees that attainment cannot be achieved by 1982 and that an

extension to 1987 is justified. Additionally, in order to provide a more sophisticated methodology for the 1982 SIP revisions, to quantify the transport of pollutants across state lines and to provide a better basis for developing control strategies, EPA has initiated the Northeast Corridor Oxidant Study. This study involves 14 states, of which Connecticut is one. Connecticut's 1982 SIP revisions will be based on information from this study as it becomes available during plan development.

The New Jersey-New York-Connecticut AQCR (AQCR 43) and the Hartford-New Haven-Springfield AQCR (AQCR 42) were designated non-attainment for carbon monoxide (CO) in the *Federal Register* on March 3, 1978. The Plan's strategies will provide for the identification of additional CO violations and will represent reasonably available control measures to reduce CO concentrations in the state. Although the control measures addressed in the plan will significantly reduce the level of CO they will not provide for attainment of the CO standards throughout the non-attainment areas by 1982. Governor Grasso has also requested an extension for attainment of the CO standard until December 31, 1987.

##### Proposed Action:

EPA is proposing to approve the request for an extension of time to attain the ozone standard to December 31, 1987.

EPA is also proposing to approve the request for an extension of time to attain the CO standard to December 31, 1987.

##### 2. Stationary Source Control of Volatile Organic Compounds

Since Connecticut is non-attainment for ozone, Sections 172(b)(2) and 172(b)(3) of the Act require that the state implement all reasonably available control measures as expeditiously as practicable, insofar as necessary to assure reasonable further progress (RFP) toward attainment of the ozone standard by 1987. This requirement has been further defined in the Administrator's Memorandum to mean the application of reasonably available control technology (RACT) on sources which emit VOCs. The Administrator's Memorandum also requires that all major stationary sources (defined as those sources with the potential to emit 100 tons or more per year of VOCs) must be controlled throughout the state and all sources which emit less than 100 tons of VOCs per year must be regulated in urbanized areas with a population of over 200,000.

EPA has prepared and published a set of guidance documents called Control

Technology Guidelines (CTGs) for certain VOC categories. The CTGs contain guidance to assist the states in developing regulations requiring the application of RACT. For each VOC category covered by CTGs issued on or before January 1, 1978, such regulations were to be included in this SIP revision. The recommended emission limitations contained in the CTGs are a "presumptive norm"; that is, they are emission limitations which EPA believes may be attained by applying RACT. It is EPA policy to accept, as part of a state's VOC control strategy, emission limitations for particular sources or source categories which are different from the EPA recommended numbers, if such new emission limitations are based upon a documented evaluation of what is reasonably available for such categories of sources.

According to the Department of Environmental Protection (DEP) inventory the following CTG category sources exist in Connecticut: solvent metal cleaning (degreasing); petroleum storage and marketing including storage tanks at gasoline stations; metal coil coating; fabric coating; paper coating; metal can coating; the use of cutback asphalt; magnet wire insulation coating and metal furniture coating. Of this list, the DEP has adopted regulations with acceptable compliance schedules to control solvent metal cleaning; petroleum storage and marketing including storage tanks at gasoline stations; fabric coating; paper coating; metal coil coating; magnet wire insulation coating; metal furniture coating and metal can coating. This leaves unregulated the use of cutback asphalt.

DEP has committed to consider future CTGs as they become available and to adopt regulations to implement RACT as necessary.

##### a. Restrictions on Cutback Asphalt

Cutback asphalt is a road patching mixture which has been diluted with petroleum solvent and therefore emits VOCs. The petroleum solvents in cutback asphalt can be replaced with a water based emulsion mixture for most applications. To implement this strategy trucks must be fitted with new recirculating distributor bars. State and municipal workers must be trained to apply the emulsion mixes. In addition, sand now used for some cutback applications contains an unacceptable amount of impurities and will not combine properly with presently available asphalt emulsions unless it is washed. It is EPA's judgment that these problems can be resolved through a reasonable implementation schedule

which could be included in a regulation. According to EPA guidance, this changeover can be accomplished in one to two years.

In its June 27, 1979 submittal, Connecticut proposed to restrict the state highway department use of cutback asphalt, which accounts for only 76 tons of VOC emissions, between now and 1982. The municipal use of cutback asphalt, which accounts for 2143 tons of VOC emissions, would not be restricted until 1987. EPA guidance on compliance schedules indicates that for this category, compliance should be within one or two years. In addition, the state did not submit a regulation to control either state or municipal use of cutback asphalt. Without the inclusion of a regulation, there is no mechanism to assure that the strategy proposed by the state will be implemented. Nevertheless, Connecticut has assumed credit for reductions from this strategy in demonstrating RFP toward standards attainment. This strategy accounts for approximately 1.2% of the base year (1976) emissions and represents a significant source of emission reductions in 1987.

In its May 1, 1980 submittal Connecticut made a commitment to submit a regulation to EPA by September 15, 1980, to restrict the statewide use of cutback asphalt and appropriate narrative changes. The 1987 compliance date proposed in the June 27, 1979 submittal has been reconsidered at a public hearing held on April 25, 1980 on this regulation.

#### Proposed Action:

EPA is proposing to approve the strategy to control cutback asphalt conditioned upon the state's submission as a SIP revision to EPA by September 15, 1980 of an adopted regulation restricting the use of cutback asphalt statewide. This regulation must include a compliance schedule consistent with EPA guidance which recommends one or two years or the state must submit to EPA adequate justification for a longer schedule.

#### *b. Solvent Metal Cleaning (Degreasing) Regulations*

EPA guidance has been issued to the states concerning RACT for solvent metal cleaning operations known as "degreasers". It recommends specific operating procedures, control equipment, labeling and solvent waste disposal practices. The guidance also states that open top degreasers with an open area smaller than one square meter and conveyORIZED degreasers with an air/vapor interface smaller than two square meters may be exempt from the requirement to use a major control

device such as a refrigerated chiller or carbon adsorber.

Connecticut has submitted in its SIP revisions adopted regulation 19-508-20 (I) to control emissions from solvent metal cleaning operations. This regulation addresses cold cleaners, open top vapor degreasers, and conveyORIZED degreasers. This regulation also includes requirements for control equipment, some of the EPA recommended operating procedures, and practices for proper disposal of waste solvent. However, the regulation does not include requirements for labeling and it exempts the smaller degreasers completely rather than exempting them only from the requirement for a major control device, as recommended in the EPA guidance. The regulation also exempts any degreasers which are in operation prior to July 1, 1980 and which meet the requirements of the existing regulation, 19-508-20(f). Regulation 19-508-20(f) is a general solvent use regulation which does not include the specific requirements recommended by EPA to control existing degreasers.

Regulation 19-508-20(I) which does require control of the remaining degreasers, is substantially different from the EPA-recommended control levels. The cold cleaner requirements do not specify a minimum freeboard ratio, watercover or equivalent control system, nor do they require specific labeling. The regulations for open top degreasers do not specify operating or labeling requirements and they do not preclude degreasing of porous materials. There are no operational requirements for conveyORIZED degreasers, no requirement to limit carryout, no requirement for down time covers, and no requirement for a vapor level control thermostat.

In order for EPA to approve regulation 19-508-20(I) as submitted, the state must show that the requirements imposed by this regulation realize a reduction in VOC emissions which is within 5% of the reduction which would be realized if all of the EPA-recommended measures were required. The state, in the May 1, 1980 submittal, committed to either revise the regulation to be consistent with EPA guidance or make the 5% demonstration discussed above.

#### Proposed Action:

EPA is proposing to approve the solvent metal cleaning Regulation 19-508-20(I) conditioned upon (1) the state's submission of an amendment of the regulation by September 15, 1980 to EPA to be consistent with the applicable CTG in the areas listed below or (2) the state's submittal by September 15, 1980 to EPA of adequate justification for any requirements which are inconsistent

with the EPA presumptive norm. Approval of any alternative strategy will be restricted to the state's ability to demonstrate that the reductions from its strategy are within 5% of the reduction which would be gained by imposing the CTG controls on all relevant sources.

The areas to be addressed are:

- (1) for cold cleaners:
  - (a) a minimum freeboard ratio
  - (b) a watercover or equivalent control system
  - (c) labeling
- (2) for open top degreasers
  - (a) operating requirements
  - (b) labeling requirements
  - (c) preclusion of degreasing porous materials
- (3.) for conveyORIZED degreasers
  - (a) operational requirements
  - (b) requirement to limit carryout
  - (c) requirements for down time covers
  - (d) requirement for a vapor level control thermostat
- (4) for small degreasers-inclusion of RACT controls.

### 3. Transportation Planning

#### *a. Background*

Section 174(b) of the Act provides that SIP revisions prepared to satisfy Part D "shall be coordinated with the continuing, cooperative, and comprehensive transportation planning process required under Section 134 of Title 23, United States Code". (The transportation planning process, as well as the Section 110, air quality maintenance planning process, are further required to take into account the requirements of Part D). In order to implement this requirement, EPA and the U.S. Department of Transportation (DOT) adopted guidelines in June of 1978 (hereafter EPA-DOT Guidelines) which describe an acceptable process for accomplishing the continuing tasks of transportation-air quality planning and programming required by the Clean Air Act.

The three areas considered critical by EPA to produce an adequate transportation planning and project implementation process in the 1979 plan revisions are:

- (1) A description of the major tasks and responsibilities of agencies involved in the transportation process and description of the points in the process where air quality objectives will be considered. This includes the establishment of clear criteria by which transportation plans, programs and projects will be reviewed for conformity with the SIP.
- (2) A detailed work program and schedule for evaluating packages of transportation measures to improve air quality. The evaluation should lead to a

firm commitment to implement those measures determined to be reasonably available.

(3) Provide for the implementation of air quality related transportation projects.

The discussion below describes the adequacy of the Connecticut submittal in meeting the Clean Air Act requirements related to transportation planning and the adequacy of the project commitments included in the SIP revisions. The objective of the process is to guarantee that transportation projects will contribute to the maximum extent feasible to a reduction of emissions necessary to make RFP toward attainment of the ozone and carbon monoxide air quality standards. These requirements are discussed on pp. 21676-21677 of the Administrator's Memorandum, and also below in this Notice under "Reasonable Further Progress".

#### b. Planning Process Requirements

(1) Integration of Air Quality Considerations with the Transportation Planning Process.

The Regional Planning Agencies (RPAs) of the 15 planning areas in Connecticut have been designated by Governor Grasso as the Metropolitan Planning Organization (MPOs) to do transportation planning in accordance with the requirements of Section 134 of the Federal-Aid Highway Act. The MPO is the forum for cooperative decision-making by principal elected officials of general purpose local government. On March 30, 1978, the RPAs, ConnDOT and the DEP were designated under Section 174 of the Clean Air Act as having responsibilities for air-quality transportation planning activities. RPAs are the agencies which fulfill the intent of the Clean Air Act to have organizations of local elected officials take lead responsibility for assuring integration of the air quality and transportation planning process and the conformity of transportation plans, programs, and projects with the SIP.

The Connecticut submittal describes the transportation planning process at both the state and regional level and discusses how projects advance from planning to implementation. Included in the submittal is the Memorandum of Understanding (MOU) which has been executed among each RPA, the DEP, and the Connecticut Department of Transportation (ConnDOT) to define the process that will be used to determine whether transportation plans and programs conform with the SIP. The submittal also describes the responsibilities of the state and regional agencies for analyzing reasonably

available transportation measures for ozone and carbon monoxide attainment planning. Each of these areas is discussed in more detail later in this section.

#### (2) Conformity Procedures and Criteria

The Administrator's Memorandum requires that, where the SIP revisions have demonstrated the need for an attainment date extension, the revisions must "Contain procedures and criteria adopted into the SIP by which it can be determined whether the outputs of the DOT transportation planning process conform to the SIP." (43 FR 21677 and also the EPA-DOT Guidelines, page 23.)

The basic policy goal of an integrated transportation-air quality planning process is to reduce transportation system emissions and resulting adverse air quality impacts while maintaining compatibility with other community goals. The documentation resulting from the Federal-Aid Highway Act Section 109(j) "consistency" determination process along with the SIP provisions under consideration here are, together, the means by which it can be determined whether transportation plans, programs, and projects (the "outputs" of the transportation process) will allow attainments of the NAAQS as expeditiously as practicable, but no later than the required attainment date (Section 172(a)), will lead to the implementation of all reasonably available control measures (RACMs) as expeditiously as practicable (Section 172(b)(2)), and will provide for reasonable further progress in the reduction of emissions sufficient to attain the standards by the required date. Since these are requirements for all nonattainment SIPs, transportation plans, programs, and projects must be determined to satisfy these requirements in order to conform to the SIP (Section 176(c)) and the SIP must contain procedures and criteria to make this conformity determination. The conformity review procedures and criteria are discussed on pp. 200-232 and in Appendices 6 and 7 of the Connecticut revisions. The MOU into which the DEP has entered with state and regional transportation planning agencies describes the conformity review process and criteria and is located on pages 973 to 979 of the revisions.

The Connecticut submittal contains procedures to be used for determining conformity, one for plans and programs and another for projects. A transportation plan consists of a long range element which provides for the long range (10-30 years) needs of an area and identifies new transportation

policies and facilities or other major changes in the existing network. It also includes a transportation systems management element which provides for short range needs by making efficient use of existing transportation resources. A program known as a Transportation Improvement Program (TIP) is a staged, multi-year listing of projects which are to be advanced for federal funding during the next three to five years and includes an annual element which is a listing of projects for which funding is to be requested within the next year. A project is any individual strategy, measure, construction activity or other action taken to improve the transportation system. Included are highway and transit construction, repavement of roads, acquisition of buses, ride share programs, traffic signalization modifications, and a wide variety of other activities.

#### (a) Plans and Programs

To evaluate conformity of regional transportation plans and programs with the SIP, the Connecticut submittal provides three criteria: (1) that RACMs in current programs are advancing toward implementation, (2) that the RACM analyses are progressing on schedule and the RPA has made efforts to achieve its hydrocarbon reduction goal, and (3) that the RPA has met the goals of the CO screening program. Multi-regional elements of plans and programs conform if (1) the statewide hydrocarbon emission reduction measures (see discussion below under reasonable further progress) are being implemented and meet their hydrocarbon reduction goal, (2) the statewide RACM analyses are progressing on-schedule, and (3) statewide hydrocarbon projections for projects listed in the transportation plans and programs do not exceed the hydrocarbon emissions identified in the mobile source inventory for the years 1982 through 1987. No credit toward the reduction goal is allowed for the statewide emission reduction measures which have already been included in the RFP line, and are discussed under Section I.A.6., *Reasonable Further Progress* in this Notice.

In cases where the RPA or ConnDOT disagree with a finding by DEP of nonconformity, the MOU describes a procedure for resolving the disagreement. The procedure provides for consultation among disagreeing agencies and mediation by the State Office of Policy and Management. If no resolution is reached, the conformity statement of the RPA and the nonconformity finding of DEP are submitted for federal review. The

submittal states that federal resolution, as defined in the EPA-DOT Guidelines, is binding on all signatories. In cases where a nonconformity statement is adopted, no state funds will be provided to initiate new activities other than for safety, mass transit, air quality improving, or other exempted projects. Without state funding no federal funds can be authorized for projects. Federal, state, and local air quality and transportation planning funds are to be committed on a priority basis for planning activities directed toward achieving conformity. The commissioner of the DEP (Commissioner) may exempt projects from state funding restrictions after considering community benefits, employment impact, economic impact, impact on development and environmental benefits. However, if an exemption is granted to a hydrocarbon increasing project, the region must provide for offsetting reductions from other projects, thus assuring RFP. The Commissioner has discretion to convene a public meeting to facilitate public participation in the conformity review process.

#### (b) Projects

The revisions provide for a three phased review of proposed projects: (1) preliminary review, (2) review under state and federal environmental policy acts and (3) a revised state indirect source review (ISR). (The term "revised" is used to distinguish the current ISR regulation from all other ISR regulations submitted by Connecticut to EPA.) The last phase, the revised ISR has been adopted as a regulation and received approval by the Legislature's Regulations Review Committee on December 14, 1979. Connecticut's procedures for conformity review are contained in its revised ISR. While EPA has no ISR requirement, it does have a conformity review requirement, and thus has considered Connecticut's ISR regulation to the extent that it is used by the state to provide for conformity review.

The first two phases address all major highway and transit projects and correspond to draft and final Environmental Impact Statements. The revised ISR regulation applies to any new highway, except for bridge replacement, or elimination of railroad crossings; new expressways; interchanges; or any new lane greater than one mile in length and connecting either signalized intersections or expressway interchanges. The revised ISR regulation provides for three stages of review. Stage I, the transportation system level review, addresses regionwide impacts of the project on air

quality. Here, the proposed project is reviewed to determine if it is part of a conforming transportation plan or has been exempted. Stage I permits are required after July 1, 1980. The Commissioner must act on a Stage I permit request within five days of his required acknowledgment of receipt of an application.

Stage II, transportation corridor review, addresses the project's mesoscale or corridor impact on air quality, and requires a showing that the project does not violate an applicable ambient air quality standard. Stage II is limited to oxides of nitrogen at this time, but additional pollutants, including lead and particulate matter, will be analyzed upon development of acceptable review methodologies. Stage III, project level review, addresses microscale or localized impacts. A Stage III permit will be granted if the project does not interfere with the attainment of CO standards at each intersection impacted, or will not exacerbate an existing violation. For the purposes of the Indirect Source Regulation, exacerbate is defined as no greater than .5 ppm above the no-build predicted concentration. DEP defines exacerbate in this way because the models used are considered accurate only to within .5 ppm. Therefore projects will be permitted if their predicted impacts are zero or less, allowing for a .5 ppm margin of error of the model.

The Commissioner must make a preliminary evaluation within thirty days of acknowledging receipt of an application for either a Stage II or III permit. The application and preliminary evaluation are available for public inspection for thirty days following prominent advertisement by the applicant. A permit must be approved or denied within ten days of the close of the public comment period, or in cases where a public hearing is held, within thirty days of receipt of the hearing record. The Commissioner has discretion to hold a hearing at the written request of a person or municipality.

Although the Connecticut procedures allow projects to be granted exemptions from the funding restrictions of a nonconformity finding, RFP will still be assured by the requirement for emission offsets from air quality improving projects. Further, only those projects completely state funded can be exempted because federal agencies, in accordance with Section 176(c) of the Act, cannot fund a project determined to be nonconforming.

Proposed Action:

EPA is proposing to approve the transportation plan, program and project conformity procedures and criteria.

#### (3) Reasonably Available Control Measures Analysis

Sections 110(a)(3)(D), 172(b)(2) and 172(b)(11)(C) of the Act require a commitment by the state in the SIP to the analysis of all RACMs and to the adoption of those which are found appropriate. The Administrator's Memorandum further requires the SIP to "present a program for evaluating a range of alternative packages of transportation options . . . that identifies a package of transportation control measures to attain the emission reduction target ascribed to it in the SIP." The initial submittal included a schedule with milestones for the RACM analyses which DEP has since proposed to revise in order to be consistent with air quality-transportation planning grants made under Section 175 of the Act. The draft schedule for RACM analysis is compatible with DEP's schedule to adopt a plan by 1982 demonstrating attainment of standards by 1987. Each RPA and ConnDOT have been assigned a hydrocarbon reduction planning goal of 10% for the area within their jurisdiction.

#### Proposed Action:

EPA is proposing to approve those portions of the submittal addressing RACM analysis, conditioned on submittal to EPA, prior to the expiration of the public comment period on this Notice of Proposed Rulemaking, of a revised schedule for RACM analysis.

#### c. Carbon Monoxide Planning Activities

The Administrator's Memorandum requires the 1979 SIP revisions to provide a schedule to conduct CO monitoring as necessary to correct any deficiencies in the monitoring network as identified by the EPA regional office. In addition to RFP toward elimination of identified violations of the standard, a procedure to define the extent and severity of carbon monoxide violations is needed. The procedure is called a "hot spot screening program" and its need is based on an EPA determination that the existing ambient monitoring network does not provide adequate CO data. Since ambient CO violations are almost always the result of localized emissions, fixed monitors alone cannot be used to determine the full extent of the CO problem in complex urban areas. The state has monitored a number of CO violations. A hot spot screening program will help determine in a cost effect manner where additional sites are located without requiring extensive monitoring. EPA would therefore accept a CO screening procedure based on

traffic data and air quality models as an adequate substitute for extensive ambient monitoring. Priority identification of potential hot spots must then be followed by ambient monitoring at representative sites to verify the results of the procedure.

The Connecticut revisions commit to the identification in each region of carbon monoxide hot spots during fiscal year (FY) 1980 (October 1, 1979 to October 1, 1980). The EPA "Hotspot Screening Guidelines" (EPA-450/3-78-033-035) are to be used to screen, verify and rank intersections. DEP will monitor the tenth ranked hotspot in each region for one week, at a minimum, and if a violation is recorded, all intersections predicted by the model as having higher violations, will be assumed also to be in violation. If a violation is not monitored, DEP will test the ninth ranked intersection, and so on until a violation is confirmed. By June, 1981, and every year thereafter, each urbanized RPA will specify in the annual element of the Transportation Improvement Program projects to alleviate the violations.

**Proposed Action:**

EPA is proposing to approve the carbon monoxide attainment plan.

**d. Commitment to Public Transportation**

As was noted in the General Preamble, at 44 FR 20375, Part D SIP revisions which contain attainment dates for ozone or carbon monoxide which are after 1982 must "Include a commitment to establish, expand, or improve public transportation measures to meet basic transportation needs as expeditiously as practicable, including a commitment to use necessary federal grants and state and local funds." (See Sections 110(a)(3)(D) and 172(b)(2) of the Act.) In the supplemental material submitted December 28, 1979, ConnDOT, the agency responsible for public transportation, committed to the maintenance and improvement of the overall level of transit service to meet, at a minimum, basic transportation needs in the region. This commitment is further defined to mean the operation of at least the current level of daily vehicle miles of travel of transit service and the expansion of service in order to meet projected demand or the continuation of the same percentage of trips via transit, at a minimum. The commitment is conditioned on the availability of federal, state and local funds. ConnDOT also outlined plans for commuter park and ride lots, express bus service, high occupancy vehicle lanes, rideshare programs, commuter rail car and service improvements, purchase of 200 buses and railroad station parking and multimodal transportation centers.

The language of the commitment is weak. The Act intends that states and regions re-establish their priorities to provide sufficient transit service which can offer a viable alternative to low occupancy vehicles. An aspect of this commitment is the actual pursuit of funding sources, for example, and if necessary the postponement of other activities not in support of this goal. Although the language of the commitment is weak, the state and regions have shown that there is, in fact, a commitment to public transportation. All regions are committed to the analyses of both long and short range improvements in public transportation and four air quality improving transportation projects were adopted, as discussed under *Reasonable Further Progress*, Section I.A.6., in this Notice.

**Proposed Action:**

EPA is proposing to approve Connecticut's commitment to public transportation.

**(4) Motor Vehicle Inspection And Maintenance Strategy.**

Inspection/Maintenance (I/M) refers to a program whereby motor vehicles receive periodic inspections to assess their exhaust emission control systems. Vehicles which have excessive emissions must then undergo mandatory maintenance. Generally, I/M programs include passenger cars, although other classes can be included as well. Enforcement can be accomplished by requiring proof of compliance in order to purchase license plates or to register a vehicle. In certain cases, a windshield sticker system can be used, much like many safety inspection programs.

Section 172 of the Act requires that state SIPs which include non-attainment areas must meet certain criteria. For areas which demonstrate that they will not be able to attain the ambient air quality standards for ozone or carbon monoxide by the end of 1982, despite the implementation of all RACMs, an extension to 1987 will be granted. In such cases Section 172(b)(11)(B) requires that: "the plan provisions shall establish a specific schedule for implementation of a vehicle emission control inspection and maintenance program . . ."

EPA issued guidance, on February 24, 1978, on the general criteria for SIP approval including I/M, and on July 17, 1978, regarding the specific criteria for I/M SIP approval. Both of these items are part of the SIP guidance material referred to in the General Preamble (44 FR 20372, 20373, n 6.). Though the July 17, 1978, guidance should be consulted for details, the key elements for I/M SIP approval are as follows:

• *Legal Authority.* States or local governments must have adopted the

necessary statutes, regulations, ordinances, etc., to implement and enforce the Inspection/Maintenance program. (Section 172(b)(10)).

• *Commitment.* The appropriate governmental unit(s) must be committed to implement and enforce the I/M program. (Section 172(b)(10)).

• *Resources.* The necessary finances and resources to carry out the I/M program must be identified and committed. (Section 172(b)(7)).

• *Schedule.* A specific schedule to establish the I/M program must be included in the State Implementation Plan. (Section 172(b)(11)(b)). Interim milestones are specified in the July 17, 1978, memorandum in accordance with the general requirement of 40 CFR 51.15(c).

• *Program Effectiveness.* As set forth in the July 17, 1978, guidance memorandum, the I/M program must achieve a 25% reduction in passenger car exhaust emissions of hydrocarbons and a 25% reduction for carbon monoxide. This reduction is measured by comparing the level of emissions projected to December 31, 1987, with and without the I/M program. This policy is based on Section 172(b)(2) which states that "the plan provisions . . . shall . . . provide for the implementation of all reasonably available control measures . . ."

Specific detailed requirements of these five provisions are discussed below.

To be acceptable, I/M legal authority must be adequate to implement and effectively enforce the program and must not be conditioned upon further legislative approval or any other substantial contingency. However, the legislation can delegate certain decision making to an appropriate regulatory body. For example, a state department of environmental protection or department of transportation may be charged with implementing the program, selecting the type of test procedure as well as the type of program to be used, and adopting all necessary rules and regulations. I/M legal authority must be included with any plan revision which must include I/M (i.e., a plan which establishes an attainment date beyond December 31, 1982) unless an approved extension to certify legal authority is granted by EPA. The granting of such an extension, however, is an exceptional remedy to be utilized only when a state legislature has had no opportunity to consider enabling legislation.

Written evidence is also required to establish that the appropriate governmental bodies are "committed to implement and enforce the appropriate elements of the plan." (Section

172(b)(10).) Under Section 172(b)(7), supporting commitments for the necessary financial and manpower resources are also required.

A specific schedule to establish an inspection/maintenance program is required. (Section 172(b)(11)(B).) The July 17, 1978, guidance memorandum established as EPA policy the key milestones for the implementation of the various I/M programs. These milestones were the general SIP requirement for compliance modified at 40 CFR 51.15(c). This section requires that increments of progress be incorporated for compliance schedules of over one year in length.

To be acceptable an I/M program must achieve the requisite 25% reductions in both hydrocarbon and carbon monoxide exhaust emissions from passenger cars by the end of calendar year 1987. The Act mandates "Implementation of all reasonably available control as expeditiously as practicable." Section 172(b)(2). At the time of passage of the Clean Air Act Amendments of 1977, several inspection/maintenance programs were already operating, including mandatory programs of New Jersey and Arizona operating at about a 20% stringency. (The stringency of a program is defined as the initial proportion of vehicles which would have failed the program's standards if the affected fleet had not undergone I/M before. Because some motorists tune their vehicles before I/M tests, the actual proportion of vehicles failing is usually a smaller number than the stringency of the program.)

Depending on program type (private garage or centralized inspection) a mandatory I/M program may be implemented as late as December 31, 1982 and the attainment date may be as late as December 31, 1987. Based on an implementation date of December 31, 1982 and a 20% stringency factor, EPA predicts the reductions of both CO and HC exhaust emissions of 25% can be achieved by December 31, 1987. Earlier implementation of I/M will produce greater emission reductions. Thus, because of the Act's requirement for the implementation of all reasonably available control measures and because New Jersey and Arizona have effectively demonstrated practical operation of I/M programs with 20% stringency factors, it is EPA policy to use a 25% emission reduction as the criterion to determine compliance of the I/M portion with Section 172(b)(2).

In July of 1979 the Connecticut legislature overrode the Governor's veto of House Bill 721 which amended the original I/M legislation passed in 1978. Under the amended bill the voluntary of

Phase I portion of the program would commence on January 1, 1981. The mandatory of Phase II portion would commence on January 1, 1982.

The program would apply to light duty gasoline powered vehicles with less than 6001 pounds gross vehicle weight and provides for inspection of hydrocarbon and CO emission each year. Inspections would be carried out by a state contractor. House Bill 721 set a \$10.00 ceiling on the inspection fee. An idle inspection test would be used. There would be an underhood tachometer hook up to measure revolutions per minute. Starting in 1982, any vehicle which failed to meet the emission standards promulgated would be required to obtain necessary repairs and be reinspected. Any vehicle built prior to model year 1968 would be exempted from the program's requirements. A vehicle exceeding the standards after its second inspection would be granted a waiver, if the estimated cost of repairs exceeded \$70.00 compliance will be assured through the use of window stickers.

The standards selected by Connecticut are modeled after those of New Jersey, Arizona and Portland, Oregon, which have had successful experiences in implementing I/M programs. These standards will vary according to model year and can be adjusted to be more or less stringent as necessary. The DEP estimates that these standards would result in a failure rate of 20%.

In November, 1979, Connecticut issued an invitation to bid for contractors interested in running the program based on the new requirements set by House Bill 721. The request detailed the need of response in areas including:

- Annual Idle Mode Inspections, with free reinspection for cars which need maintenance work.
- Quality Control Procedures.
- Public Information.
- Data recording and analysis.
- Geographic Location of Inspection Stations, and a set number of lanes.
- Facility Construction.
- Equipment Specifications.
- Inspector Training.
- Fee ceiling.

On December 28, 1979, EPA received an implementation schedule for Connecticut's I/M program. At that time the state anticipated that a contract for the program would have been signed by January 31, 1980. Only one response to the Connecticut Invitation to Bid was received. Connecticut rejected this bid as nonresponsive. As a result, the state could no longer hold to its proposed implementation schedule. EPA is satisfied that Connecticut could revise

its schedule to implement I/M and still meet the federal requirement for implementation of the I/M program by December 31, 1982.

In a letter dated May 1, 1980 the DEP committed to submit, prior to EPA's final rulemaking action, a revised I/M implementation schedule. This schedule will provide for a fully implementable program by December 31, 1982 and will contain a description of the significant program elements and dates for completion of program milestones.

In May of 1980, the Connecticut legislature amended the I/M legislation for a second time. The new version eliminates the Phase I or voluntary portion of the program and delays commencement of the program by 12 months. The program is now to begin mandatory inspection/mandatory maintenance on December 31, 1982. Because of the change in the program start-up dates in the May legislation, the emission reduction calculations must be revised.

#### Proposed Action:

EPA is proposing to approve the I/M portion of the SIP revisions if Connecticut's submittal to EPA as a SIP revision, prior to EPA's final rulemaking action, of the following: (a) satisfactorily revised implementation schedule; (b) a commitment that at least a 25% reduction in both CO and HC emissions will be achieved by 1987; (c) revised calculations demonstrating that the program will obtain at least a 25% reduction in both CO and HC emissions.

The schedule must include dates for completion of program milestones and a description of program elements, which will result in a completely implementable program which will start by December 31, 1982. The submittal must address the following:

- An identification of necessary program elements which should include but not be limited to:

1. Start of a public participation program.
2. Adoption of emission standards or cutpoints.
3. Selection and adoption of program elements such as testing procedures, quality control techniques, denial of registration (or an equally effective mechanism to assure that non-complying vehicles are not operated on public roads), and other rules, regulations, and procedures.
4. Adoption of a data recording and management program.
5. Commencement of program training activities.
6. Commencement of the mandatory inspection/mandatory maintenance phase.

7. Issuance of a Request for Proposal.
8. Signing of a contract with a successful bidder.
9. Initiation of construction of facilities.
  - A listing of dates by when individual or combined elements will be started and fully implemented.
  - A commitment from responsible agencies to implement and enforce them.
  - A commitment of resources and finances to implement and enforce these program elements.

(5) Emission Inventories

Sections 172(b)(3) and 172(b)(4) of the Act require that the SIP revisions include an accurate, current inventory of emissions for pollutants in nonattainment areas. Revisions must provide for annual updates of the inventory to indicate emissions growth and to show progress in reducing emissions from existing sources.

Connecticut has submitted its emissions inventory to EPA on a computer tape in National Emissions Data Systems format, a national data compilation program. For the stationary source VOC summary of the inventory Connecticut has indicated that more than 50% of the emissions are from miscellaneous industrial sources. The sources within this category are not specified. The state has committed to submit an inventory of these sources by January 1, 1981.

To develop the mobile source component of the inventory the state used Mobile 1, a computer program developed by EPA to calculate emissions from motor vehicles according to model year. Values based on national averages were used for percentage hot-start, cold-start, and stabilized conditions, and vehicle type. The inventory included eighteen speed values specific for Connecticut. Future vehicle miles of travel were predicted based on a variety of factors including population forecasts provided at the town level by the Connecticut Office of Policy and Management, local zoning, accessibility to traffic zones, employment, and development patterns. Projections reflect planned changes in the transportation network.

DEP has committed to update the major point sources, area sources and mobile sources annually, and to update the inventory for less than 100 ton point sources every three years.

Proposed Action:

EPA is proposing to approve the stationary source inventory conditioned on submittal to EPA by January 1, 1981 of a refined inventory summary which will identify the miscellaneous VOC sources.

EPA is proposing to approve the mobile source inventory.

(6) Reasonable Further Progress (RFP)  
Section 172(b)(3) of the Act requires that RFP be made toward achieving the NAAQS. Section 171(1) requires annual incremental reductions in emissions of the relevant pollutant sufficient to attain standards by the required date.

The RFP requirement for mobile sources is described in the Act and in the Administrator's Memorandum. In non-attainment areas requesting an extension of the 1982 deadline the EPA-DOT Guidelines, Section 110(c)(5)(B)(ii) and Section 172(b)(2) of the Act require that the SIP revisions provide for expeditious implementation of RACMs which improve air quality. Section 108(f) of the Act lists transportation strategies and projects which, at a minimum, are considered reasonably available. A demonstration of RFP beyond 1982 must await the completion of a thorough analysis of available options and the adoption of transportation measures in the 1982 SIP revision. EPA has reviewed the Connecticut submittal for its adequacy in demonstrating RFP by the adoption of projects and a program for the analysis of RACMs. Project adoption is discussed below and the RACM analyses have been discussed in previous sections.

The submittal includes four statewide measures to control hydrocarbon emissions by 1982. These are the expanded Rideshare Marketing Program, purchase of 200 new buses, the initiation of a toll incentive program and a right-turn on red strategy which was implemented on July 1, 1979. Also, as part of the transportation plan review strategy discussed earlier in this Notice, the submittal includes a procedure by which DEP will annually review RACM projects contained in the Transportation Improvement Program's annual element, and will develop a list of those projects which will have the most beneficial effect on air quality. It is then the responsibility of the Regional Planning Agency, in cooperation with DOT, to give priority to implementation of the listed projects. In accordance with the terms of the Conformity MOUs, the RPAs must annually provide DEP with documentation of progress made in advancing projects through the implementation process. Failure to advance projects will result in a finding by DEP of nonconformity, and in the application of funding restrictions previously discussed.

In the supplemental material received December 28, 1979, ConnDOT made commitments to categories of measures as discussed under Section I.A.3.d. of this Notice, Commitment to Public

Transportation. However, transportation measures for each urban region with implementation schedules and milestone dates have not been adopted into the SIP. Although Connecticut has adopted four statewide projects and has a procedure for advancing air quality beneficial projects through the transportation planning process, EPA's written and applied policy is that the SIP is inadequate without a list of specific projects which constitutes reasonably available control measures for each urban area together with schedules and milestones for implementation. At a minimum the list must incorporate projects contained in the annual element of the Transportation Improvement Program which are deemed to have a beneficial effect on air quality.

The RFP demonstration for carbon monoxide shows that I/M and the Federal Motor Vehicle Emission Control Program (FMVECP) will be sufficient to achieve the 8-hour standard by 1982 at two sites with recorded violations, and by 1987 at five sites. Only at one monitoring site, Stamford, is standards attainment not predicted by 1987 with just I/M and FMVECP. However, monitored violations will be ranked with violations predicted from the hotspot screening program and scheduled in order of severity for corrective action.

For stationary VOC sources the Administration's Memorandum requires the implementation of RACT for sources in the state for which EPA has published CTGs by January, 1978, and schedules to adopt and submit by each January additional RACT requirements for sources addressed in future CTGs. In this submittal RACT has not been applied to all stationary sources because Connecticut has not adopted a regulation to restrict the use of cutback asphalt. Because of this deficiency, it is impossible for the state to demonstrate the emission reduction required to show RFP toward attainment of standards.

Connecticut has chosen to establish by 1987 a 5000 ton growth margin for VOCs. The RFP demonstration must include the reductions anticipated for each year from the application of RACMs and RACT. This demonstration must also show the growth margin anticipated for each year. In the May 1, 1980 submittal, Connecticut has committed to submit by the expiration of the public comment period a revision to the narrative portion of the SIP which will describe how the growth margin will be ensured on a year by year basis.

Proposed Action:

EPA is proposing to approve the RFP demonstration for ozone attainment conditioned on submittal to EPA:

1. by September 15, 1980, of an adopted regulation restricting the use of cutback asphalt.

2. prior to EPA's final rulemaking action, of an explanation of how the state will assure that from now through 1987 a growth margin will exist for new VOC sources.

3. prior to EPA's final rulemaking action, of a list of air quality improving transportation projects with schedules and milestones for implementation.

EPA is proposing to approve:

1. the RFP demonstration for carbon monoxide attainment.

2. the procedure for advancing transportation projects through the planning process.

3. the four statewide transportation projects.

#### B. Total Suspended Particulates (TSP)

##### 1. Attainment/Non-Attainment Designations

In the Federal Register notices of March 3, 1978 (43 FR 8962) and September 11, 1978 (43 FR 40412) three of Connecticut's four AQCRs were designated non-attainment for the primary TSP standard and the entire state was designated non-attainment for the secondary TSP standard. Although actual violations were recorded in a relatively small number of locations, the DEP estimated the geographic extent of the violations to be far more extensive than recorded violations indicated. During the process of developing these revisions, additional investigations made possible a more precise definition of the geographical extent of the areas violating standards.

In its June 27, 1979 submittal, Connecticut proposed to retain the statewide designation of non-attainment for the secondary TSP standard, but to retain the primary standard non-attainment designation for Waterbury only (AQCR 42). However, in its December 28, 1979 submittal, Connecticut proposed to also retain the primary standard non-attainment designation for Greenwich (AQCR 43). Recent violations of the primary standard for TSP have been recorded at a monitoring site which the DEP and EPA have judged valid, though source oriented. This monitor is located at a site contiguous to the Cos Cob Power Plant in Greenwich, and the violations have been attributed to the plant.

##### Proposed Action:

EPA is proposing to approve the redesignation of the entire state, with the exception of Waterbury and Greenwich, to attainment for the

primary TSP standard. Waterbury and Greenwich will remain designated non-attainment for the primary standard.

##### 2. Nature of Statewide Non-Attainment

The existing Connecticut SIP regulates a variety of traditional stationary sources of particulate matter including incinerators, fuel burning equipment, and process industries. Fugitive dust emissions, including emissions from materials handling, transport and storage, construction and demolition are also regulated.

A statewide emissions inventory updated to 1976 including point, area and non-traditional sources has been summarized by the state to reflect the relative particulate emission contributions by source category. Connecticut's particulate emissions result principally from non-traditional source categories, both statewide and in the Waterbury primary standard non-attainment area. The specific causes of the majority of Connecticut's TSP emissions are resuspension of paved road dust and other motor vehicle related emissions. Other contributing categories are traditional stationary sources, specifically point source fuel combustion, although these categories contribute substantially less.

Connecticut has performed extensive and comprehensive analyses to establish a relationship between emissions and air quality in an effort to identify and quantify the significant sources of particulate matter violations to determine the emission reductions needed to attain the standard and to evaluate potential control strategies to achieve attainment. The technical analyses included statewide dispersion modeling, detailed modeling of the Waterbury area, statistical analyses to identify the impact of transported particulates, evaluation of the impact of secondary emissions evaluation of possible over prediction in the measured TSP concentrations due to capture of airborne particulate matter on the hi-volume sampling instrument filter when the instrument is not operating, i.e., "passive sampling error", evaluation of non-traditional sources of TSP, a review and refinement of the EPA emission factor for road dust reentrainment, filter analyses, and special purpose monitoring to assess the impact of road dust on particulate levels at varying distances from heavily traveled roadways.

These analyses indicated that, on average, the motor vehicle suspended emission category produced the largest particulate impacts of the in-state sources, with a relatively small contribution resulting from traditional

stationary sources. The state has also shown that secondary emissions and passive sampling error have a substantial impact on Connecticut's particulate concentrations, as do transported primary particulate matter, particularly from the New York metropolitan area.

##### 3. Greenwich Primary TSP Non-Attainment Discussion

Attachment 14 of the December 28, 1979 narrative states that the violations recorded in Greenwich are caused by the Cos Cob generating station which is out of compliance with the current particulate emission regulation, 19-508-18(d). EPA enforcement action, which is presently underway, is expected to be completed by 1981. As a result of this action, the RFP line for Greenwich shows a reduction in emissions of 4800 tons, all from the Cos Cob station, which is expected to bring the area into attainment of the primary TSP standard by the 1982 deadline, and is so stated in the revision narrative.

##### Proposed Action:

EPA is proposing to approve the Greenwich attainment demonstration conditioned upon submission prior to EPA's final rulemaking action of:

a. Documentation that 4800 tons per year of particulate emissions will be reduced from the Cos Cob plant as a result of EPA enforcement action.

b. Documentation via modeling that the emission reduction is sufficient to attain the primary standard for TSP.

##### 4. Waterbury Primary TSP Non-Attainment Discussion

###### a. Technical Analysis

Several methods were employed by the DEP in an attempt to determine accurately the causes of the high TSP levels recorded in Waterbury. As a first step, a hi-volume monitoring study was conducted to determine whether the primary TSP standard violations measured at the Waterbury trailer location were representative of TSP levels in the general area surrounding this site. The results of the study were inconclusive, and the investigation has been redesigned and resumed by the DEP.

Extensive dispersion modeling of point and area sources was conducted in another attempt to characterize the TSP problem in Waterbury. Minimal short-term (24-hour) modeling of traditional sources in the vicinity of the trailer indicated a small impact from this source category. Annual modeling yielded similar results relative to these sources, and showed a substantial contribution from the motor vehicle category.

Since transportation-related activities comprise approximately half of the particulate emissions in Connecticut, the state refined its modeling procedure for this source category in an effort to simulate the behavior of vehicular emissions as accurately as possible. The refined modeling method was applied in Waterbury, with the result that the modeled traffic impact at the trailer increased radically and the total predicted concentration more realistically approximated measured levels. In summary, base year modeling results as well as projections for 1982 show that the largest particulate impacts in Waterbury are from motor vehicle-related categories. Point source categories produced very small impacts. Finally, selected hi-volume filter analyses were performed, including optical microscopy, chemical analysis, and x-ray spectroscopy.

Taken together, the analyses described above point strongly toward vehicular emissions as the major cause of the high TSP levels measured at the Waterbury trailer, but the geographical representativeness of the TSP data from this site still remains an important issue. The studies do suggest that the trailer may be representative of the many areas in Waterbury that are near roads. Connecticut will further investigate this issue in on-going studies, including an expanded hi-volume monitoring study, continuous particulate and traffic count monitoring, a sampler study to measure respirable and non-respirable particulates, a meteorological comparison study to determine whether particularly adverse meteorology is relevant in the Naugatuck Valley, and an attempt to determine means of reducing the high particulate levels in this area while still accommodating economic growth. Until such time as a better determination can be made, Connecticut will assume that the percentage reduction needed in the trailer grid is also required throughout Waterbury.

#### *b. Control Strategies for TSP*

Connecticut has identified those source categories which generate emissions within the state, and which must be controlled by the state. A discussion of control measures for these categories follows. Although Connecticut's analytical efforts have indicated a substantial contribution to the state's particulate levels from secondary emissions and out of state transport, these are largely beyond DEP's control.

##### (1) Point Source Controls

EPA requires adoption of RACT to the extent needed to attain standards for

any source category which is shown to contribute "significantly" as defined in the Emission Offset Interpretative Ruling (44 FR 3274) to particulate levels in the non-attainment area. Since there is no national guidance which establishes consistency for particulate matter RACT for traditional stationary sources, EPA's Region I is presently completing under contract particulate matter RACT determinations for the following categories: residual oil burning boilers, asphalt batch plants, quarry operations, ferrous foundries, non-ferrous foundries and portland cement concrete batch plants. Resource constraints limited to six the number of source categories investigated, and EPA recognizes this list is not complete. EPA has finished the work necessary to support the RACT guidance for all six categories. A final report for five categories was sent to Connecticut on March 7, 1980. The final report for the remaining category, oil fired boilers, is not expected to be available in the near future; however, a draft report for oil fired boilers was sent to the state on January 10, 1979. EPA considers the conclusions of this draft report to be final conclusions which represent RACT, and so notified the state in May, 1980.

Connecticut has identified, through dispersion modeling, the source categories which significantly contribute to the TSP non-attainment problem in Waterbury. Page 483 of the Connecticut SIP states that, in the absence of any EPA guidance (at the time of SIP development), Connecticut feels that its existing regulations represent RACT. Connecticut further states its strong support for consistent RACT determinations on preferably a national, but minimally a regional level. In its May 1, 1980 submittal, Connecticut has thus agreed to review EPA's RACT guidance and to submit by October 15, 1980 (or 6 months from receipt of EPA RACT guidance for oil burners, whichever is earlier) on case-by-case basis, regulations consistent with EPA's guidance. Connecticut further agree to review in more depth its regulations for significant source categories for which EPA has no RACT guidance, namely fabricated metal products manufacturing; stone, clay, and glass products manufacturing; and textile mills products manufacturing, to determine if the present regulations still represent RACT, and to amend any regulations accordingly.

##### (2) Stationary Source Fugitive Emission Controls

In the December 28, 1979 submittal, Connecticut also committed to more

aggressive enforcement of its stationary source fugitive emission regulation 19-508-18(b), rather than adopting a more stringent regulation as originally proposed. This regulation covers emissions from industrial related activities which escape to the atmosphere through windows, doors and vents rather than through a primary exhaust system. The regulation also covers emissions from industrial activities not occurring inside of buildings or other enclosures. Control techniques for paved and unpaved traffic areas, stockpiling activities, and material loading and handling activities are specified.

##### (3) Non-traditional Source Controls

Since the TSP reductions from implementation of the revised regulations outlined above will be insufficient to achieve compliance with the primary TSP standard, Connecticut focused on control of non-traditional sources. However, knowledge of the behavior and control of these sources is incomplete. Connecticut has committed to investigate and evaluate control strategies in the vicinity of the Waterbury trailer and has stated that once a method is determined for bringing the area around the trailer into compliance, similar control strategies will be employed city-wide to bring the remaining area into attainment.

At present, there is no documented method available for reducing motor vehicle-related particulate emissions by a specified amount (other than reducing vehicle miles travelled). However, the SIP revision narrative states that DEP is planning to investigate the various possibilities. As described earlier, several studies are being conducted which will help characterize the contribution to STP levels resulting from motor vehicle-related emissions. Preliminary analysis by DEP of the data from these studies was expected to be completed by January 1, 1980. At that time, the DEP and DOT were to develop a pilot study to investigate possible methods of reducing motor vehicle-related emissions, e.g., traffic controls, vacuum cleaning of streets, and alteration of winter sanding/salting operations. As stated in the narrative, it was hoped that such a study could have been started by January 1, 1980, and continued for one year from that date. Data from this pilot study was to be analyzed as the investigation progressed, with the analysis being completed by February 1981. This would have allowed time for control strategies to be developed and any necessary legislation, regulations and funding to be obtained by January 1, 1982 at which

time the required control strategies would be implemented. With this aforementioned schedule, primary TSP standard attainment can be demonstrated for 1982.

In its May 1, 1980 submittal, Connecticut stated that funding inadequacies precluded conducting the pilot study. Connecticut further stated that it would develop and implement control strategies based upon three studies already completed (a continuous particulate and traffic count monitoring study; a dichotomous sampler study; and a Waterbury meteorological data study), as well as information in the literature and a U.S. DOT study regarding vehicle-related particulate emissions. In its May 1, 1980 submittal, Connecticut further stated that it was relying on EPA to forward the data from the three studies already undertaken in a format amenable to analysis, and without such data could not complete the TSP portion of the SIP. Furthermore, EPA has learned that the target date for completion of the DOT study is 1983. EPA still needs firm dates for Connecticut to develop, adopt, submit, and implement control measures in order for EPA to make a judgment with reasonable assurance that primary TSP standards will be attained by 1982.

Regarding studies to control vehicular-induced reentrainment from paved roads, DEP states in the narrative that it "expect(s) to participate jointly with EPA in high priority studies to quantify appropriate control technology." While EPA will attempt to investigate promising non-traditional control measures with widespread applicability, it cannot guarantee the development of control measures effective in all situations. The responsibility to develop and adopt appropriate local measures belongs to Connecticut.

#### (4) Control of Passive Sampling Error

In an effort to reduce passive sampling error, Connecticut is retrofitting its hi-volume samplers with retractable lids, which are expected to limit the accumulation of particulate matter on the filters when the samplers are not active.

#### Proposed Action:

EPA is proposing to approve the Waterbury TSP primary non-attainment plan conditioned upon:

1. Review of EPA's RACT guidance determination of particulate emission regulations which represent RACT for Connecticut sources, and if necessary, adoption and implementation of such particulate emission regulations or a written submittal to EPA of the technical support delineating why no regulation change is necessary, by December 15,

1980 for oil burning boilers, and by October 15, 1980 for asphalt batch plants, quarry operations, ferrous foundries, non-ferrous foundries and portland cement concrete batch plants.

2. Reexamination and reevaluation of Connecticut's existing particulate emission regulations for fabricated metal products manufacturing; stone, clay and glass products manufacturing; and textile mills products manufacturing; submission to EPA of a written statement summarizing the findings of such reevaluation, and adoption and implementation of revised particulate emission regulations consistent with such findings by October 15, 1980.

3. Submittal prior to EPA's final rulemaking action of firm specific starting dates as well as specific dates by which Connecticut has completed or will complete the following:

- Completion of studies that characterize the contribution to TSP levels resulting from motor vehicle related emissions.

- Analysis of the data from the motor vehicle-related emissions study.

- Presentation and analysis of data relating to reducing motor vehicle emissions.

- Development of control strategies.

- Adoption of regulations (including any necessary legislation and funding) pursuant to control strategies.

- Implementation of control strategies.

- Attainment of TSP primary standards.

#### *c. Demonstration of Attainment and Reasonable Further Progress*

Connecticut has committed to achieve attainment of the primary TSP standard by 1982, and has provided an estimate of needed emission reductions and how reasonable further progress can be made. Specifically, the state addressed the emission reductions required in the 5000 foot area encompassing the Waterbury trailer site where primary standard violations have been recorded. Based on the 1976 and expected 1982 contributions from the various source categories, a 22.2% reduction in particulate emissions from roads located within the 5000 feet encompassing the trailer was estimated as necessary to attain the primary TSP standard by 1982. Since similar roadway effects probably exist at all other locations contiguous to major thoroughfares, Connecticut's SIP narrative states that once a method is determined for bringing the area around the trailer into compliance with the primary TSP standard, a similar method can be applied throughout Waterbury.

For the purposes of tracking progress toward standard attainment, it has been assumed that the motor vehicle-related emissions will be uniformly reduced across the non-attainment area by 22.2%, and is so stated in the revision narrative. This estimate may warrant revision when results from DEP's studies are available, but it provides a reasonable current estimate. The DEP may qualify the RFP curve with a statement to the effect that based on future studies carried out as part of the attainment plan, the emission reductions required may be modified, and the commitments will be modified accordingly.

Finally, in the narrative of the revisions submitted on December 28, 1979 Connecticut commits to track progress toward attainment the primary NAAQS for TSP, and report it to EPA on an annual basis using inventory updates and new source permits.

Proposed Action: EPA is proposing to approve this portion of the SIP revisions.

#### 5. Request for 18 Month Extension to Prepare Secondary Standard Attainment Plan

Statewide annual average modeling and limited short term modeling have indicated that traditional sources do not contribute substantially to TSP violations and that the application of RACT to stationary sources will not be sufficient to attain the secondary TSP standard statewide. Moreover, the DEP has shown that RACT would not even be sufficient to meet the primary standard in Waterbury. Nevertheless, page 483 of the June 27, 1979 submittal states Connecticut's belief that, in the absence of EPA guidance, its existing regulations represent RACT. The May 1, 1980 submittal further commits to the statewide adoption of RACT for six specific source categories on a case by case basis, consistent with EPA guidance, by October 15, 1980. Lastly, the May 1, 1980 submittal also commits the state to reexamine existing RACT regulations for all other significantly contributing source categories and to amend them as necessary by October 15, 1980.

The state's analyses have also demonstrated that non-traditional sources are large contributors to TSP levels in Connecticut. The data which will be obtained from additional special studies, outlined in the plan document, will be useful in determining appropriate control strategies for non-traditional sources such that the secondary TSP standard will be met statewide as expeditiously as practicable. In order to complete these studies and formulate appropriate control strategies, Connecticut has requested an 18-month

extension, until January of 1981, for the development of the state's secondary TSP standard attainment plan.

**Proposed Action:**

EPA is proposing to approve the request for an 18-month extension to prepare a secondary TSP standard attainment plan. Since the statutory date by which states were required to submit an attainment plan to EPA is January 1, 1979, the additional 18-month time period extends the statutory plan submission date to July 1, 1980, and not January of 1981 as requested by the state.

**C. New Source Permit Program**

To satisfy the requirements of Part D, a preconstruction review program must assure that permits for proposed major sources and major modifications located in or significantly impacting non-attainment areas may be issued only if the following conditions of Section 173 of the Act are satisfied:

1. The proposed major source or major modification is accommodated by one or both of the following approaches:

(A) There are sufficient case-by-case offsetting emission reductions (offsets) and other emission reductions required under the SIP, so that allowable emissions from all sources when the proposed major source or major modification is to commence operation represent reasonable further progress; or

(B) Emissions resulting from the proposed major source or major modification are accommodated by the emissions growth allowance for major new sources.

2. Any emission reductions required under paragraph (A) must be legally binding and enforceable before the permit may be issued.

3. The proposed major source or major modification must comply with the lowest achievable emission rate (LAER) as the term is defined in Section 171(3) of the Act.

4. All major sources in the state owned or operated by the owner or operator of the proposed major source or major modification (or by any entity controlling, controlled by, or under common control with such person) must be in compliance (or on a schedule for compliance) with the Act.

**Description of Connecticut's Permit Program for Compliance with Section 173 of the Clean Air Act:**

Connecticut has chosen to meet the requirements of Section 173(1) by using a combination of the two allowable approaches. Specifically, Connecticut will require case by case emission offsets of new and modified major stationary sources of particulate matter

and carbon monoxide, while applying the accommodative growth margin approach for new and modified major stationary hydrocarbon sources.

1. Section 173(1) of the Clean Air Act requires that emissions from proposed new or modified major stationary sources be either offset or included in a growth margin projected by the state. Connecticut's regulations 19-508-3(l)(1) and 19-508-3(l)(3)(ii) satisfy this requirement.

Section 173(1)(A) of the Act applies to every major source locating where the NAAQS is being violated regardless of the significance of its ambient air impact. The Act defines a new or modified major stationary source as one having the potential to emit one hundred (100) tons per year or more of any regulated pollutant. Connecticut's regulations apply to any new or modified major stationary source with potential emissions of 100 tons per year and allowable emissions of fifty (50) tons per year, one thousand (1000) pounds per day, or 100 pounds per hour. This means that new and modified major stationary sources whose allowable emissions are less than the amounts stated above, and which would otherwise be subject under the federal applicability definition (by having potential emissions of 100 tons per year) would be exempt from Connecticut's regulations and thereby not required to secure offsetting emission reductions. Connecticut's regulation 19-508-3(l)(3)(ii)(g) also exempts from securing offsets any source whose ambient air quality impact would not be significant. These exceptions are acceptable under Section 173(1)(B) of the Act if the emissions from such excepted sources have been considered and included in the growth margin used to develop the RFP line for the applicable non-attainment pollutants.

In its May 1, 1980 submittal, Connecticut amended its SIP revision narrative to state that the emissions from new or modified major stationary sources whose impact on ambient air quality is insignificant; from new or modified major stationary sources with allowable emissions less than 50 tons per year, 1000 pounds per day, 100 pounds per hour, and from new minor sources were taken into account and included in the state's growth allowance for particulate matter and carbon monoxide thereby not interfering with RFP for these pollutants.

Section 173(1)(A) requires the permitting agency to determine that total allowable emissions from the proposed new source, from existing sources in the region, and from minor sources at the time of start-up of the

proposed source will be less than total allowable emissions allowed by the SIP from existing sources.

Connecticut's regulation 19-508-3(l)(3)(ii)(h) states that offsets are to be "transacted on a pounds per hour actual basis." In its May 1, 1980 submittal, Connecticut agreed to amend this regulation by September 15, 1980 to require offsets to be "transacted on an allowable basis." In an April 25, 1980 public hearing, Connecticut proposed an amendment to regulation 19-508-3 which would require offsets to be transacted on an allowable rather than actual basis. If this amendment is adopted, it would satisfy section 173(1)(A) of the Act. Furthermore, in its May 1, 1980 submittal, Connecticut amended its SIP narrative to state that the allowable emissions of an existing source or sources must be reduced in order to offset the emissions that a new source or modification will be allowed to emit. The narrative defines "allowable emissions" in a manner consistent with the federal definition, and further states that the emission reductions offered for offset credit must go beyond the current SIP limitations, must be greater than one to one and that they must produce a net air quality improvement.

Connecticut's regulation 19-508-3(l)(1)(vi) exempts resource recovery facilities from new source review requirements in a manner inconsistent with the federal exemptions. In the General Preamble (44 FR 20372), EPA interprets the Act to provide for the same types of exemptions as provided for under EPA's Emission Offset Interpretative Ruling (EOIR). In its May 1, 1980 submittal, Connecticut agreed to amend regulation 19-508-3(l)(1)(vi) by September 15, 1980, to reflect the same conditions under which EPA allows for such exemptions as specified in EPA's EOIR (43 FR 20380). In an April 25, 1980 public hearing, Connecticut proposed amendments to regulation 19-508-3 which satisfied this. However, Connecticut must additionally agree that if it exempted a resource recovery facility in a non-attainment area from securing offsets, no further permits for major stationary sources may be issued until the deficit is made up by either additional offsets or a SIP revision to provide additional control of existing sources.

Regulation 19-508-3(l)(3)(ii)(e) states, "if an emission reduction committed to is in excess of the minimum required to produce the necessary reduction which would authorize construction, the excess reduction will be eligible for consideration as a future offset for the

applicant or subsequent holder of such offset rights." EPA's EOIR (44 FR 3285) allows the owner of an existing source that reduces its emissions to "bank" any resulting reductions beyond those required by the SIP for use under the EOIR, even if none of the offsets are immediately applied to a new source permit. Further, the EOIR allows new sources which obtain offsets beyond those required to obtain a permit and not interfere with RFP to "bank" such reductions to provide offsets for a source seeking a permit in the future. The EOIR specifies that to preserve "banked" offsets, the reviewing authority should identify them in either a SIP revision or a permit, and establish rules as to how and when they may be used.

In its May 1, 1980 submittal, Connecticut included a written policy for using reserved emission reductions, as defined by Regulation 19-508-3(1)(3)(ii)(e), for offset credits. Connecticut's policy stated that such reserved emissions will be assumed to retain certain operating characteristics exhibited by the source of the emission reduction. These characteristics will include the source's normal operating hours, location, stack height, normal stack gas temperature, and normal stack gas flow rate. The user of the reserved emissions must demonstrate to the satisfaction of the Commissioner not only that the source of the reserved emission exhibited these characteristics at the time the emission reduction was accomplished, but also that the emission reduction was actually accomplished. When this is done, these reserved emissions can be treated like any other emission reduction proposed for offset credit. No emission reduction or part thereof may be used more than once for offset credit. To ensure this the Commissioner will maintain a file of all emission reductions that have been accepted for offset credit. The Connecticut policy further states that no offset credit will be allowed for an emission reduction which was accomplished before August 7, 1977. The narrative portion of the Connecticut SIP also states, however, that the fact that emission reductions accomplished prior to the date of a permit application may be accepted for use as offset credit should not be construed to mean that Connecticut will establish a formal "emission offset banking system." The narrative states that current emission reductions which may be eligible for offset credit today will not be "validated" by the Air Compliance Unit and "banked" for future use.

Though Connecticut will not commit to establishing a "formal banking system," regulation 19-508-3(1)(3)(ii)(e) together with the amended SIP narrative of May 1, 1980 provide that only emission reductions demonstrated to be beyond those required by the SIP control strategy are eligible for consideration as offset credits. Further, the Connecticut SIP narrative of May 1, 1980 states that emission reductions committed for use as offset credits must be incorporated into a revised permit or other legally enforceable document, and that as further assurance that emission offsets will be legally binding, all emission reductions used as external (inter-source) offsets will be submitted to EPA as a SIP revision. EPA proposes to approve Connecticut regulation 19-508-3(1)(3)(ii)(e) for reserving offsets as the use of such offsets under the Connecticut plan is consistent with the provisions of EPA's EOIR. However, EPA is presently developing an agency policy on emission offset banking and trading. In the event that EPA promulgates regulations specifying requirements for state banking plans, Connecticut would have nine months to amend its SIP regarding the use of reserved emissions, defined by regulation 19-508-3(1)(3)(ii)(e), as necessary to satisfy such regulations.

2. Section 173(2) of the Act stipulates that a new or modified major stationary source must comply with LAER. This requirement is generally satisfied by Connecticut regulation 19-508-3(1)(3)(i) which states that any new source or modification subject to the provisions of the section shall comply with LAER if it has a significant impact on a non-attainment area. This provision therefore excludes from LAER requirements those new or modified major stationary sources in non-attainment areas with insignificant impacts.

While this appears inconsistent with the federal applicability criteria of requiring LAER on a case by case basis of all new and modified major stationary sources in non-attainment areas, Connecticut has assumed, as explained in its May 1, 1980 submittal, that any new or modified source large enough to be considered a major source and having no significant air quality impact (as defined in 43 FR 26398 under Supplementary Information to Part 52.21) anywhere must be utilizing a control strategy consistent with LAER and would not require a case by case review. EPA concurs in this assumption.

3. Section 173(3) stipulates that all major sources in the state owned or operated by the owner or operator of a

proposed new or modified major stationary source must be in compliance with the Act. This requirement is stated explicitly in Connecticut regulation 19-508-3(1)(3)(iv).

4. Connecticut regulation 19-508-3(1)(3)(ii)(c) requires that emission reductions committed for use as offset credits must be incorporated in a revised permit or other legally enforceable document. This regulation satisfies the provision under Section 173 of the Act that any emission reductions required as a precondition of the issuance of a permit under paragraph (1)(A) (of Section 173) shall be legally binding before such permit may be issued. As further assurance that emission offsets will be legally binding Connecticut has agreed to submit as SIP revisions to EPA all emission reductions used as external (inter-source) offsets. Such SIP revisions could take the form of permit conditions or revised emission regulations.

5. Connecticut provides for new and modified major stationary sources which emit VOCs in an accommodative growth margin. The state has not sufficiently explained how the accommodative growth margin will be created. A margin must be present before new source permitting of major VOC sources could be allowed in the absence of secured offsets.

Connecticut has agreed to submit to EPA an amendment to the narrative portion of the revisions explaining fully how such a growth margin for new and modified major VOC sources will be created and maintained consistent with the applicable RFP line as discussed under Section I.A.6, *Reasonable Further Progress*, in this Notice.

#### Proposed Action:

EPA is proposing to approve Connecticut's program to review new and modified major stationary sources in non-attainment areas conditioned upon the submission of:

1. The following regulatory amendments to EPA by September 15, 1980:

a. Regulation 19-508-3(1)(3)(ii)(h)—The word "actual" will be replaced by the word "allowable".

b. Regulation 19-508-3(1)(1)(vi)—The following will be added as conditions to the exemptions for resource recovery facilities:

i. The applicant demonstrates that it make its best efforts to obtain sufficient offsets

ii. The applicant applies all offsets that are available, and

iii. The applicant will continue to seek the necessary offsets and apply them when they become available, and

2. The following narrative amendments prior to EPA's final rulemaking action:

a. An explanation of the application of the growth margin for hydrocarbons to new source permit approval.

b. A commitment that in the event Connecticut exempted a resource recovery facility in a non-attainment area from securing offsets, no further permits for major stationary sources may be issued until the deficit is made up by either additional offsets or a SIP revision to provide additional control of existing sources.

#### D. Resource Commitments

In its submittals the state did not provide a description of the personnel and resources that would be allocated to carry out the proposed SIP revisions. However, work plans have been signed concerning grant proposals made pursuant to Section 105 and 175 of the Act which outline the necessary personnel and resources for future activities for all responsible state and local agencies.

##### Proposed Action:

EPA is proposing to approve this portion of the SIP revisions.

#### E. Evidence of Public, Local, and State Involvement

In March of 1978, the governor designated the DEP, ConnDOT and the sixteen MPOs in the state as leads in various aspects of developing SIP revision elements. The state Office of Policy and Management was designated arbiter should policy differences arise. Responsibilities were delegated according to a "consensus among the various participating agencies". Alternative carbon monoxide and ozone strategies developed by these agencies will be consolidated by the state into a list of control measures to be presented to the public, local elected officials, the General Assembly and the governor.

Public participation activities to date have focused on the SIP Revision Advisory Committee, Project Impact and a comprehensive citizen's summary of the revisions. The June 27, 1979 SIP revisions contain a solid outline of a future public participation plan. However, the plan lacks detail, program problem identification, and public participatory objectives and techniques. Further, public participation activities for the I/M program are not detailed.

In a letter dated May 1, 1980 the state, pursuant to requirements contained in its FY80 program grant under Section 105 of the Act, has committed to develop and submit to EPA by June 1, 1980, additional revisions to its SIP containing: a commitment to develop

and implement an annual work plan, according to national guidelines for public participation and subsequent evaluation of that plan; an identification of resources allocated to the program, and; provisions for complying with the Public Notification (Section 127) requirements of the Act. Additionally, the state has committed to submit by June 1, 1980 its initial annual public participation work plan.

Section 172(b)(9)(A) and (B) of the Act require an analysis of the air quality, health, welfare, economic, energy and social effects of the SIP revisions and a summary of public comment. The state has provided this on a project by project basis. Although it lacks detail and no separate summary of public comment was provided, EPA believe that the requirements of Section 172(b)(9)(A) and (B) have been satisfied.

In response to the Notice of Availability published on July 10, 1979 (44 FR 40360) EPA has received a comment from the City of New Haven concerning the state's compliance with Sections 121 and 174 of the Act in revising its SIP. EPA's proposed action on consultation (Section 121) is discussed in Part II, D of this proposed rulemaking Notice. EPA will co-sponsor a public meeting on the Connecticut SIP revisions. This meeting is announced in the Summary and Background sections of this Notice.

##### Proposed Action:

EPA is proposing to approve the public, local and state involvement to date EPA is proposing to approve the state's commitment to provide plans for future participation efforts.

EPA is proposing to approve the identification and analysis of the health, welfare, economic, energy, and social effects of the revisions required by Section 172(b)(9)(A) and (B).

#### F. Adoption After Notice and Hearing

Hearings were held in five locations during the second week of January, 1979, after 30 days public notice. The implementing regulations were approved by the Legislative Regulations Review Committee on August 2, 1979.

##### Proposed Action:

EPA is proposing to approve this portion of the SIP revisions.

#### G. Source Surveillance, Source Monitoring, Recordkeeping, and Reporting

As a legal mechanism for the enforcement of the attainment plan, Connecticut refers to Regulation 19-508-4 (requirements for installing, maintaining, and operating smoke and opacity monitors) and to Regulation 19-508-5 (stack emission testing

requirements). Revisions to these regulations were submitted to EPA on November 7, 1977, for approval, but these have not yet been incorporated in the federally-approved SIP. Since the enforceability of the state's 1979 attainment plan relies, in part, on these regulations, EPA is including action herein on these revisions.

Regulation 19-508-4 has been rewritten in its entirety to clarify the requirements for source monitoring, recordkeeping, and reporting. In addition, the requirements are eased for certain sources. EPA source surveillance requirements which must be incorporated in an approvable SIP are specified in 40 CFR 51.19, and in Appendix P of 40 CFR Part 51. Although the continuous monitoring aspect of Connecticut's proposed regulation is not entirely consistent with EPA requirements (e.g., continuous monitoring requirements do not apply to all required source categories, reporting requirements are not sufficiently detailed and monitor performance specifications of Appendix B of 40 CFR Part 60, New Source Performance Standards, are not included or referenced), it does satisfy 40 CFR 51.19, in part.

Connecticut's revision to Regulation 19-508-5 makes technical amendments to the sampling and emission testing methods based on EPA recommendations. Also, the requirements for stack testing, including subject sources, are more clearly stated, and recordkeeping and reporting requirements are eliminated. These amendments satisfy EPA requirements for source surveillance in 40 CFR 51.19(b) and are consistent with test methods in Appendix A of 40 CFR Part 60. Connecticut has corrected deficiencies which previously hampered enforcement of this regulation.

Finally, Connecticut has submitted changes to subsection (a)(9) of Regulation 19-508-19 which were necessitated by the above changes to Regulation 19-508-4. Adoption of this subsection by DEP was intended to exempt certain coal burning sources from the smoke and opacity monitoring requirements (as in Regulation 19-508-4) and from the sulfur in fuel requirements of subsection (a)(2)(i) of Regulation 19-508-19. However, subsection (a)(9), adopted in November, 1975, by the Connecticut DEP has not been submitted to EPA as a SIP revision and is not part of the presently approved SIP.

##### Proposed Action:

EPA is proposing to approve the revisions to Regulation 19-508-4. This proposed approval does not relieve the state of its responsibility to continue to develop regulations which meet the

remaining requirements of Section 51.19 and Appendix P of 40 CFR Part 51.

EPA is proposing to approve the revisions to Regulation 19-508-5.

EPA is proposing to take no action on amendments to subsection (a)(9) of Regulation 19-508-19.

## II. General SIP Measures

### A. New Source Ambient Impact Analysis Guideline

Connecticut's SIP revisions include a new source ambient impact analysis guideline which outlines the procedural and technical requirements which must be followed in evaluating the air quality impact of all major new sources. The guideline is intended to ensure continued compliance with NAAQS, with Prevention of Significant Deterioration (PSD) increment consumption, and with RFP.

EPA has a number of concerns about the adequacy of the state's new source review procedure. Most notable of these are the lack of a good engineering practice (GEP) stack height analysis requirement for larger sources, including evaluation of the potential impact of building downwash on ambient concentrations, the lack of analyses for averaging times other than 24 hours, [3-hour sulfur dioxide (SO<sub>2</sub>) and annual SO<sub>2</sub>, TSP], and the total omission on nitrogen oxide (NO<sub>x</sub>) and CO stationary source impacts from discussion.

In addition to the above noted procedural deficiencies, the guideline falls short technically in that Connecticut has not shown that the screening technique which DEP proposes to follow is equivalent, in effect, to the techniques outlined in EPA's Air Quality Maintenance Planning Series, Volume 10: Procedures for Evaluating Air Quality Impacts of New Stationary Sources. DEP must demonstrate the conservatism of its technique by comparing results from specific analyses with actual air quality measurements, results obtained by the Volume 10 method, or perhaps, refined analyses based on historical meteorological data (e.g., CRSTER or RAM). Furthermore, no refined analysis techniques are included in the guideline.

Regarding Connecticut's stationary source stack height guideline, EPA does not object to DEP's inclusion of this guideline in the Connecticut new source review procedure for smaller sources. But the guideline is often inconsistent with EPA's GEP requirements (44 FR 2608) and, as such, does not provide acceptable review procedures for major new sources.

Proposed Action:

EPA is proposing to take no action on Connecticut's new source ambient impact analysis guideline. In its December 28, 1979 submittal, the DEP has responded to these concerns; EPA is presently reviewing that submittal. Once EPA completes its review, it will propose action on these guidelines in a separate Federal Register Notice.

### B. Prevention of Significant Deterioration (PSD)

Section 160-169 in Part C and Section 110(a)(2)(D) of the Act establish limitations on the deterioration of air quality in those parts of the nation where the air quality is better than required by NAAQS.

The amount of deterioration permitted is quantified by a table of air quality increments which appears in Section 163 of the Act. In effect, increments represent the amount of pollution that can be tolerated by an area without significantly deteriorating the clean air status of the area.

A principal means of protecting the increments is the review and regulation of new growth. At present EPA is operating a federal permit system designed to protect the increments and will continue to do so until the state adopts an equivalent program. Regulations specifying requirements for approvable state plans are found at 40 CFR, Section 51.24 as published June 19, 1978 (43 FR 26380 to 26388).<sup>1</sup>

The state of Connecticut has chosen not to submit regulations concerning the prevention of significant deterioration at this time.

Proposed Action:

EPA is proposing to take no action at this time.

C. Permit Fees—Section 110(a)(2)(K) of the Act requires each state to institute a fee system for those sources applying for a permit to cover the administrative cost of reviewing permit applications as well as those incurred in monitoring and enforcing the permit conditions.

The state has not instituted nor has EPA published guidance regarding permit fees.

Proposed Action: None at this time.

D. Intergovernmental Consultation—Section 121 requires a state to provide a satisfactory process for consultation with local governments and federal land managers on the development of the SIP revisions.

EPA published regulations concerning intergovernmental consultation on June 18, 1979 (44 CFR 35176). The state and EPA have agreed to merge the

<sup>1</sup>EPA is amending the PSD regulations in response to *Alabama Power Company v. Costle No. 78-1006* (December 14, 1979).

requirements of this regulation with the continuing plan to include the public and local and state officials in the development of future SIP revisions. A SIP revision on this process will be submitted to EPA by June 1, 1980 (see Section I.E.—*Evidence of Public, Local and State Involvement* in this Notice).

Proposed Action: None at this time.

E. Stack Height—Section 123 of the act requires that the degree of emission limitation may not be affected by stack height in excess of good engineering practice or by dispersion techniques. EPA proposed stack height regulations on January 12, 1979 but has not yet promulgated the regulations.

Proposed Action: None at this time.

F. Interstate Pollution—Section 126 requires states to identify existing major sources which may significantly contribute to air pollution levels and provide written notice to nearby states. In addition, it must do the same for any proposed major new stationary source.

On October 27, 1977 the DEP wrote to officials of Massachusetts, Rhode Island, New Hampshire and Vermont as well as New York, New Jersey, and Pennsylvania listing major sources and indicating that they may contribute to pollution levels in those states. However, the SIP revisions make no reference to notifying nearby states of proposed new major stationary sources which might exacerbate their air pollution.

Proposed Action: None at this time.

G. Public Notification—Section 127 requires each state to effect measures to notify the public on a regular basis of instances or areas in which any primary standard is exceeded and to enhance public awareness of measures which can prevent the standards from being exceeded.

On May 10, 1979 EPA promulgated regulations concerning public notification. Connecticut has committed to submit these requirements as part of the plan to include the public and local and state officials in the development of future SIP revisions (see Section I.E.—*Evidence of Public, Local and State Involvement* in this Notice.)

Proposed Action: None at this time.

H. Monitoring—Section 110(a)(2)(C) and Section 319 of the Act require a comprehensive air quality monitoring network.

The Connecticut proposal does not meet the requirements of regulations recently promulgated by the Agency concerning monitoring networks. A revised program incorporating these provisions must be submitted to EPA.

Proposed Action: None at this time.

I. Conflict of Interest—Section 128 requires that any existing state board

which is empowered to approve or enforce permits required under the Act must have as a majority members who represent the public interest. Any members with any potential conflict of interest must disclose that fact. The Connecticut submittal does not address this provision.

Proposed Action: None at this time.

**J. AQCR Boundary Changes—**

Connecticut has requested that a minor change be made in the boundaries of AQCRs 43 and 44. This adjustment would remove the towns of New Milford, Sherman and Bridgewater from AQCR 44 and placed them in AQCR 43. The change would bring all of Connecticut's AQCR boundaries into conformity with existing state RPA boundaries, thereby facilitating the implementation and enforcement of control strategies.

Proposed Action: EPA is proposing to approve this portion of the revisions.

**K. Stage I Vapor Recovery and I/M Proposed Promulgation—**On November 29, 1977 (42 FR 60753-60761) EPA proposed to promulgate federal regulations to address Stage I vapor recovery and inspection/maintenance. At that time, regulations concerning these issues had not received legislative approval in Connecticut, and had not been submitted to EPA.

The 1977 amendments to the Clean Air Act contained new requirements for non-attainment areas necessitating revisions in the Connecticut SIP. In its submittals to EPA, the state included a Stage I vapor recovery regulation and an I/M program which have been accepted by the legislature, and which provide for the attainment and maintenance of the CO standard. It is thus unnecessary for EPA to promulgate federal regulations as to these two issues.

Proposed Action: EPA is proposing to withdraw the proposed rulemaking addressing Stage I vapor recovery and I/M published at 42 FR 60753.

**L. Withdraw of Connecticut's Indirect Source Regulation—**EPA is proposing to approve Connecticut's withdrawal of its indirect source regulation (ISR) and to approve the state's revised ISR which the state uses to provide for conformity review in the transportation planning process as has been discussed above.

A short history of the requirements for ISR programs provides background for the present situation. In response to the decision in *NRDC v. EPA*, 475 F.2d. 968 (D.C. Cir. 1973), EPA published regulations requiring SIPs to contain ISR programs. In 1974 EPA promulgated federal ISR regulations that were to take effect in any state that did not have an approved program. The regulations provided that beginning on January 1, 1975 no new construction of indirect sources was to begin without a permit

from EPA or a state. In reaction to EPA's regulations, Congress in 1974 and subsequent years attached riders to EPA's appropriations bills prohibiting the Agency from spending funds to implement ISR regulations. In 1975 EPA suspended the ISR regulations. States were still free to submit ISR programs as part of their SIPs. The 1977 Clean Air Act Amendments codified this approach in section 110(a)(5)(A) which allows SIPs to contain ISR programs, but prohibits EPA from requiring them. Section 110(a)(5)(A)(iii) allows states to revise an approved SIP to revoke an ISR program provided the SIP meets the requirements of section 110.

On December 6, 1979, in *Manchester Environmental Coalition v. EPA*, No. 79-4062 the U.S. Court of Appeals for the Second Circuit vacated and remanded EPA's approval of Connecticut's SIP revision revoking portions of its indirect source review program. The basis of this decision was the Court's holding that Section 110(a)(5)(A)(iii) requires the Agency to insure that a state's SIP revision revoking an indirect source program meets both the procedural and substantive requirements of Section 110. The Court rejected EPA's argument that Congress intended to allow a state to revoke its indirect source program without substantive review by EPA.

The Court remanded the indirect source SIP revision to EPA with the strong suggestion that the appropriate procedure would be to treat it as part of Connecticut's Part D submission, concluding that an EPA approval of this submission would allow Connecticut to revoke its indirect source program while insuring that the SIP meets the requirements of Section 110. Under the Part D process, the examination is focused on whether the SIP revision as a whole, including the revocation of the indirect source program, is adequate to comply with Part D. If the state's Part D ozone and carbon monoxide submissions are approved or conditionally approved the state's request to drop its indirect source program from its SIP can also be approved.

Proposed Action:

EPA is therefore proposing to approve the revised ISR, which applies only to highways and airports, on the basis that the SIP, if approved, will satisfy the requirements of Part D of the Act. If EPA's final decision were to be to disapprove relevant portions of the SIP then EPA would not approve the withdrawal of part of the program and would itself enforce the ISR program.

**M. Odor Regulation—**The state's June 27, 1979 submittal included amendments to regulation 18-508-23, to control objectionable odors. However, in the

December 28, 1979 revisions Connecticut requested that the amended regulation be withdrawn from this submittal and that the original odor control regulation, which had been adopted as part of Connecticut's federally-approved SIP in 1972, be revoked. EPA concurs with this request since the Agency has no jurisdiction in regulating or enforcing odor control.

Proposed Action:

EPA is proposing to approve Connecticut's request to delete regulation 18-508-23 from the federally-approved SIP.

Interested persons are invited to comment on all elements of the Connecticut revision and whether it meets the requirements of the Clean Air Act. Comments should be submitted, preferably in triplicate, to the address listed in the front of this notice. Public comments received by August 1, 1980, will be considered in EPA's final decision on the SIP. EPA believes the available period for comments is adequate because:

(1) The issues involved in the Connecticut SIP revisions are sufficiently clear to allow comments to be developed in the available thirty day period;

(2) The SIP has been available for inspection and comment since June 27, 1979. EPA's notices of availability indicated that possibility that the comment period may be less than 60 days; and EPA and the DEP are conducting a public meeting during the public comment period; and

(3) EPA has a responsibility under the Act to take final action as soon as possible after the July 1, 1979, deadline on those sections of the SIP that address the requirements of Part D.

All comments received will be available for inspection at EPA's Region I office Room 1903, JFK Federal Building, Boston, Massachusetts 02203.

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

This notice of proposed rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended.

Dated: June 3, 1980.

Robert C. Thompson,  
Acting Regional Administrator, Region I.

[FR Doc. 80-19885 Filed 7-1-80; 8:45 am]

BILLING CODE 6560-01-M

# **federal register**

---

Wednesday  
July 2, 1980

---

**Part III**

## **Department of Energy**

---

**Economic Regulatory Administration**

---

**Proposed Rulemaking Concerning Review  
and Establishment of Natural Gas  
Curtailment Priorities for Interstate  
Pipelines**

## DEPARTMENT OF ENERGY

## Economic Regulatory Administration

## 10 CFR Part 580

[Docket No. ERA-R-79-10-A]

**Proposed Rulemaking Concerning Review and Establishment of Natural Gas Curtailment Priorities for Interstate Pipelines**

**AGENCY:** Department of Energy, (Economic Regulatory Administration).  
**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** Economic Regulatory Administration (ERA) of the Department of Energy is issuing for public comment a proposed rule pursuant to its responsibility to establish and review natural gas curtailment priorities under Sections 301(b) and 402(a)(1)(E) of the Department of Energy Organization Act (Pub. L. 95-91) (DOE Act) and Title IV of the Natural Gas Policy Act of 1978 (Pub. L. 95-621) (NGPA). The relationships between curtailment priorities, the emergency authorities provided to the President under the NGPA and ERA's natural gas import authorities under the Natural Gas Act (NGA) and the DOE Act are also considered. In accordance with Section 402(a)(1)(E) of the DOE Act and Section 403(b) of the NGPA, this proposed rule, when final, will be implemented and enforced by the Federal Energy Regulatory Commission (FERC).

**DATES:** All written comments should be submitted by 4:30 p.m., August 29, 1980, to the address indicated in the "Addresses" section of this Notice and should be identified on the outside envelope and document submitted with the docket number (ERA-R-79-10-A) and the designation "Comments on Curtailment Priorities for Interstate Pipelines."

All requests to speak should be sent to the designated address for each location at which you desire to speak and should be identified on the outside envelope with the docket number (ERA-R-79-10-A) and the designation "Requests to Speak on Curtailment Priorities for Interstate Pipelines." Requests must be sent to the address shown in the "Addresses" section and must be received by the dates listed below.

Requests to speak at the Washington hearing are due by August 6, 1980 at 4:30 p.m. Hearings to be held on August 12, 1980 at 9:30 a.m. in Washington, D.C., and continued, if necessary, at 9:30 a.m. on the next day.

Requests to speak at the Atlanta hearing are due by July 18, 1980 at 4:30 p.m. Hearing to be held on July 24, 1980 at 9:30 a.m. in Atlanta, Georgia and continued, if necessary, at 9:30 a.m. on the next day.

Requests to speak at the Houston hearing are due by July 23, 1980 at 4:30 p.m. Hearing to be held on July 29, 1980 at 9:30 a.m. in Houston, Texas and continued, if necessary, at 9:30 a.m. on the next day.

Requests to speak at the Chicago hearing are due by July 16, 1980 at 4:30 p.m. Hearing to be held on July 22, 1980 at 9:30 a.m. in Chicago, Illinois and continued, if necessary, at 9:30 a.m. on the next day.

Requests to speak at the San Francisco hearing are due by July 25, 1980 at 4:30 p.m. Hearing to be held on July 31, 1980 at 9:30 a.m. in San Francisco, California and continued, if necessary, at 9:30 a.m. on the next day.

**ADDRESSES:** All written comments should be sent to the Office of Public Hearings Management, Economic Regulatory Administration, Room 2313, Docket No. ERA-R-79-10-A, 2000 M Street, NW., Washington, D.C. 20461.

All requests to speak at the public hearings should be sent to the addresses listed below for the hearing location at which you desire to speak:

For Public Hearing in Washington, D.C.: Economic Regulatory Administration, Office of Public Hearings Management, Room 2313 (Docket No. ERA-R-79-10-A), 2000 M Street, NW., Washington, D.C. 20461, Attn: Robert C. Gillette.

For Public Hearing in Atlanta, Georgia: Betty Camp, Department of Energy, Region IV, 1655 Peachtree St., NW., Atlanta, Georgia 30309, (404) 881-2696.

For Public Hearing in Houston, Texas: Max Lacefield, Department of Energy, Region VI, 2626 Mockingbird Lane, Dallas, Texas 75235, (214) 729-7745.

For Public Hearing in Chicago, Illinois: Lou Brownlee, Department of Energy, Region V, 175 W. Jackson Blvd., Chicago, Illinois 60604, (312) 353-8457.

For Public Hearing in San Francisco, California: Economic Regulatory Administration, Office of Public Hearings Management, Room 2313 (Docket No. ERA-R-79-10), 2000 M Street, NW., Washington, D.C. 20461, Attn: Robert C. Gillette.

Location of Public Hearing in Washington, D.C. is: Department of Energy, Room 2105, 2000 M Street, NW., Washington, D.C. 20461.

Location of Public Hearing in Atlanta, Georgia is: Hyatt Riviera, 1630 Peachtree Street, NE., Atlanta, Georgia 30367.

Location of Public Hearing in Houston, Texas is: Allen Park Inn, State Room, 2121 Allen Parkway, Houston, Texas 77019.

Location of Public Hearing in Chicago, Illinois is: Pick Congress Hotel, Florentine Room, South Michigan Ave. & Congress, Chicago, Illinois 60605.

Location of Public Hearing in San Francisco, California is: Hyatt on Union Square, Dolores Room, Post & Stockton Streets, 2nd Lower Level, San Francisco, California 94108.

**FOR FURTHER INFORMATION CONTACT:**  
 Robert C. Gillette (Office of Public Hearing Management), Economic Regulatory Administration, 2000 M Street, NW., Washington, D.C. 20461, (202) 653-3757.

William L. Webb (Office of Public Information), Economic Regulatory Administration, 2000 M Street, NW., Room B-110, Washington, D.C. 20461, (202) 653-4055.

Albert F. Bass (Division of Natural Gas), Economic Regulatory Administration, 2000 M Street, NW., Room 7108, Washington, D.C. 20461, (202) 653-3286.

James K. White (Office of General Counsel), Department of Energy, 1000 Independence Avenue, SW., Room 5E-074, Washington, D.C. 20585, (202) 252-2900.

**SUPPLEMENTARY INFORMATION:**

- I. Background.
- II. Need and Direction for Change.
- III. Discussion of the Proposed Rule.
- IV. Summary of Comments.
- V. Summary of Regulatory Analysis.
- VI. Summary of Draft Environmental Impact Statement.
- VII. Comment and Hearing Procedures.

**Section I.—Background**

Prior to the enactment of the Department of Energy Organization Act, Pub. L. 95-91, 42 U.S.C. 7101, *et seq.* (DOE Act) in 1977, establishing the Department of Energy (DOE), the Federal Power Commission (FPC) exercised exclusive jurisdiction over natural gas curtailments under the Natural Gas Act, Pub. L. 75-688, as amended 15 U.S.C. 717 *et seq.* (NGA). Natural gas curtailment priorities applicable to interstate pipelines were considered on a case-by-case basis under the guidelines set out in FPC Order No. 467-B (38 FR 6386, March 9, 1973) and several companion orders issued in 1973 and 1974. Order No. 467-B, codified in 18 CFR 2.78 sets out nine priority-of-service end-use categories for determining the order of curtailment of natural gas deliveries by interstate pipelines, generally ranking residential and small commercial uses in the highest priorities (that is, last to be

curtailed) and interruptible large volume boiler-fuel industrial uses in the lowest, first-curtailed priorities.

The Order No. 467-B priority of service categories apply only to the volumes of gas delivered to the customers of interstate pipelines. These customers are generally local distribution companies that resell the gas to their end-use customers, but they may also include direct industrial customers, as well as other interstate pipelines that in turn sell to distribution companies for resale. The deliveries and curtailments of gas by the distribution companies to their end-use customers are subject to the jurisdiction of state regulatory agencies. The Commission assumed only limited jurisdiction over curtailment priorities and stated in its Order No. 467 that ". . . certain sales to ultimate consumers are beyond our jurisdiction. In those instances, we solicit the cooperation of State authorities to aid implementation of this program."

Under the DOE Act, the Federal Government's jurisdiction over natural gas curtailments under the NGA is divided between the Secretary of Energy and the Federal Energy Regulatory Commission (FERC). Sections 301(b) and 402(a)(1)(E) assign the Secretary of Energy full responsibility concerning "the establishment and review of priorities for such curtailments." The Secretary delegated this authority to the Administrator of the Economic Regulatory Administration (ERA) (DOE Delegation Order No. 0204-4, October 1, 1977, 42 FR 60726, November 26, 1977). The FERC has responsibility for "the establishment, review and enforcement of curtailments." In addition, any DOE rule on curtailment priorities is subject to the FERC's review and concurrence under Section 404 of the DOE Act.

We interpret the responsibility given DOE in the DOE Act for "the establishment and review of priorities" as a mandate to review the entire Federal natural gas curtailment priority system and related issues. Title IV of the Natural Gas Policy Act, Pub. L. 95-621, 15 U.S.C. 3301 *et seq.* (NPGA) vested in the Secretary an additional mandate to issue rules concerning curtailment priorities for natural gas used for essential agricultural, feedstock and process uses. This mandate further refined the objectives of the ERA review.

Sections 401 and 402 of the NPGA direct the Secretary to prescribe rules which identify and rank three categories of natural gas usage: (1) high-priority, (2) essential agricultural, and (3) essential industrial process and feedstock use. Under Section 401, the Secretary of

Agriculture is to certify natural gas requirements for essential agricultural uses. Section 403 directs the FERC to implement the rules prescribed under Sections 401 and 402.

On March 9, 1979, pursuant to Section 401 of the NPGA, the ERA issued a final rule governing curtailment priorities for essential agricultural uses applicable to the curtailment plans of interstate pipelines (44 FR 15642, March 15, 1979). The substance of that rule, with certain modifications discussed below, is incorporated in this proposed rule. On May 2, 1979, the FERC issued Order No. 29 (Docket No. RM 79-15), a final rule designed to assure adequate supplies of gas for essential agricultural users and incorporating by reference the ERA's final rule and the certification of essential agricultural uses and requirements by the Secretary of Agriculture. The Department of Agriculture, on May 11, 1979, issued a final certification rule establishing categories of essential agricultural users and the natural gas requirements for such users, as required by Section 401 of the NPGA.

The NPGA required that the Secretary of Energy issue the rule pertaining to essential agricultural use under Section 401 within 120 days of enactment, but placed no time requirement on the issuance of the rule under Section 402, concerning essential industrial process and feedstock gas uses. The Section 402 rule is also a part of the rulemaking being proposed at this time.

On March 13, 1979, the ERA issued a Notice of Inquiry (ERA Docket No. ERA-R-79-10, 44 FR 16954, March 20, 1979) concerning its "Review of Natural Gas Curtailment Priorities and Certain Other Related Gas Issues under the Natural Gas Act and the Natural Gas Policy Act." Another notice of inquiry, concerning the use of the Federal curtailment priority system to provide an incentive for coal conversion and the production of heavy oil, was issued on October 18, 1979 (ERA Docket No. ERA-R-79-49, 44 FR 61243, October 24, 1979). Comments in response to these notices of inquiry have been received and reviewed. In addition, ERA prepared a Draft Environmental Impact Statement (DEIS) and a draft Regulatory Analysis (RA) on this subject and they are available to the public. The findings from the DEIS and RA, as well as the comments from the notices of inquiry, were considered in developing this proposed rule.

## Section II.—Need and Direction for Change

Our studies and analysis of the comments received in response to our

two NOIs indicate that the present Federal curtailment priority system is (with the modifications discussed in Section III) adequate for managing long term and seasonal gas shortages at the interstate pipeline level. This is particularly true given the availability of the emergency powers provided to the President in Title III of the NPGA. Our studies also indicate that the most significant potential for further reducing the dollar costs of natural gas curtailments involves the movement of gas between systems and encouraging changes in the way curtailments are managed at the burner tip through the establishment of market or pricing mechanisms. These benefits cannot be achieved by the establishment of Federal curtailment priorities. The changes would require Federal and State actions and the integration of other aspects of natural gas regulation, such as rate structure, at the distribution company level.

### *A. Benefits From Changing Present Priorities Would Be Limited*

Past Federal curtailment priorities, such as the 467-B system, are based in large part on the concept of end use. This concept assumes that the dollar cost of curtailment is relatively consistent within any particular class of end use and that the more costly the curtailment is to that end use, the more economically valuable a user's gas service in that class. Both State and Federal priority systems have traditionally placed the economically highest valued use in the highest priority.

The most economically efficient curtailment system is the one which most precisely recognizes the cost of curtailment to the end use customer. Priorities under the present system have been established to reflect variations in the cost of gas curtailment to customers (within the practical limits of end use classification), as well as consideration of certain health and safety factors and of distinctions between firm and interruptible service.

However, our findings indicate that there are actually widespread variations in the dollar cost of curtailment to users within the same end use category. For example, customers within the same category of gas use often exhibit wide differences in efficiency and type of alternate fuel burning equipment, in prices paid for alternate fuels, in the costs of rescheduling production, and in lost production and markets caused by interruptions in gas supply. Given these wide variations in costs among users with the same end use, further changes in curtailment priority designations to

delineate end uses more perfectly have limited potential for reducing costs of curtailment.

Our regulatory analysis indicates that there is a high degree of user familiarity with the existing system of Federal priorities and the plans implementing them, which is advantageous. Major changes to this system can create uncertainties that could lead to unnecessary expenditures by gas companies for supplemental gas supplies and facilities and by end use gas customers for additional alternate fuel supplies and equipment. Not only are there limited gains to be made within the current system by significantly changing present Federal priorities, but there also could be added costs incurred.

Further, the results of the regulatory analysis suggest that negative economic effects, similar to those observed when modeling a rolled-base period, would result from exercising burner-tip control or allocating interstate supplies based on total supplies available to the distribution companies serving an end user. Self-help efforts and established patterns of gas usage would be undermined, adversely affecting related financial investments and increasing the costs on some gas systems without necessarily allocating gas to those end users who have higher costs of curtailment. These negative effects could be minimized where buyers and sellers could voluntarily shift gas at mutually agreed upon prices. But, in mandating these shifts of gas, assuming the statutory authority to do so exists, considerable administrative and equity problems would be encountered.

According to the regulatory analysis, there is some potential for reducing the costs of the present system for managing curtailments if classification of customers' gas usage based on their cost of curtailment could be improved. However, improving the gas usage classification of end users according to precise definitions can be costly and would have practical limitations, due to the large number of users involved and the wide variation in types of customer usage and in the costs of curtailment within categories of use. There may be a potential for improving present classifications in a different fashion. This percentage limit option is discussed in the next section. While this type of approach might not be appropriate for all systems, it gives some added flexibility in coping with severe emergencies. States and distributors might want to consider the utility of this approach for their own needs when

revising or establishing their own curtailment plans.

We have also considered whether there may be some other overriding policy concerns that would cause us to change the present priorities. Could the present priorities be structured in a manner that could facilitate movement to other forms of energy? This issue was addressed in the March 13, 1979, and October 18, 1979, NOIs previously referred to in the "Background" section of this Notice. The October 18, 1979, NOI examined the specific issue of providing access to "cheaper gas" by changes in the curtailment priorities of electric utilities, heavy oil producers and possibly industrial customers that demonstrate the potential for increased coal conversion and heavy oil production. This NOI also proposed a more limited option in the form of a FERC transportation rule permitting interstate access to user-owned off-system gas supplies as an interim measure pending the completion of conversion to coal or other non-petroleum fuel.

Based on the almost unanimous conclusion by the commenters that no positive benefits would result from the proposed option of providing higher priority gas as an incentive to increase conversion to coal and the production of heavy oil, we are not including any such provision in our proposed rule. Commenters pointed out that the purchased-gas-adjustment clauses of most electric utilities would not permit the savings from any reduced cost of fuel to be utilized for capital formation; that the amount of any savings would be insignificant in comparison to the capital costs of coal conversion; that higher priority access to natural gas may operate as inducement to delay coal conversion unless significant penalties are involved; and that natural gas would be diverted to lower valued uses and result in higher costs to other users.

While a FERC transportation rule, as opposed to a rule assigning a higher curtailment priority, would cause less disruption to the gas supplies of other users, the commenters indicated that there was a danger that over a long term such a rule could permit utilities to compete with interstate pipelines for limited gas supplies, possibly jeopardizing service to existing customers. Again, almost none of the commenters thought there would be any benefit in the form of increased or more timely coal conversions.

The comments concerning the option of assigning a higher priority for gas used in the production of heavy oil expressed the view that this idea must be worked out with the regulatory

commissions of the involved States. There are also significant policy questions as to whether or not a positive energy balance could be achieved from this approach. Accordingly we are taking no further action in this Docket No. ERA-R-79-49 and we consider it to be closed. A more detailed summary of all the comments will be made available to the public in that docket.

While our findings indicate no valid economic or policy reasons for making major changes to the existing Federal priorities in contrast to the benefits to be gained from broader pricing changes, there was some concern, expressed by the commenters to our NOI, that we might be legally required to do so. The United States Court of Appeals for the District of Columbia in the *State of North Carolina and North Carolina Utilities Commission vs. The Federal Energy Regulatory Commission*, 584 F.2d 1003 (D.C. Cir. 1978) raised questions concerning FERC Order No. 467-B type curtailment priority plans which generally employ a set or fixed base period as the basis for allocating gas to establish priority categories. The Court attempted to separate the issue of establishing priorities, set on end use considerations, from the implementation mechanism chosen by the FPC to enforce those priorities. But the types of questions the Court raised cast doubt on whether any Federal priorities could be implemented without consideration being given to all the supplies available to an end user or without exercising direct Federal control at the burner tip. However, the Court, in the end, only required that the actual impacts of imposing priorities using set base periods be studied and considered by the FPC in approving an interstate pipeline's curtailment plan.

Subsequent to the *North Carolina* decision, Congress passed the NGPA. The priorities mandated in Sections 401 and 402 of Title IV of the NGPA required certain changes to the curtailment plans of interstate pipelines. For the first time, parts of the "467-B" end use system were established by law. Hence, as many of the commenters to the NOI pointed out, the passage of the NGPA resolved many of the questions initially raised by the *North Carolina* decision. In addition, there were indications in the Conference Report accompanying the NGPA that, at least as it applied to passage of the essential agricultural rule in the statutory 120 days, the new curtailment priorities should be implemented in a manner which did not throw "existing curtailment plans into disarray." The conferees also did not consider it necessary to adopt a new

base year for all curtailment plans in order to implement the essential agricultural rule.

#### *B. Market Mechanisms Offer Greatest Benefits*

Our review found that economic costs of curtailment are reduced when gas is permitted to move from customers with lower costs of curtailment to those with higher costs of curtailment. The greatest benefits can be achieved when gas is moved between systems. Our studies indicate that a pricing system has the greatest potential of any alternative examined for achieving these benefits since it provides a means to move gas to the industrial end users who value it most, while avoiding the costs associated with mandated shifts of supply. However, the actual effectiveness of a pricing system would depend on devising a practicable, efficient (non-costly) and equitable mechanism for implementing it.

An effective pricing system would allocate gas to end users on the basis of the price they would be willing to pay. The theory is that users would pay for gas up to the price that it would cost if their gas supplies were curtailed. Customers could signal changes in the values they place on additional gas supplies as their level of curtailment and costs of fuel substitution changed. In this way, a pricing system could more precisely allocate gas to those customers who experienced the highest economic cost of curtailment, without direct Government involvement.

In order to take advantage of the potential for more precisely reflecting the costs of curtailment without incurring the adverse costs of disrupting present user supply arrangements, however, pricing would need to be implemented at the burner tip. Consequently, much of the action required to implement an effective pricing system would have to be taken by the States. Federal aid towards implementing such a system likely would consist of eliminating regulatory barriers, especially at the pipeline level, which would prohibit pricing systems from emerging. There appear to be no practical alternatives for implementing a pricing system using Federal authority only.

Even without the introduction of pricing mechanisms, changes that would facilitate the movement of gas between systems under the current regulatory system potentially could save in the order of magnitude of \$1 billion. The authorities in Title III of the NGPA provide for moving gas between systems during emergency natural gas supply shortages and also facilitate the

movement of natural gas generally between the interstate systems subject to Federal jurisdiction and the intrastate systems subject to State jurisdiction. Such gas shifts serve to make the depth of any shortage less severe, thereby reducing costs. Our review indicates that sales of excess gas between systems should be encouraged and facilitated during lesser periods of curtailment to obtain economic benefits.

The FERC already has moved in this direction with the passage of rules pursuant to the authorities of Sections 311 and 312 of the NGPA (18 CFR, Part 284, Subparts A—E). The Commission has also recently issued regulations indicating its willingness to issue blanket transportation certificates to interstate pipelines to transport gas for each other and "Hinshaw-type" pipelines.

#### *C. Proposed DOE Actions*

In summary, there are limited economic benefits from further refining the current end use priority system. However, significant benefits could be achieved if Federal and State authorities make regulatory changes that carefully move the system towards one based on pricing. The mechanisms for accomplishing these goals are inextricably tied to FERC and State authorities. Therefore, apart from the changes we are required to make by NGPA Sections 401 and 402, we are proposing only minor modifications to the present system of curtailment priorities. These are discussed in detail in the next section of this Notice.

We will direct our future efforts towards encouraging the continuation and expansion of current FERC efforts to facilitate sales of surplus gas between pipeline systems. We will also work with the FERC and the States to develop effective pricing mechanisms and to seek ways of gradually introducing them into the current market, while protecting contracts and property rights.

Successful implementation by several States of bidding systems or other kinds of pricing mechanisms might bring about support for, or at least suggest the possibility of, reduced regulatory restraint on sales of gas between distributors. These inter-system sales could lessen the need for curtailment plans by improving supply in heavily curtailed areas. Regulatory and even legislative changes may be needed at both Federal and State levels before this could occur.

ERA will also study how gas rate designs might lessen curtailment costs. Section 601 of the Public Utility Regulatory Policies Act of 1978 (Pub. L. 95-617) (PURPA) requires that the

"Secretary, in consultation with the Commission and appropriate State regulatory authorities and other persons, shall conduct a study concerning the effects of provisions of Federal law on rates charged by State utility agencies." The initial study, to be submitted to Congress in May, does not focus on curtailment issues. We propose to do additional studies that will examine how gas rate structures might be used to reduce the costs of curtailment by recognizing market forces. For instance, what would be the effect of assigning rates in accordance with curtailment categories, so that the higher a user's priority, the higher the cost of service?

We will work closely with the FERC and States on all these matters and, when appropriate, will exercise our Section 403 authority under the DOE Act to propose specific rules to the FERC for its consideration and action. We seek your comments, not only on the changes to the Federal curtailment priority system proposed in this Notice, but also on our intended efforts to move further in the direction of greater reliance on pricing mechanisms and increased sales between systems to better manage natural gas curtailments.

#### **Section III.—Discussion of the Proposed Rule**

Our proposed rule establishes natural gas curtailment priorities which ERA has determined are just and reasonable within the meaning of Sections 4, 5, and 7 of the NGA. When effective, these rules will be binding on all interstate pipeline companies. Nevertheless, the FERC, in implementing these rules, will have sufficient flexibility to consider the circumstances of individual interstate pipelines.

In developing the proposed rule, ERA considered the following factors:

1. The comments received in response to our notices of inquiry issued on March 13, 1979 and October 18, 1979. The comments in response to the March 13, 1979, NOI are summarized in Section IV of this Notice.
2. Our responsibility under the DOE Act to review and establish curtailment priorities.
3. Our responsibilities under the NGPA to issue rules establishing priorities for essential agricultural and industrial process and feedstock users. In establishing these priorities, Title IV of the NGPA requires the establishment of a high-priority category as the first priority (*i.e.*, the last category to be curtailed), followed by essential agricultural uses as the second priority, and essential industrial process and feedstock uses as the third priority. The NGPA does not address priorities for

uses of natural gas other than the three named.

4. The FERC's policy statement on curtailment priorities, *i.e.*, Order 467-B *et al.*, and the experience and the years of litigation involved in developing curtailment plans currently being used by the interstate gas pipeline companies in this country. Furthermore, we recognize that this litigation and the resulting plans involved many segments of the natural gas supply and demand chain, *i.e.*, the interstate natural gas pipelines, distribution companies, end-use customers, state and federal regulatory agencies and other interested parties.

5. The findings based on the analyses in our RA and DEIS, issued concurrently with this proposed rule.

We have concluded, based on our analysis and the comments, that the curtailment plans of interstate pipelines in effect on the date this rule is adopted, with modifications required by the rule, should continue to be used to distribute the pipelines' gas supplies to their customers during periods when there are insufficient natural gas supplies to serve the customers' requirements. In situations when the curtailment priority systems may not be effective to protect life, health or the maintenance of physical property, the emergency provisions of Title III of the NGPA can be invoked.

A section-by-section discussion of the proposed rule follows:

#### A. Section 580.01

Section 580.01 of the proposed rule explains that the purpose of the rule is to establish natural gas curtailment priorities for interstate pipelines consistent with DOE's responsibilities under the DOE Act and the NGPA.

#### B. Section 580.02

Section 580.02 defines terms used in the proposed rule, including the various types of natural gas uses assigned priorities, *e.g.*, residential use, essential agricultural use, essential industrial process use, and essential industrial feedstock use.

Except as specifically noted, the proposed definitions in Section 580.02 also include definitions from the present final rule concerning essential agricultural priorities and adopt in some cases the definitions used by the FPC (and now by the FERC) in conjunction with its Order 467-B policy guidelines. These last definitions appear in the Commission's "Rules of Practice and Procedure" (18 CFR 2.78). Both the definitions and the listing of curtailment priorities in our proposed rule reflect efforts to implement our responsibilities

under the DOE Act and the NGPA while limiting changes in interstate pipelines' existing curtailment plans. We believe the definitions and curtailment priorities set forth in our proposed rule accomplish this goal, yet are sufficiently broad to allow the FERC flexibility in implementing the rule.

1. "Commercial Establishment."—Our proposed definition of a "Commercial establishment" is essentially the same as the FERC's definition of "Commercial" use (18 CFR 2.78(c)(2)). However, we have deleted the word "institution" from the FERC's definition because it appears to be redundant to "local, State and Federal government agencies." On the other hand, we have added the words "for sale" to the phrase "or the generation of electric power," in order to eliminate from this category commercial establishments that may use gas for on-site generation of electric power which is then sold.

In relation to this latter change, we considered whether excluding small commercial users (less than 50 Mcf on a peak day) that might generate some electricity for sale from the definition of "high-priority user" might adversely affect electricity supplies. We determined, however, that as a practical matter there was no small commercial production of electricity for sale. Our definition of "Commercial Establishment" also raised the question whether an establishment classified as commercial based on its use of natural gas should have its classification changed if it uses residual heat emanating from use of the gas to generate electric power. We decided that the primary use of the gas should be the determining factor in establishing curtailment priorities and that cogeneration activities associated with secondary use should not alter the basic classification.

2. "Curtailment" and "Requirements."—Commenters to our NOI maintained that standard definitions for "curtailment" and "requirements" were not appropriate because of the varying circumstances among pipelines. Some stated that in the natural gas industry the term "Curtailment" has generally covered any situation in which a gas company, because of shortages of supply or other factors, cannot make deliveries of gas to which its customers are entitled under applicable tariffs, service agreements and other governing instruments, such as curtailment plans. Therefore, the definition of curtailment may vary somewhat from pipeline to pipeline, as will the index from which curtailment is measured. Since we must define

"Curtailment" in order to implement the NGPA priorities effectively, we have defined the term broadly, as "any situation where an interstate pipeline cannot make deliveries of all of its customers' requirements, including situations due to a lack of pipeline capacity." Capacity shortages have been included in the definition because the NGPA requires that high priority, essential agricultural, and essential industrial process and feedstock uses be protected from curtailment relative to other uses of natural gas and we interpret this mandate as applying to capacity shortages as well as supply shortages.

Commenters also suggested that "Requirements" must have the same meaning as in curtailment plans approved by the FPC and the FERC, which usually provide for an actual base period use of gas. The commenters contend that customers' rights to gas can only be protected by having specific and accepted figures written into the curtailment plans which are filed as part of interstate pipeline tariffs. We agree with this premise and have defined "Requirements" as "the volumes of natural gas that a customer of an interstate pipeline is entitled to under that pipeline's curtailment plan." We believe that our definitions of both "Curtailment" and "Requirements" are sufficiently broad to cover the objections to standard definitions.

3. "Essential Industrial Process Use" and "Essential Industrial Feedstock Use."—Section 402(c) of the NGPA requires that the Secretary (that is, Administrator, as the Secretary of Energy's delegate) "shall determine and certify to [the FERC] the natural gas requirements (expressed either as volumes or percentages of use) of persons (or classes thereof) for essential industrial process and feedstock uses" other than use as a process fuel or feedstock in the production of fertilizer, agricultural chemicals, animal feeds or food. NGPA Section 402(d) defines "essential industrial process or feedstock use" as "any use of natural gas in an industrial process or as a feedstock which the Secretary determines is essential."

The definitions of "feedstock gas" and "process gas" presently being used in relation to curtailment plans filed with the FERC are expressed at 18 CFR 2.78(c) (7) and (8), respectively, of the Commission's "General Rules of Practice and Procedure." "Feedstock gas" is defined as "natural gas used as raw material for its chemical properties in creating an end product." "Process gas" is defined as "gas use for which

alternate fuels are not technically feasible such as in applications requiring precise temperature controls and precise flame characteristics."

A number of commenters recommended the continued use of the FERC's definitions because these definitions have been used for several years and are familiar to the interstate pipelines and their customers, who have worked together with industry Data Validation Committees to categorize their end use customers' uses of natural gas into process and feedstock categories. Other comments suggest a definition of "essential industrial process use" based on the technology of gas-burning equipment, *i.e.*, where conversion to a fuel other than gas will require extensive replacement or modification of equipment or cause deterioration in the quality of the resulting products, or where a direct flame is involved in the application.

Commenters also suggested that natural gas used for ignition, startups, testing and flame stabilization should be included in the "essential industrial process use" category. They pointed out that these uses were exempted by Congress in Sections 607(e) of the PURPA and 103(a)(15) of the Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95-620 (FUA), from prohibitions on the boiler fuel use of natural gas.

In attempting to achieve a definition of essential industrial process use, we considered three approaches as follows: (1) definition by product, *e.g.*, by reference to Standard Industrial Classification (SIC) codes, which the Secretary of Agriculture used in defining "essential agriculture use"; (2) definition by equipment, *e.g.*, by reference to the use of furnace kilns and ovens; and (3) definition by process, *e.g.*, by reference to the processes of drying, annealing and fabricating. Our RA found that each of these ways is in some respect inadequate, because of a lack of precision in identifying the high-priority gas that this category is supposed to represent. We concluded that satisfactory precision in identifying essential industrial process uses can be attained only on a case-by-case basis, and that a narrow definition, such as one based on the technology of the equipment and the magnitude of conversion costs, could reduce gas curtailment shortage costs by giving a higher priority only to very select uses. Conversely, our analysis finds that using a broader definition, such as one based on SIC codes, is likely to increase the economic costs of curtailments.

Hence, our definition of "essential industrial process use" consists of three tests. The first test relates to the

technology of the equipment, and includes certain gas uses which the commenters and our RA indicate are "process uses." The three aspects of this test are where "(1) a direct flame or precise flame characteristics are required; (2) precise temperature controls are required; or (3) the gas is used in the necessary processes of ignition, startup, testing or flame stabilization." The second definitional test is that these uses are considered to be "essential," only in situations where conversion to a fuel other than natural gas would cause a significant deterioration in the quality of the product resulting from the industrial process or would require costly modification to or costly replacement of equipment. The third test requires the FERC to determine that use of a fuel other than natural gas is neither economically practicable nor reasonably available as an alternative.

The definition of "essential industrial feedstock use" is based on the Order No. 467-B definition, with the addition of the FERC-implemented alternate fuel test. The comments and our RA indicate that it is simpler to identify feedstock use than process use and both indicate that the traditional Order No. 467-B definition of feedstock use is adequate.

4. "High-Priority User".—We have in this proposed rule the same definition "high-priority user" which is in our present rule on essential agricultural uses. However, some of the commenters questioned whether we should include as high-priority users the manufacturers of products which are considered to be essential. The preamble to our final rule on curtailment priorities for essential agricultural uses (44 FR 15642, March 15, 1979) states that "we do not have sufficient information at this time to warrant expanding the definition of protection of life, health and property to include the manufacturing of specific end products, such as pharmaceuticals." We did not have then, nor do we now have, sufficient justification to warrant the use of an end-product approach for determining "high-priority users." To include the manufacturers of one end-product, such as pharmaceuticals, as "high-priority users" would require a comparative analysis of the relationship to "life, health and maintenance of physical property" of many other end products. We agree with the conclusion of the March 1977 Natural Gas Survey Report to the Federal Power Commission, submitted by the Technical Advisory Committee on Curtailment Strategies, that with our highly integrated economy in which the output of particular products is likely to depend

upon a host of other products and activities, any efforts to rank natural gas curtailment priorities according to the importance of end products derived by the use of gas would be hopeless.

Our proposed rule does enable any individual manufacturer to seek relief pursuant to the emergency procedures provided by the FERC's regulations (18 CFR 2.78(a)(4)), which we have specifically incorporated by reference in Section 580.02(b)(10)(iv) of the proposed rule. Moreover, the adjustment procedures provided by Section 502(c) of the NGPA are available as a means of seeking relief from hardship. Also, states may provide relief mechanisms to individual users. We assume that the FERC would also continue to provide procedures under 18 CFR 2.78(b) for filing requests for relief from curtailment "upon a finding of extraordinary circumstances after hearing initiated by a petition filed under Section 1.7b" (18 CFR 2.78(a)(2)).

#### C. Section 580.03

1. Section 580.03(a).—Section 580.03(a) requires that the curtailment plan of each interstate pipeline must contain the five priority-of-service end-use categories there specified, except as provided in § 580.03 (g) and (h). As mentioned before, Priority One (high-priority uses), Priority Two (essential agricultural uses) and Priority Three (essential industrial process and feedstock uses) are required by Sections 401 and 402 of the NGPA.

For purposes of determining how uses other than those specified in Priorities One, Two, and Three should be treated, including those agricultural, process and feedstock uses for which the FERC determines that alternate fuels are reasonably available and economically practicable, the comments and our RA support employing the capability to use alternative fuels as a factor for assigning priority categories. The RA concluded that larger-volume users have lower economic costs of fuel substitution per unit of gas used than smaller-volume users. Since our general approach to curtailment favors minimizing the economic costs of curtailment, we have used this cost of substitution approach as the basis for establishing categorical distinctions for Priorities Four and Five.

The comments point out that it is almost impossible logistically for an interstate pipeline to curtail, on a short-term basis, any customer using less than 300 Mcf per day. This volumetric grouping of customers includes most of the large commercial and small industrial customers and we have presumed that these users do not have alternate fuel capability. Thus, we have

concluded that Priority Four should include all natural gas users not specified in Priorities One, Two or Three, with requirements of at least 50 Mcf, but less than 300 Mcf, on a peak day.

Priority Five includes all other uses not included in Priorities One, Two Three or Four. This is consistent with the comments to our NOI, which recommended that curtailment priorities should distinguish between larger-volume and smaller-volume users. Priority Five includes four subpriorities based on differences in volumes of requirements for these larger-volume users. We have adopted the different volumetric levels provided for in the FERC's Order No. 467-B policy statement (18 CFR 2.78), but other ranges may be used in a pipeline's curtailment plan if it can be demonstrated to the FERC that they are just and reasonable.

As previously mentioned, NGPA Section 402 requires that the Secretary not only define "essential industrial process and feedstock use," but also to certify to the FERC the natural gas requirements for such uses. One issue raised by that mandate is whether Congress intended to provide for increased volumes of use (load growth) by essential industrial process and feedstock uses. The preamble to the FERC's final rule for the implementation of NGPA Section 401 (Order No. 29, issued May 2, 1979 (44 FR 26855, May 8, 1979)) states "the Commission's reading of the NGPA and the many comments and legal analysis provided it in the extensive record in this proceeding leads [sic] it to the conclusion that some agricultural load growth was intended by Congress" for essential agricultural uses. Accordingly, FERC Incorporated by reference the U.S. Department of Agriculture rule which gives effect to load growth. In this respect, FERC was acting consistently with the language in NGPA Section 401(c) requiring the Secretary of Agriculture to certify to the FERC and DOE the natural gas requirements for essential agricultural use in order to meet "full food and fiber production." The FERC in its Order No. 29 authorized essential agricultural users, when applicable, to receive additional volumes of gas under curtailment plans with fixed base periods, *i.e.*, to receive contract volumes instead of base period requirements. Our proposed rule recognizes this determination by the FERC by not limiting essential agricultural uses (Priority Two) to base period volumes.

We do not, however, interpret Section 402 of the NGPA as recognizing similar

load growth for essential industrial process and feedstock uses other than those related to the agricultural activities listed in Section 401(f)(1)(B), and comments to our NOI support the view. Therefore, our proposed rule certifies to the Commission that the natural gas requirements for essential industrial process and feedstock uses are the volumes that these users are entitled to under the curtailment plans of interstate pipelines, determined by using a fixed base period. Essential agricultural users which might otherwise qualify as essential industrial process and feedstock users are of course treated in Priority Two and therefore their requirements are not restricted to a fixed base period.

2. *Section 580.03(b)*.—Section 580.03(b) requires that complete curtailment of lower priority category volumes be made before curtailment of any higher priority volumes may begin. However, our RA found, based on surveys of industrial consumers, that on certain gas systems, curtailing only a certain percentage (*e.g.*, 80 percent) of a priority-of-service category, instead of 100 percent, could reduce the costs of curtailment. Retention of small amount of gas in one category is often critical in helping an end user to cope with a shortage and could prevent shutting a plant down or drastically reducing its output. Our analysis found that the costs of coping with the loss of the last increment of natural gas in a priority category (*e.g.*, 20 percent) are many times higher than those resulting from curtailment of the rest of a user's requirements in that category.

Therefore, the proposed rule allows an unspecified portion of the requirements for Priority Five, or any of its volumetric subcategories, to continue to be served even while a higher priority category or subcategory is being curtailed, if it is demonstrated to the FERC that such delivery in individual situations is just and reasonable. Because of the statutory protection given the first three priority categories by the NGPA, however, all the requirements for Priority Four must be curtailed before a pipeline may curtail deliveries for essential industrial process and feedstock uses (Priority Three).

3. *Section 580.03(c)*.—Concerning whether we should recognize a distinction in curtailment users based on firm or interruptible service, some commenters pointed out that the NGPA is completely silent on this question and that we must assume that Congress intended to maintain the *status quo*, *i.e.*, to decide on an individual pipeline

basis, as the FERC has done in the past. Others pointed out that differences in interpreting this distinction would cause difficulty in implementing a rule of general applicability. They also mentioned that interruptible contracts are important because they facilitate load balancing, *i.e.*, management of supply and demand.

As some commenters and our RA indicate, there are numerous differences among interstate pipelines in terms of their treatment of firm and interruptible service, based on such factors as location and types of supplies, geographic territory serviced, load characteristics, operating practices, and climatic conditions encountered. Furthermore, the FERC has recognized this premise in Opinion No. 754, *Panhandle Eastern Pipeline* (Docket No. RP71-119) issued on February 27, 1976, in which it approved the elimination of the firm/interruptible distinction from Panhandle Eastern's curtailment plan. However, it should also be noted that in other curtailment cases decided after *Panhandle*, the FERC approved the retention of the firm/interruptible distinction.

Based on our review of the comments and consideration of the findings from our RA, we conclude that in an end use type curtailment plan, such as the one proposed by this rule, no distinction should be made between firm or interruptible service. Making such a distinction is not in accord with the theory behind an end use plan. Moreover, it is not in accord with the most useful system for managing curtailments, which is that natural gas uses should be grouped and given priority according to their economic costs of converting to another fuel. It is our judgment that the NGPA precludes such a distinction for the first three priorities. However, our proposed rule provides that such a distinction may be made with regard to Priorities Four and Five, if it is demonstrated to the FERC that the method is just and reasonable for a pipeline's particular circumstances.

4. *Section 580.03(d)*.—The proposed rule adopts a procedure for handling storage injections which is the same as that in our present rule on curtailment priorities for essential agricultural users. Interstate pipelines may inject natural gas into storage or deliver gas to their customers for storage injection, unless it is demonstrated to the FERC that such treatment is not reasonably necessary to meet the requirements of high-priority and essential agricultural, process and feedstock users in their respective order of priority. Since storage is an extremely important component of a pipeline's

operations, this treatment will give sufficient flexibility to allow the filing of storage during the summer in order to protect gas service to higher priority users during the winter.

Some commenters suggested that all pipelines be required to use "storage sprinkling," whereas others favored the "block" method. However, most agreed that the major purpose of storage injections is to protect high priority customers and that either method would do this. We see no valid reason to mandate that all pipelines use one method or the other or to conclude that one of these methods is better than the other for a particular pipeline system. Hence, the proposed rule does not specify a method.

5. *Section 580.03(e)*.—As pointed out in Section IV of this proposed rule, several respondents used the NOI comment process to raise specific issues or concerns not listed in our NOI. For example, a group of small municipal distribution systems recommended that ERA issue a rule that would incorporate into any interstate pipeline company's curtailment plan a standard small customer exemption provision. These respondents claim that this type of provision is "part and parcel of virtually all pipeline curtailment plans," but that the terms and conditions of these existing small customer exemption provisions vary greatly. They claim that the present provisions "provide woefully inadequate protection," due to the lack of leverage of small customers as to the plans filed by their pipeline suppliers and in settlement proceedings with other parties. They pointed out that although the Commission's case-by-case approach to curtailment proceedings has succeeded in demonstrating that small customers are indeed a class distinct from large customers, it has failed to develop a standard small customer exemption provision that truly reflects the vast differences between the two distinct classes of customers.

While the respondent's suggestion for a standard small customer exemption may appear to have merit, it does not address the problem of whether such a standard provision should be equally applicable to all pipelines, since the size of a "small" customer is a matter relative to the size of other customers, and such a designation will vary among individual pipelines. Therefore, at Section 580.03(e) of the proposed rule, we have included a provision stating that "[n]othing in this rule shall prohibit an interstate pipeline from continuing to serve any or all of the requirements of a customer which is a small local distribution company when the

requirements of other customers are being curtailed, if it is demonstrated to the Commission that it is just and reasonable." We have not defined the term "small local distribution company," so that the FERC will have ample flexibility in implementing this provision.

6. *Section 580.03(f)*.—We have received inquiries from the public asking whether we intend to provide an incentive to cogeneration activities by giving higher priorities to the use of natural gas in facilities which cogenerate with residual heat from the use of gas. This issue is addressed by Section 580.03(f) of the proposed rule, which states that "[t]here shall be no differentiation in curtailment plans among natural gas users or uses based on any cogeneration activities by gas users." We realize that cogeneration activities make more complete use of an energy source and should be encouraged, but we do not believe natural gas curtailment plans are the proper vehicle for providing such incentives. There is a potential for conflict between providing incentives for cogeneration and the basic purpose of a curtailment plan, which is to manage the use of gas during curtailments so as to reduce the impacts of the shortage. Furthermore, in addition to the implicit economic incentives for a gas user to engage in cogeneration activities, statutory authorities provide other incentives for cogeneration activities, e.g., Section 210 of the PURPA and Sections 212(c) and 312(c) of the FUA.

7. *Section 580.03(g)*.—Most of the commenters to our NOI favored retaining the fixed base period concept, which is currently used by most interstate pipelines with curtailment plans. It was argued that if the fixed base period concept used in existing curtailment plans of interstate pipelines were to be altered, the self-help measures undertaken by these pipelines' customers, often at tremendous cost, would in effect be appropriated for the benefit of other utilities and their customers. As the comments indicated, there are many advantages to the use of a fixed base period that support not altering the procedure. For example, a fixed base period:

1. provides certainty and administrative simplicity to a curtailment plan;
2. provides an incentive for conservation practices;
3. provides an incentive for minimizing low priority usage;
4. encourages self-help methods; and
5. provides stability for planning purposes.

Furthermore, our RA estimates that it could cost the industry in the order of magnitude of \$200 million if the concept of rolling or updating the base period every two years, to adjust for load growth and other changes, was required of pipelines presently using fixed base periods.

Some commenters contended that the use of a fixed base period concept prevents load growth. However, we agree with the comments of others that a fixed base period does not prevent load growth altogether, because customers may upgrade their loads within their own systems by adding high-priority loads at the expense of their own existing lower priority customers or by obtaining supplemental gas supplies. Thus, the fixed base period procedure controls growth and at the same time removes the incentive for distributors to compete for interstate pipeline supplies by enlarging their higher-priority obligations and thus defeating the self-help efforts of other customers. We also agree with the comments that any alteration of base periods should be approached on the basis of all the facts surrounding the operations of an individual pipeline in providing service to its customers. Therefore, Section 580.03(g) does not preclude an interstate pipeline from rolling or updating its base period, if it can be demonstrated to the FERC that to do so is just and reasonable.

8. *Section 580.03(h)*.—Section 580.03(h) states that "[n]othing in this rule requires that a curtailment plan in effect on the date of adoption of this rule be changed, except to the extent that changes are necessary to protect Priorities One, Two and Three from curtailment." The purpose of this subsection is to make it clear that the presently effective curtailment plans of interstate pipelines need only be changed to the extent necessary to implement the statutorily required priorities.

While the comments and the RA support the conclusion that the proposed rule reflects a curtailment system that would cause the least economic costs of curtailment, we do not believe that change solely for the sake of change is warranted. The administrative costs related to making unrequired changes may well outweigh the economic benefits to be gained. Hence, it is not our intention to require that existing, effective curtailment plans be changed, except to the extent that modifications are necessary to protect the first three priorities. However, in protecting Priorities One through Three, should other changes become necessary, they

should comply with the provisions of this rule.

Any pipeline that does not have an effective curtailment plan on the date the final rule becomes effective and which later files a curtailment plan with the FERC as part of its tariff will be required to comply with the provisions of this rule. Likewise, any interstate pipeline that has an interim or temporary plan in effect should plan to modify its permanent curtailment plan to comply with these provisions.

9. *Section 580.03(i)*.—Section 580.03(i) expressly provides that where an essential agricultural user, as defined by this proposed rule, also qualifies as a high-priority user under this rule, it shall be considered a high-priority user rather than an essential agricultural user.

#### Section IV.—Summary of Comments

In the NOI published in the *Federal Register* on March 20, 1979, ERA solicited comments on twenty-two issues related to the review and establishment of natural gas curtailment priorities. Over seventy-five written comments were received in response to our NOL. While all the comments were considered in the drafting of our proposed rule, it is impractical to try to address each issue separately. Therefore, only the major issues are discussed below. The actual comments and a more detailed summary of the comments are available to the public in ERA's Office of Public Hearing Management. For address see "Addresses" section of this proposed rule.

##### A. Relationship of Emergency Authorities to Curtailment Priorities

The general comment from most pipelines and distributors on the relationship between the emergency purchase and allocation authorities in Title III of the NGPA and the federal curtailment priority system is that the two are distinctly separate. They observe that curtailment priority policies deal with the on-going problem of allocation of an insufficient gas supply whereas the emergency authorities deal with the means to cope with any sudden, severe gas shortage that threatens high priority users and that persists even after all other routine curtailment remedies have been exhausted. The clearest concern of the commenters is that pipelines and distributors remain free to exercise voluntary means, such as storage development, interpipeline brokerage, direct purchase by users, and synthetic natural gas production, to respond to a general shortage situation. Their opinion is that emergency authorities should be

held in restraint and only be invoked by the President when clearly needed.

Comments on the issue of the adequacy of the present federal curtailment priority system fall into two categories: (1) those pipelines, distributors and state regulatory agencies that believe the present curtailment priority system is adequate and that no further contingency plans are needed, and (2) those high priority users who had concerns about the security of their own gas supply during severe curtailments. Commenters arguing the first position claimed that the present curtailment priority system performed its task of allocation during periods of short supply and outlined voluntary coping methods developed by the industry, especially since the shortage during the 1976-77 winter. Freedom, flexibility and rapid responsiveness were seen as crucial to the adequacy of a curtailment system, and none of these respondents argued for any additional contingency plans. It was pointed out that any effective coping with a shortage would have to be tailored to the specific details of the shortage, which are not actually known until the emergency occurs.

Putting forward the second position, some higher priority industrial users commented that any priority system should require that during emergencies even high-priority customers with alternate fuel capability (e.g., hospitals) should be required to switch to alternate fuels or to reduce their gas usage. One commenter noted that it would be difficult to develop such a program at the federal level and suggested that local utilities be required to develop them. Furthermore, someone suggested that distribution companies be required to use additional storage, rather than curtailable loads, as a cushion to protect their temperature sensitive loads, e.g., residential.

##### B. NGPA Implications for Curtailment

One of the issues raised in the NOI was whether existing end-use data is adequate to allow ERA to issue the essential industrial process and feedstock rule required by NGPA Section 402 and a rule dealing with other aspects of curtailment priorities. Most commenters stated that there is already enough data available through current reporting procedures and that any data needed by ERA to establish and review curtailment policies, or by the FERC to implement curtailment priorities, could be obtained, as needed, from the individual pipelines. One commenter did suggest that it was important to have actual end use and impact data prior to establishing the system of priorities,

because these data could provide information concerning the efficacy of maintaining distinctions between low priority users.

On the issue of whether a distinction between firm and interruptible contracts should be made, commenters stated that distinguishing between priority users with firm contracts and interruptible contracts was inappropriate in regard to curtailment priority systems. They pointed out that such treatment is inconsistent with the theory of end-use type curtailment systems (e.g., the Order No. 467-B system), the present basis for Federal policy on curtailment priorities, and also inconsistent with the intent of Sections 401 and 402 of the NGPA. They commented that the lack of such a distinction should continue unless there is evidence on a case-by-case basis it would be in the public interest to depart from this approach. Some commenters pointed out that differences in interpreting this distinction by individual companies and in various regions would cause difficulty in implementing a rule of general applicability. Others argued that interruptible contracts are important, because they facilitate load balancing. Still others pointed out that the NGPA does not address the question of a distinction between users with firm and interruptible contracts and they interpreted this as support for the *status quo*.

##### C. Placement and Treatment of Natural Gas Uses in a Priority Scheme

A number of commenters, including distribution companies, pipelines, state public utility commissions and industrial end users, argued against subdividing broad categories of curtailment priorities. They suggested that all users should be treated equally within priority rankings and that any subdividing should be left to the Commission's discretion, if necessary to do so for an individual pipeline. One commenter stated that any benefit resulting from refinements based on subcategories would be outweighed by the administrative costs. Many commenters urged restraint in subdividing or ranking end-users beyond the requirements of Sections 401 and 402 of the NGPA, pointing out that present curtailment plans represent years of litigation effort and that there should be minimal disruption of these plans. Several commenters favored a plan whereby all users, except those placed in higher categories by Sections 401 and 402 of the NGPA, would be grouped together and treated equally. Others recommended that a distinction be made based on the volume of gas used by customers, with

larger-volume users curtailed prior to smaller-volume users.

Commenters suggested that our proposed rule defer all alternate fuel determinations to the FERC, because the Commission already has responsibilities assigned by law in this area. The NGPA gives the Commission the responsibility for determining whether alternate fuel capabilities exist as part of the determination of whether users will be included in the essential agricultural, feedstock, and process user categories for curtailment priority purposes. These commenters thought that allowing the FERC also to assume such responsibilities for uses not in the NGPA's mandated priorities would prevent conflicts, provide consistency and make the process easier to administer.

Concerning the proper placement in priority plans of users excluded from the NGPA Sections 401 (agricultural) and 402 (process and feedstock) priorities because of alternate fuel capability, several commenters suggested that these users should be placed in the priorities that they would occupy in curtailment plans but for Sections 401 and 402. Others suggested that all users that have alternate fuel capability, whether apartment houses, schools, hospitals, agricultural, commercial or industrial users, should be placed below essential industrial feedstock and process uses in curtailment plans. The reason given was that it was irrational to require an industrial manufacturer to shut down his plant when a user with alternate fuel capability is using gas.

On the issue of the treatment of gas injected for storage, comments varied, but generally concluded that the pipelines' traditional treatment of storage injection volumes for curtailment priority purposes is acceptable. One position taken was that storage injection requirements should be placed in the highest priority category. Furthermore, they said that whatever provisions are implemented on the priority of storage injection volumes should be sufficiently flexible to allow the FERC to take action as necessary to insure pipeline delivery of storage injection volumes. Commenters generally agreed that either the block method or storage sprinkling would protect high priority customers and that the present treatment of storage injections in pipeline curtailment plans have been effective in protecting high priority customers in the past. Generally, commenters agreed that the FERC should have the responsibility to determine the best treatment of storage injection volumes in regard to the

curtailment plans of the various pipelines.

Most commenters thought that a ban on using natural gas as a boiler fuel should not be incorporated into any general curtailment priority rule. A variety of reasons were given, as follows: any ban would be an encroachment on state and local autonomy; load balancing considerations preclude a ban; self help efforts would be discouraged; effective end use curtailment can achieve the same goals; a local economy may be dependent on a specific industry which requires low priority boiler fuel gas; and agricultural boiler fuel use is protected by Section 401 of the NGPA.

Commenters also pointed out that Section 607 of the PURPA provides for a ban of the boiler fuel use of natural gas for electric powerplants and major fuel burning installations during a natural gas supply emergency declared by the President and Section 303 of the NGPA authorizes the President to allocate these gas supplies to high-priority uses. The commenters considered these potential avenues for banning low priority boiler fuel to be adequate.

Commenters from pipelines, distribution companies and industrial end users all agreed that on-site electric generation should not be given special treatment in the curtailment priority system. This is because many current curtailment plans favor lower-volume uses, such as on-site generation, over larger-volume uses, such as generation by electric utilities. On the other hand, commenters argued that there should not be any volumetric limitations on the use of gas for on-site generation. The commenters mentioned that where on-site use involves co-generation facilities the efficiencies are vastly superior to those of more conventional gas fired electric utility generating stations. They also noted that volumetric limitations would be inconsistent with the policies and objectives of FUA Sections 212(c) and 312(c), PURPA Section 210 and NGPA Section 206(c), each of which recognizes the desirability of co-generation.

#### *D. Definitions of "Process Gas" and "Feedstock Gas"*

Most commenters recommended that the FERC definition of "process gas" in 18 CFR 2.78(c)(8) be retained. One commenter, however, stated that the present definition for "process gas" is inadequate and that additional factors should be considered, such as the technology of existing gas burning equipment; whether a direct flame is involved in the application; whether conversion to another fuel would require

extensive replacement or modification of equipment; and whether the use of an alternative fuel may cause deterioration in the quality of the product. Another commenter suggested that a clear definition is impossible. Others suggested that "essential process gas" be defined as all industrial gas not used for feedstock, plant protection or boiler and flame stabilization. A number of commenters recommended that users having the capability to substitute another fuel for gas should be given equal treatment regardless of whether the alternate fuel capability has been installed.

Most commenters agreed that the current FERC definition of "feedstock gas" in 18 CFR 2.78(c)(7) also should be retained. As most feedstock uses will be in the agricultural priority category and few such uses could employ substitute alternate fuels that are economically available, there appears to be a limited need for any change in the definition. Commenters agreed that ERA should certify the extent to which base period volumes attributable to feedstock should be considered "essential" and leave to the FERC and State public service commissions the issue of substitutability of alternate fuels.

All commenters on the relationship of off-system gas supplies to the certification of process and feedstock uses recommended that availability of off-system supply not be a factor in certifying requirements. Such treatment would discourage self-help efforts by these users. Some commenters also questioned whether appropriate criteria could be developed for determining the availability of off-system supplies. Some commenters stated that off-system supplies are more reasonably available to lower priority users that have alternate fuel capability and whose operations are not endangered by interruption of off-system supplies. Others argued that Section 402 of the NGPA does not give FERC the authority to exclude from curtailment priority gas users which might be able to substitute supplies from other sources other than their distribution companies because under state regulation and utility tariffs distribution company customers have a right to service.

#### *E. Definitions of "Curtailment" and "Requirements"*

A number of commenters offered various definitions for the terms "curtailment" and "requirements." "Curtailment" was generally agreed to be the inability to deliver the volumes of gas demanded or necessary to meet contract requirements. Commenters explained that the term "curtailment"

has long been used by the gas industry to cover any situation in which an operating gas company, by reason of emergencies, shortages of supply or other factors, cannot make the deliveries of gas to which its customers are entitled under governing instruments such as curtailment plans, tariffs and service agreements. Furthermore, the operational definition of "curtailment" may vary somewhat from pipeline to pipeline with regard to the index from which curtailment is to be measured. All of the commenters agreed that "curtailment" should not be merely a reduction in deliveries from contractual requirements, but rather should continue to be measured relative to actual base period end-use data for some period of time prior to a shortage and adjusted for specific factors such as weather. Some commenters suggested that ERA not adopt a standardized definition of "curtailment."

With regard to "requirements," some commenters said that since the term is not defined in the NGPA, it must have the same meaning as has been developed in FPC and FERC-approved pipeline curtailment plans, *i.e.*, an actual base-period use, as adjusted for downtime and other specific factors. Furthermore, they argued that the curtailment plans must specify the rights of the pipeline's customers and this can only be accomplished by way of specified and accepted volumes written into the tariffs.

#### F. Load Growth and Base Period for Curtailment Plans

A number of commenters, including pipelines, users, distribution companies and state commissions, suggested that the issue of load growth is the responsibility of the FERC and/or state regulatory agencies, but not of the ERA. Some commenters suggested that no growth in the number of customers should be allowed and no additional contract volumes delivered without clear and adequate evidence from the pipelines of the existence of gas reserves capable of meeting their present customers' requirements for five years. The reason given for such a condition was that present customers' needs should be protected before allowing any load growth. These commenters recommended that if any growth were to be allowed, such additions should be interruptible and placed in the lowest curtailment priority. Another commenter recommended that service to new customers not be allowed unless gas was available either from volumes conserved on the system or from supplemental supplies. Another suggested that curtailments could be

related to contract volumes, but also pointed out that often no formal contractual relationship exists between a gas company and its customers.

Other commenters recommended that load growth should be allowed for high-priority customers (*e.g.*, residential), even if curtailment of lower priority users is occurring simultaneously on the same system, provided that such growth does not jeopardize service to other high-priority users. Commenters also suggested that this load growth procedure would upgrade a system's load to encourage higher priority uses of gas and that this procedure has been followed by some state regulatory agencies.

Commenters also pointed out that load growth must be allowed for essential agricultural users, even if it reduces deliveries to lower priority customers, because Congress provided for this growth in the NGPA. The comments received, in general, supported the position that whether load growth should be allowed on a system subject to curtailments is not amenable to a general rule because of the variety of situations concerning supplies and mixes of customers on different gas systems.

Regardless of the load growth issue, most of the comments from pipelines, distributors, industrial end users and state regulatory agencies favored retaining the fixed base period concept for curtailment plans. The commenters agreed that changing the fixed base period concept may create as many problems as it attempts to address. Advantages given for a fixed base period were as follows:

1. Distribution companies have more control of their gas supplies and therefore are better able to plan the allocation of these supplies to their end-use customers. This provides certainty and administrative simplicity to their curtailment plans;
2. It provides incentives for state regulatory commissions and utilities to pursue conservation practices by allowing any natural gas conserved in a state to be used to benefit customers within that state;
3. It provides some incentive for customers to minimize low priority usage;
4. It encourages self-help methods by requiring load growth to be based on supplemental supplies of gas;
5. It provides stability, and plans for supplemental supplies can be best developed on a known and stable base;
6. Customers' requirements for a pre-curtailment period are the best estimates.

A number of commenters felt that changes to base periods should be the FERC's responsibility under its implementation and enforcement authorities, rather than under the ERA's authority to review and establish priorities. One commenter pointed out that no change in base periods is required under the NGPA, except as necessary to implement the agricultural rule. On the other hand, another commenter suggested that the intent of Congress, as expressed in the NGPA Conference Report discussion of Section 401, was that the FERC reopen existing curtailment plans only to the extent necessary to implement the priorities established by the NGPA and that it was not intended for such reopenings to result in adoption of new base years for curtailment purposes. Nevertheless, several end-users and a distribution company favored a rolling or updated base period and suggested using the highest year's actual use out of the last five years as the base period volume, thus protecting users who have a cyclical product demand. Another commenter suggested that base year customers should be retained, but that their end-use profiles should be updated.

A few agricultural users commenting on this issue interpreted Section 401 of the NGPA as requiring that current agricultural requirements be met, thereby calling for a rolling base period. A state regulatory agency suggested that a fixed base period be maintained during periods of actual curtailment by pipelines, but that during a period when a pipeline was not in a curtailment status, the base period volumes be updated. It also suggested that the use of rolling base periods during curtailment would penalize conservation, which is of vital importance during curtailment. Conversely, updating or rolling the base period during non-curtailment periods would make the base period volumes more reflective of the actual end-use requirements of customers.

Commenters generally agreed that the issue of credit for volumes of gas conserved by customers is only relevant if base periods are changed.

#### G. Development of Supplemental Supplies and New Energy Sources

Many commenters agreed that there is no reason to change the present policy of not considering a pipeline customer's supplemental gas supplies as subject to its pipeline's curtailment plan. Many of the comments suggested that the present end-use considerations and fixed base periods in curtailment plans provide incentives for both conservation and conversion to more plentiful fuels such as coal. A few industrial users felt that

supplemental supplies should be included as part of system supply, arguing that this should be an element of any curtailment policy based on the concept that supplies should be allocated in order to achieve the most efficient use of resources. Others stated that smaller distribution company customers of pipelines operate financially marginal systems and do not have sufficient revenues to obtain supplemental supplies. These small customers are discriminated against when supplemental supplies are not considered as part of a pipeline's supply system subject to curtailment.

#### H. Scope and Jurisdiction of the General Curtailment Authority

Commenters responded negatively on whether federal policy or rules should be applied directly at the distribution level. Most commenters expressed alarm at the prospect of such federal regulation. They mentioned the delay, great expense, inflexibility regarding varying local needs, and the lessening or elimination of self-help programs by distribution companies as reasons why federal regulation at the distribution level was unwise.

Some commenters questioned the lawfulness of attempting to apply the curtailment plans of interstate pipelines at the distribution company level. Commenters taking the position that federal curtailment plans could not and should not be applied directly at the distribution company level pointed out that currently no vacuum exists in authority at the state and local level. Other commenters suggested that there is legal authority for applying a federal curtailment priority rule directly at the distribution company level. Some of these respondents maintained that the legal authority for such action was the Commerce Clause of the United States Constitution. Others claimed that the FERC has the necessary statutory authority and could condition deliveries of higher priority gas to make the distribution companies conform to the federal plan. These observers maintained that there was precedent for such a rule in FPC Order No. 533 and FERC Order No. 2. Some commenters even interpreted Sections 401 and 402 of the NGPA as requiring federal regulation of local distributors.

Almost all commenters, on the issue of the scope of the rule to be adopted, felt that ERA should promulgate a broad, comprehensive system of priorities, leaving the FERC with enough flexibility to consider differences between pipelines when implementing the system. Several commenters pointed out that there was no reason to believe

that narrowly drawn rules would lead to fewer or shorter curtailment plan hearings than have been necessary in the past, and several suggested that negotiated settlements among affected parties should continue to be a means for resolving disputes. All commenters wanted minimum disruption of existing curtailment plans. Some commenters believe that the Sections 401 and 402 priorities mandated by the NGPA can be incorporated into existing curtailment plans with a minimum of revision. One pipeline suggested that ERA abandon this proceeding entirely and adopt existing plans, because changes are costly, of questionable legality, unnecessary and time-consuming.

#### I. Other Issues

Several commenters used the NOI comment process to raise specific concerns which did not fit into the 22 issues listed in the NOI. These additional issues are as follows:

1. A group of small customers urged that a uniform small customer exemption be incorporated into all curtailment plans. Furthermore, they alleged that existing pipeline exemptions are inadequate and that it is necessary to treat a pipeline's small distribution company customers as special cases during curtailment.

2. One comment concerned the allocation of gas between interstate pipeline customers and direct market customers. The commenter contends that United Gas Pipeline Company is curtailing gas in its own service area while making available 60 percent of its gas to other interstate pipelines which are curtailing very little or not at all and which have access to other supplies. The State of Louisiana regards this practice as inequitable and recommends that pipelines be required by their curtailment plans not to curtail higher priority industrial users in their own service areas in order to make deliveries to other pipelines.

3. Another commenter addressed the effects of natural gas curtailment policy on fuel oil. Currently natural gas curtailments create rapid fluctuations in the demand for fuel oil as a substitute fuel, to which oil suppliers have had difficulty responding. The commenter suggested that DOE consider widening the higher priority industrial categories as much as possible and observed that conservative load growth policies would help to stabilize the fuel oil markets.

4. Comments from a DOE regional office recommended that ERA include in its review the effects of curtailment on natural gas processors who extract NGL from gas. The commenter suggested a possible conflict between ERA pricing regulations for NGL and the curtailment treatment of gas processors.

#### Section V.—Summary of Regulatory Analysis

Copies of the entire Regulatory Analysis are available in Room B-110, U.S. Department of Energy, Economic

Regulatory Administration, 2000 M Street, N.W., Washington, D.C. A brief summary is provided here.

#### A. Purpose

The regulatory analysis prepared as part of our review and establishment of natural gas curtailment priorities addresses fundamental alternatives for curtailment policy and their potential social, economic and environmental cost impacts. Policies governing existing Federal curtailment priorities, certain requirements of the NGPA, and curtailment policies implemented under State authorities, are among major considerations included in the analysis.

#### B. Basic Approaches for Managing Curtailment

There are three basic approaches, as outlined below, which can be used to manage curtailments:

1. Rationing—allocation, distribution or management of available gas supplies by administrative rules applicable during shortages. Presently effective curtailment plans are examples.

2. Pricing—allocation of available gas by price. Prices offered and paid by end use customers are relied upon as the means for bringing demand into line with supply during periods of shortage. The pricing approach designed and considered by the Public Service Commission of Wisconsin for managing gas shortages is an example. It consists of a once-a-year action for interruptible users.

3. Beyond Curtailment—allocation policy that attains basic goals for establishing curtailment priorities and other related goals, *i.e.*, goals beyond curtailment policy. "Beyond curtailment" utilizes either a rationing or a pricing approach for managing curtailments and achieving other policy objectives. The inclusion of additional policy objectives distinguishes this approach. Combining a pricing scheme which manages short-term shortages with a rate design that manages long-term curtailments is one example.

Options within each of the three basic approaches to managing curtailments can vary extensively, but the basic distinctions between the general approaches remain constant.

#### C. Options for Managing Curtailment

In this study we subdivided the basic approaches to managing curtailments and determined important specific options within the subdivisions. We then evaluated the economic consequences of these options. For most of the options we conducted the evaluations through simulation with models of supplier operations, user fuel

substitution and user shortage impacts. We also conducted some evaluations without simulations.

1. *Rationing*.—Within rationing, we subdivided options into priority classifications that remain fixed (fixed rationing) and those that vary in response to change (responsive rationing).

a. *Fixed Rationing*.—Fixed rationing evolves from a belief that even in situations where changes may have potential for reducing the cost of curtailment, the present rationing should be continued to maintain user familiarity and continuity for planning purposes. The specific options evaluated are as follows:

(i) *Do Nothing (No change)*. Continue presently effective curtailment plans, without the changes required by the NGPA. Curtailment plans presently in effect vary widely among gas companies. These include interstate pipeline plans governed by Federal priorities and local distribution company plans generally governed by State priorities. Existing plans generally establish priority groupings comprised of similar end uses. The most highly valued end use priorities are the last to be curtailed when shortages of natural gas occur. This option was used as the base case from which all other rationing options were developed and against which all other options were compared.

(ii) *Improved Allocation*. Allow freer gas flow between interstate systems and improve the use of storage. This option permits all gas not required for any firm end use customer to be sold off system and allocates available storage to users whenever the cost of storage equals or is less than the cost of curtailment to those users being curtailed. This option was modeled.

(iii) *Percentage Curtailment*.—Establish subdivisions within intermediate priority categories. Examples of intermediate use are large commercial and medium and small industrial gas users. This option starts initial curtailment of an intermediate priority category to 80 percent, then curtails the next higher intermediate priority category before increasing the curtailment within the lower intermediate priority category from 80 to 100 percent. This is a way to reduce the economic costs of curtailment to users within intermediate priority categories. This option is based on simulations that indicate the largest costs of curtailment to users within intermediate categories occur when over 80 percent of deliveries are curtailed.

(iv) *A binding nationwide rule*.

Require a uniform nationwide priority classification for all interstate pipelines. This would greatly disrupt present curtailment plans and self-help measures and was dismissed without precisely estimating costs.

b. *Responsive Rationing*. Responsive rationing assumes that priority categories should be changed when there are new insights on the relative importance of needs for natural gas. We considered the following specific options:

(i) *Agricultural priority*. Protects essential agricultural needs, as mandated by the NGPA. Study simulations were modeled using the base case with additions to the agricultural priority category as required by the NGPA.

(ii) *Process and feedstock priority*. Protects requirements for essential industrial process and feedstock uses, as mandated by the NGPA. Our study simulations sought to establish categories of process use that would minimize shortage costs.

(iii) *Rolling base*. Updates periodically the requirement indices specified in an interstate pipeline's curtailment plan. Our simulations modeled this option using an annual update in the index of customer requirements based on a two-year moving average of gas consumption.

2. *Pricing*.—Within pricing, we subdivided into an option where the use of pricing is unrestricted and options where pricing is restricted.

a. *Unrestricted Pricing*. This option involves bidding between pipeline systems and bidding among all users within a pipeline system. We do not examine this option in detail because it is very cumbersome and less practical than a pricing scheme combined with a rate design approach.

b. *Restricted Pricing*. Using our model, we simulated the following restricted pricing options.

(i) *Auction within incremental pricing* or bidding among end users in the first stage of NGPA pricing. Only users under Stage 1 of incremental pricing participate.

(ii) *Auction* or once-a-year auction for all end users who are given a base allocation. Re-establish base allocations for users annually.

3. *Beyond Curtailment*.—The curtailment option offering the best vehicle for accomplishing goals in addition to curtailment aims combines pricing with rate design. This option was

simulated in this study. Priority categories simulated were the same as rate categories and end users could choose their curtailment category via prices paid.

#### D. Economic Consequences of Study Alternatives

The selection of a curtailment option has no significant effect on real gross national product. Curtailment impacts on gas users are offsetting because any permanently lost production of goods and services by a curtailed end-user generally is made up by other establishments and temporarily lost production is made up later by the same industrial end-user. However, any reduction in the economic cost of curtailment under improved curtailment options helps to reduce the inflationary effects of cost increases stemming from delayed production and from shifting production among producers which would otherwise be incurred because of curtailment.

The study modeled the effects of implementing specific options using prototype pipelines and distributors, and expanded these results to national estimates. The estimated economic costs of curtailment represent averages calculated using a fixed supply and various simulated demands. The demand simulations covered 100 probable weather patterns, varying from much warmer than normal to much colder than normal. We then combined the average winter costs thus obtained with estimates for the rest of the year, to calculate average annual economic costs. The model computed the following types of costs:

1. *Shortage impact costs*: The short-run economic cost impact of shortages on users, including the costs of alternate fuel use, plant shutdowns, and overtime to make up production.

2. *Shortage coping costs*: The long-run economic cost of users, including investments in facilities for alternate fuel capability.

3. *Supplier operating costs*: These costs include the economic cost for addition of storage or peaking facilities.

4. *Non-user pollution costs*: These are the economic costs due to damage from extra pollution caused by the use of substitute fuels.

Table 1 summarizes approximations of cost savings determined by the model as cost differences among specific options, using the "Do Nothing" (no change) option as a standard.

#### E. Study Findings

Our analysis concluded the following:

Table 1.—Estimated Average Annual Cost Savings From Pipeline to the Burner Tip by 1981 in Billion Dollars<sup>1</sup>

[Using the present system as a standard]

	Estimated cost savings <sup>2</sup>	Percent saving in costs <sup>2</sup>	Comments
I. Rationing approach:			
"Do-nothing" (no change) variant .....	\$0.0	0.0	The present system.
"Improved 467-B" variant .....	1.0	4.2	Facilitate free flow of gas between systems.
"Percentage limit" variant .....	1.1	4.7	Avoid impacts from 100 percent curtailment.
"Ag. priority" variant .....	-.9	-3.8	Required by law.
"Process and feedstock priority" variant .....	0.0	0.0	Required by law.
"Rolling-base" period .....	-0.2	-.8	Update of index from which to measure curtailment.
II. Pricing approach:			
"Auction" variant .....	1.8	7.6	
"Auction within incremental pricing" variant .....	.2	.8	Only users under stage 1 of incremental pricing participate
III. Beyond curtailment approach: "Rate structure" variant.			
	3.6	15.3	Should be coordinated with DOE rate design studies required by Section 601 of PURPA.

<sup>1</sup> In constant 1978 dollars, but incorporating the higher rate of increase in natural gas than in prices generally.<sup>2</sup> Estimated savings is the difference in total approximate costs between the particular option and the \$23.6 billion approximate cost under the present system of curtailment.

1. There are three distinct approaches to managing curtailments—rationing, pricing, and policies which combine management of curtailment with other policies. The most economically efficient system is the one which most precisely recognizes shortage costs to the end-use customer. The present rationing system lowers economic shortage costs as compared with a pro-rata curtailment approach. A system using pricing has the greatest potential for lowering economic shortage costs by precisely recognizing the end users' shortage costs.

2. The present curtailment plans of interstate pipelines, coupled with the emergency authority provided under Title III of the NGPA, are adequate for managing both long term and seasonal gas shortages.

3. The present system can be improved by allowing for easier movement (sales) between systems to avoid more severe curtailment on some systems. Having different shortage levels among systems leads to higher overall economic costs of curtailment.

4. Under the present system, fuel substitution costs vary greatly, even among users within the same end use priority. End use curtailment plans are an attempt to assign priorities in keeping with variations in user costs of curtailment, but determinations are not precise. Approaches using pricing have the greatest potential for most precisely ranking users in keeping with their substitution costs.

5. Imprecision in present curtailment plans might be reduced in two ways. First, individual suppliers and users could more precisely classify uses within the base period requirements for each priority category. Second, a

Federal rule could give higher priority to more critical volumes within categories, e.g., by establishing subdivisions within intermediate priorities, such as the percentage limit approach discussed previously.

6. Under the present Federal curtailment priority approach, there are likely to be increases in shortage costs if systems using a fixed base period switch to a rolling base period.

7. More efficient supply and consumption would occur if rate structure were changed to allow lower rates for lower priority users who are subject to curtailment and higher rates for users less subject to curtailment (e.g., users on higher priorities and those who are supplied from gas in storage). There are many situations where users who pay the same rate for gas receive different levels of curtailment on the same system.

8. The test of any definition of "essential industrial process and feedstock use" should be whether the assignment of a higher priority will decrease or increase the economic costs from present curtailment. Analysis suggests that a broad definition, such as one based on SIC-defined products, will increase these costs by including nonessential uses. A narrow definition, coupled with an alternate fuel conversion test, could minimize shortage costs by restricting higher priority to include only essential uses.

9. Mandatory systemwide changes in curtailment priorities which are not coordinated with the theory of shortage costs will increase total costs above costs realized under the present system during shortages.

10. Large volume users generally have lower costs of conversion per unit of gas.

11. Changes in curtailment plans will be more effective if they are sufficiently flexible to allow adjustment to special conditions on specific systems.

12. Curtailment policy should focus on reducing shortage costs over both the short and long runs.

13. The present curtailment priority classifications have the advantage of being familiar to suppliers and users and, thus, minimize uncertainty that otherwise could lead to excess costs in preparing for curtailments. While certain modifications to existing curtailment priorities could lower economic shortage costs, the benefits to be achieved may be outweighed by other costs resulting from implementation of such changes. In addition, increased uncertainty on the part of suppliers and users over the availability of supplies may lead to additional costs in preparing to cope with potential curtailments, such as investment in storage or alternate fuel facilities or the development of supplemental natural gas supplies. Additional costs can also occur if changes in supply availability undermine the investment value of present self-help measures.

#### Section VI.—Draft Environmental Impact Statement

Copies of the Draft Environmental Impact Statement are available for review in Room B-110, 2000 M Street, N.W., Washington, D.C., 20461.

A programmatic Draft Environmental Impact Statement (DEIS) was prepared to evaluate the environmental impacts of alternatives to manage curtailments at the interstate pipeline level. The DEIS study constructed 54 case studies to cover the Nation's largest gas consuming urban Air Quality Control Regions (AQCR's). This AQCR sample was chosen because it includes most major U.S. cities and represents 61 percent of total industrial gas use. The DEIS also performed an auxiliary analysis of 88 smaller gas consuming cities and non-metropolitan areas. All the case studies were examined in detail to evaluate the broad range of air quality impacts that might result from alternate curtailment policies.

The results of the case studies indicated that there would be little change in environmental impacts from the *status quo* with any of the curtailment alternatives. The impacts of all alternate curtailment policies on annual pollutant concentrations were nearly identical to the impact of the existing curtailment policy. The net

effect, therefore, of any change from the *status quo* was essentially zero. This is explained in major industrial areas by the fact that large quantities of emissions from other sources in these major industrial areas completely overshadow the emissions from the burning of alternate fuels during periods of winter season natural gas curtailment.

No curtailment alternative was found which could reduce the overall level of environmental impacts. Exceptional cases of larger incremental increases in pollutants can be dealt with on a case-by-case basis. The FERC currently has authority to grant exemptions from a given curtailment policy if it finds that undue hardship otherwise would result. The DEIS therefore recommends that the FERC continue environmental reviews of individual pipelines for the purpose of evaluating requests for exemptions from applicable curtailment rules.

#### Section VII.—Comment and Hearing Procedures

**A. Comments.**—You are invited to participate in this proceeding by submitting written data, views, or arguments with respect to the proposal set forth in this notice of proposed rulemaking to Public Hearing Management, Economic Regulatory Administration, Room 2313, Docket No. ERA-R-79-10-A, 2000 M Street, N.W., Washington, D.C. 20461. You may hand-deliver your comments to this room between 8:00 a.m. and 4:30 p.m., Monday through Friday, or you may mail your comments to the above address. You should submit 15 copies and should include on the first page of each comment and any envelope, the docket number and the designation "Comments on Proposed Rule: Curtailment Priorities for Interstate Pipelines." Only five copies of any comments on the "Draft Environmental Impact Statement" are required. They should be packaged and designated separately with the docket number (ERA-R-79-10-A) and the designation "Comments on Draft Environmental Impact Statement." We will consider all comments all comments received by 4:30 p.m. on August 29, 1980 and all other relevant information before taking further action on this matter.

Any information you consider to be confidential must be so identified and submitted in one copy only. We reserve the right to determine the confidential status of the information and to treat it according to our determination.

**B. Public Hearing.**—1. *Procedures for requests to make oral presentations.* The public hearings will begin at the time and in the places listed in the

"Dates" and "Addresses" section of this NOPR and each hearing will be continued if necessary in the same location on the next day, beginning at 9:30 a.m. If you have any interest in this Notice, or represent a person, group or class of persons that has an interest, you may make a written request for an opportunity to make an oral presentation at the public hearing. These requests to speak must be sent to the address shown in the "Addresses" section for the particular hearing and must be received by the date shown for the hearing location at which you desire to speak.

In your request, you should briefly describe your interest; if appropriate, state why you are a proper representative of a group or class of persons having such interest; and give a concise summary of the proposed oral presentation and a phone number where we may contact you through the day before the hearing. If you are selected to participate in the hearing, you will be notified on or before 4:30 p.m., August 11, 1980 for the Washington, D.C. hearing, on or before 4:30 p.m., July 23, 1980 for the Atlanta hearing, on or before 4:30 p.m., July 28, 1980 for the Houston hearing, on or before 4:30 p.m., July 21, 1980 for the Chicago hearing, and on or before 4:30 p.m., July 30, 1980 for the San Francisco hearing. You must submit 100 copies of your hearing testimony by 4:30 p.m. on August 11, 1980 for the Washington, D.C. hearing. For all regional hearings, the person making an oral presentation at a hearing will be required to deliver 100 copies of his statement to the hearing room on the morning of the day scheduled for his appearance.

2. *Conduct of the hearings.* We reserve the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. We may limit the length of each presentation, based on the number of persons to be heard.

We will designate an ERA official to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if the person so desires, to make a rebuttal statement. Rebuttal statements will also be subject to time limitations.

You may submit questions to be asked of any person making a statement at the hearings to Public Hearing Management, Economic Regulatory Administration, Room 2313, Docket No. ERA-R-79-10-A, 2000 M Street NW., Washington, D.C.

20461, before 4:30 p.m., on the day prior to the hearing. For hearings in locations other than Washington, D.C. you may submit your questions to the hearing office at that particular location using the address shown in the "Addresses" section of this NOPR. The first page and any envelope should include the docket number and the designation "Questions on Review and Establishment of Natural Gas Curtailment Priorities." If you wish to ask a question at the hearing, you may submit it in writing to the presiding officer. The presiding officer will determine whether the question is relevant and whether time limitations permit it to be presented for answer.

The presiding officer will announce any further procedural rules needed for the proper conduct of the hearing. We will have a transcript made of the hearing and we will retain the entire record of the hearing, including the transcript, and make it available for inspection at the Freedom of Information Office, Room 5B-180, 1000 Independence Avenue SW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. You may purchase a copy of the transcript from the reporter.

Pursuant to the requirements of Section 404 of the DOE Act, upon issuance of this proposed rule, a copy of this Notice will be referred to the Federal Energy Regulatory Commission for it to determine whether this proposed rule may significantly affect any function within the Commission's jurisdiction pursuant to Section 402 (a)(1), (b), and (c)(1) of the DOE Act. The Commission will have until August 29, 1980, the date the public comment period closes, to make this determination.

(Natural Gas Act, as amended, 15 U.S.C. 717 *et seq.*; Natural Gas Policy Act of 1978, Pub. L. 95-621; Department of Energy Organization Act, Pub. L. 95-91; E.O. 11790 (39 FR 23185); E.O. 12009 (42 FR 46267))

In consideration of the foregoing, Title 10, Part 580, Code of Federal Regulations, is proposed to be revised to read as follows.

Issued in Washington, D.C. June 24, 1980.

**Hazel R. Ball,**  
Administrator, Economic Regulatory Administration.

Subchapter G of Chapter II of Title 10, Code of Federal Regulations, is revised to read as follows:

#### PART 580—NATURAL GAS CURTAILMENT PRIORITIES FOR INTERSTATE PIPELINES

Sec.  
580.01 Purpose.  
580.02 Definitions.

## Sec.

580.03 Curtailment priorities.  
580.10 Administrative procedures  
[Reserved].

Authority: Natural Gas Act, as amended, 15 U.S.C. 717 *et seq.*; Sections 401, 402, 403, Pub. L. 95-621, 92 Stat. 3394-3396 (1978), Sections 301(b), 402(a), 501, Pub. L. 95-91, 91 Stat. 578, 583-584, 587-589 (1977) 42 U.S.C. Sections 7151(b), 7172(a), 7191; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267.

## § 580.01 Purpose.

The purpose of this Part 580 is to establish priorities for curtailment of natural gas deliveries by interstate natural gas pipelines and to implement the authorities vested in the Secretary of Energy by Sections 401, 402 and 403 of the Natural Gas Policy Act of 1978, Pub. L. 95-621, 92 Stat. 3394-3396 (1978) and Sections 301(b), 402(a)(1)(E) and 501 of the Department of Energy Organization Act, Pub. L. 95-91, 91 Stat. 578, 583-584, 587-589 (1977).

## § 580.02 Definitions.

(a) For the purpose of this Part 580, all the terms used shall be defined as in Section 2 of the Natural Gas Policy Act of 1978, unless further defined in subsection (b) of this section.

(b) The following definitions are applicable to Part 580:

(1) *Base period*—means the period of time used in an interstate pipeline's curtailment plan as the basis for determining all or a portion of the requirements of its customers for the purpose of allocating natural gas to those customers during periods of curtailment.

(2) *Commercial establishment*—means any establishment (including local, State and Federal government agencies) engaged primarily in the sale of goods or services which uses natural gas for purposes other than manufacturing or the generation of electric power for sale.

(3) *Curtailment*—means any situation where an interstate pipeline cannot make deliveries of all its customers' requirements, as that term is defined herein, including situations due to a lack of pipeline capacity.

(4) *Curtailment plan*—means a plan of an interstate pipeline, describing the pipeline's criteria for allocating natural gas to its customers during periods of curtailment.

(5) *Essential agricultural use*—means, in no specific order, any use of natural gas.

(i) for agricultural production, natural fiber production, natural fiber processing, food processing, food quality maintenance, irrigation pumping, crop drying, or

(ii) as a process fuel or feedstock in the production of fertilizer, agricultural chemicals, animal feed, or food, which the Secretary of Agriculture determines is necessary for full food and fiber production, unless the Commission has determined that use of a fuel other than natural gas is economically practicable and reasonably available as an alternative for such use.

(6) *Essential agricultural user*—means any person who uses natural gas for an essential agricultural use as defined in subsection (b)(5) of this section.

(7) *Essential industrial feedstock use*—means natural gas used for its chemical properties as a raw material in creating an end product, in situations where the Commission has determined that use of a substance other than natural gas is neither economically practicable nor reasonably available as an alternative for such use.

(8) *Essential industrial process use*—means, in no specific order, natural gas used directly in an industrial use where

(i) a direct flame or precise flame characteristics are required; or precise temperature controls are required, or the gas is used in the necessary processes of ignition, startup, testing or flame stabilization, and

(ii) where conversion to a fuel other than natural gas either would cause a significant deterioration in the quality of the product, or would require costly modification to or costly replacement of equipment, and

(iii) where the Commission has determined that use of a fuel other than Natural gas is neither economically practicable nor reasonably available as an alternative for such use.

(9) *High-priority use*—means any use of natural gas by a high-priority user as defined in subsection (b)(10) of this section.

(10) *High-priority user*—means, in no specific order, any person who uses natural gas

(i) in a residence;  
(ii) in a commercial establishment in amounts of less than 50 Mcf on a peak day;  
(iii) in any school or hospital; or  
(iv) for minimum plant protection when operations are shut down, for police protection, for fire protection, in a sanitation facility, in a correctional facility, or for emergency situations pursuant to 18 CFR 2.78(a)(4).

(11) *Hospital*—means a facility whose primary function is delivering medical care to patients who remain at the facility, including nursing and convalescent homes, as well as out-patient clinics and doctors' offices which are physically connected with a hospital or its heating plant.

(12) *Industrial use*—means any use of natural gas in a process which creates or changes raw or unfinished materials into another form or product, including the generation of electric power.

(13) *Requirements*—means the volumes of natural gas that a customer of an interstate pipeline is entitled to under that pipeline's curtailment plan, as the term curtailment plan is defined herein.

(14) *Residence*—means a dwelling using natural gas predominantly for residential purposes such as space heating, air-conditioning, hot water heating, cooking, clothes drying, and other residential uses, and includes apartment buildings and other multi-unit residential buildings.

(15) *School*—means a facility, the primary function of which is to deliver instruction to regularly enrolled students in attendance at such facility. Facilities used for both educational and non-educational activities are not included under this definition unless the latter are merely incidental to the delivery of instruction.

## § 580.03 Curtailment Priorities.

(a) Except as provided in subsections (g) and (h), the curtailment plan of each interstate pipeline shall contain the following priorities to govern deliveries of natural gas to the pipeline's customers during periods of curtailment on the pipeline:

(1) *Priority One*: Those requirements for high-priority uses of natural gas as defined in § 580.02(b)(9) of this Part, determined using a fixed base period.

(2) *Priority Two*: Those requirements for essential agricultural uses of natural gas as defined in § 580.02(b)(5) of this Part.

(3) *Priority Three*: Those requirements for essential industrial feedstock uses and essential industrial process uses of natural gas as defined in Sections 580.02(b)(7) and 580.02(b)(8) of this Part, respectively, determined using a fixed base period.

(4) *Priority Four*: Those requirements, in no specific order, for all other uses not specified in Priorities One, Two or Three, including

(i) use of natural gas in large (50 Mcf or more on a peak day) commercial establishments, and

(ii) industrial use, less than 300 Mcf per day determined using a fixed base period.

(5) *Priority Five*: Those requirements for any uses of natural gas not included in Priorities One, Two, Three or Four, determined using a fixed base period. Priority Five shall be subdivided based on the following volumetric ranges, with the requirements for subpriority (i) being

the last curtailed, unless it is demonstrated to the FERC that other volumetric ranges are just and reasonable:

(i) Requirements of 300 Mcf per day or more, but less than 1,500 Mcf per day;

(ii) Requirements of 1,500 Mcf per day or more, but less than 3,000 Mcf per day;

(iii) Requirements of 3,000 Mcf per day or more, but less than 10,000 Mcf per day;

(iv) Requirements of 10,000 Mcf per day or more.

(b) The curtailment plan of each interstate pipeline shall require that all requirements of natural gas for a lower priority shall be curtailed before requirements for a higher priority are curtailed, unless with respect to Priorities Four and Five it is demonstrated to the Commission that it is just and reasonable to allow a certain portion of the requirements of a lower priority or subpriority to continue to be served while some or all the requirements of the next higher priority or subpriority are curtailed. None of the requirements for Priority Three may be curtailed, however, if any requirements for Priorities Four or Five are still being served.

(c) There shall be no differentiation in curtailment plans among natural gas users or uses based on whether service is firm or interruptible, unless with respect to Priorities Four and Five it is demonstrated to the Commission that it is just and reasonable to distinguish among users or uses based on whether service is firm or interruptible.

(d) Nothing in this rule shall prohibit the injection of natural gas into storage by interstate pipelines or deliveries to the customers of interstate pipelines for their injection into storage, unless it is demonstrated to the Commission that these injections or deliveries are not reasonably necessary to meet the requirements of high priority or essential agricultural, industrial process and industrial feedstock uses in their respective order of priority.

(e) Nothing in the rule shall prohibit an interstate pipeline from continuing to serve any or all of the requirements of a customer which is a small local distribution company when the requirements of other customers are being curtailed, if it is demonstrated to the Commission that it is just and reasonable.

(f) There shall be no differentiation in curtailment plans among natural gas users or uses based on any cogeneration activities by gas users.

(g) Nothing in this rule precludes the rolling or updating of an interstate pipeline's base period in regard to the requirements for any or all of its

priorities if it is demonstrated to the Commission that it is just and reasonable.

(h) Nothing in this rule requires that a curtailment plan in effect on the date of the adoption of this rule be changed, except to the extent that changes are necessary to protect Priorities One, Two, and Three from curtailment.

(i) Any essential agricultural user who also qualifies as a high-priority user shall be a high-priority user for purposes of applying the curtailment priorities in this section.

**§ 580.10 Administrative Procedures  
[Reserved]**

[FR Doc. 80-19836 Filed 7-1-80; 8:45 am]

BILLING CODE 6450-01-M

# Register Federal Register

---

Wednesday  
July 2, 1980

---

Part IV

## Department of Housing and Urban Development

---

Office of the Assistant Secretary for  
Housing—Federal Housing Commissioner

---

Coinsurance for Private Mortgage  
Lenders

**DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT**

Office of the Assistant Secretary for  
Housing—Federal Housing  
Commissioner

**24 CFR Part 255**

[Docket No. R-78-574]

**Coinurance for Private Mortgage  
Lenders**

**AGENCY:** Office of the Assistant  
Secretary for Housing—Federal Housing  
Commissioner, HUD.

**ACTION:** Final rule.

**SUMMARY:** The Department hereby amends 24 CFR by adding a new Part 255, entitled "Coinurance for Private Mortgage Lenders." Part 255 authorizes within the Section 223(f) program (providing for FHA insurance of a mortgage executed in connection with the purchase of or refinancing of an existing multifamily project) a delegated processing vehicle enabling supervised lenders to write new mortgages on existing housing in neighborhoods within their service areas and thereby foster preservation of the rental housing stock.

**EFFECTIVE DATE:** August 26, 1980.

**FOR FURTHER INFORMATION CONTACT:** George O. Higgs, Office of Multifamily Development, 451 7th Street, SW., Washington, D.C. 20410, (202) 755-5720. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** On September 26, 1978, the Department published in the *Federal Register* (43 FR 43676), a proposed rule to revise 24 CFR by adding a new Part 255 entitled "Coinurance for Private Mortgage Lenders." The rule would implement a coinurance program limited solely to mortgage loans by depository institutions to finance the purchase or refinancing of existing multifamily rental projects under authority of Section 223(f) of the National Housing Act, as amended. The Secretary of HUD may coinure mortgage loans pursuant to the demonstration program of section 244 of the National Housing Act, provided that the lender 1) assumes a percentage of any loss and 2) carries out (subject to HUD review) such credit approval, appraisal, inspection, commitment, property disposition or other functions as the Secretary approves. Interested parties were given until November 13, 1978, to submit written comments.

A total of 15 comments were received in response to this publication. These comments for the most part contained

lengthy substantive and technical suggestions for revisions. The views expressed were those of trade associations (representing homebuilders, thrift institutions, realtors, and mortgage bankers), individual lending institutions, and apartment owners, as well as those of the Federal National Mortgage Association, the Advisory Council on Historic Preservation, the New York City Department of Housing Preservation and Development, and a private consultant firm.

With the exception of three major changes—to be discussed below—and several technical modifications, the final rule retains the basic program design as published for comment. This disposition of the many thoughtful proposals considered should not be interpreted as a total rejection of commentors' views. The program must be seen for what it is—an experimental effort at innovative mortgage financing. The regulatory and procedural framework will evolve and change in response to operating experience and the needs of program users and beneficiaries. The Department will monitor closely the progress of the program and would welcome a continuing dialog with all concerned parties concerning the potential desirability of modifications.

This final rule makes three important substantive changes in response to the preponderance of the public comments received.

(1) By insertion of a new § 255.208 loans already in lenders' portfolios are made eligible for refinancing under Section 223(f). This revision is so tightly drawn that it may not fully satisfy its proponents among the commentators. It requires that portfolio loans submitted for insurance must be current and not in default, modification or forbearance for the preceding two years. HUD reserves the right to review before commitment the lender's processing as to property value and mortgage amount. In order to prevent this precommitment review from creating immediate processing backlogs, portfolio cases may not exceed one-fourth of a lender's total loans coinured each year. Thus, three out of four Section 223(f) loans will be new cases processed by the coinursing lender without HUD precommitment involvement. The Department's concern is that the new program not become a dumping ground for the low quality loans in lender's portfolios, i.e., those loans in which the lender's share of coinurance losses upon insurance claim settlement would not be as great as the lender's loss in disposing of the underlying property on its own, without

insurance. The restrictions of § 255.208 are intended to prevent such a result. At the same time, the Department can find no credible basis for arbitrarily excluding all existing portfolio loans from Section 223(f) coinurance. To do so would in a sense penalize lending institutions for their previous activity in providing conventional financing to older urban neighborhoods. The program should be available to refinance sound portfolio loans on housing in which the project life can be extended through provision of section 223(f) financing.

(2) Sale of whole loans or participation interests to purchasers not eligible as Section 223(f) originators is permitted by the final rule, within the general regulatory limitations of § 203.7(a)(1) of 24 CFR Part 203, provided that the originator retains its share of risk and possible loss. The final rule restricts eligible lenders to supervised depository institutions and permits neither reinsurance nor transfer of the originator's risk of possible loss. The originator may also sell to another approved coinursing mortgagee or delegate servicing to a noneligible entity, provided that it—the originator—remains obligated for its share of risk. (§§ 255.7, 255.104(a)(7) and 255.106.)

The comments on the secondary market restrictions of the proposed rule fell into two categories. One group, namely the Mortgage Bankers Association, National Association of Home Builders, Federal National Mortgage Association, and a mortgage company, recommended opening up the program to mortgage bankers as originators with access to their normal secondary market channels.

The other group represented the views of depository lenders: The U.S. League of Savings Associations, National Association of Mutual Savings Banks, Savings Bank Association of New York State, First National Bank of Chicago, and NYC Community Preservation Corporation. They favored retaining the eligible mortgagee criteria but permitting these depository lenders greater flexibility to tap other sources of funds. Specific suggestions included allowing the originator's risk portion to be transferred to or partially shared with other eligible Section 223(f) lenders, and allowing the originator to sell to noneligible investors participations in the 85 percent portion which is fully insured by HUD.

The Department will examine closely the initial progress of the program to ascertain if additional sources of financing appear necessary. Any changes in present restrictions will in all probability be made within the basic

program structure which requires originators to retain their risk share obligation (without reinsurance) for the duration of the insurance contract. The final rule makes it clear that mortgage bankers are eligible to service coinsured loans, even though they would assume no risk nor bear any coinsurance loss.

(3) The final rule deletes § 255.6(c) as it appeared in the proposed rule. With this change, the Local Rent Control provisions of 24 CFR Part 403, Subpart B, are made applicable to Section 223(f) coinsured projects, thus achieving consistency with the Section 223(f) full insurance program.

Several commentors suggested liberalization of the coinsurance risk sharing and mortgage insurance premium requirements, so that lenders would have more incentive to participate. Accordingly, § 255.427(a) of the final rule reduces the insurance claim deductible from 8 percent to 5 percent. The Department will periodically review these requirements and other program terms and revise as justified by actuarial analysis of default experience and insurance risk exposure. For example, consideration may be given in the future to a sliding scale allocation of risk in which percentage shares could be adjusted according to dollar amount of loss, or to changes in loan-to-value ratios.

Settlement of insurance claims has been streamlined by elimination of the 60 percent claim prepayment process. This was originally designed for a State Agency coinsurance program. State Agency mortgagees need a prepayment mechanism in order to match project cash flows and payments to bond holders. However, private lenders under Part 255 should not have this problem.

With respect to property requirements, multifamily projects of 5 or more dwelling units, instead of 8 or more, are now eligible for Section 223(f) coinsurance (§ 255.228(f)) in accordance with a statutory change in Section 207 of the National Housing Act. The final rule (§ 255.229) also increases from 10 percent to 20 percent the amount of total net rentable area which may be used as commercial space. The 20 percent limitation is consistent with departmental policy in the Section 223(f) full insurance program (HUD Handbook 4565.1, paragraph 1-4c.).

The Department is sensitive to suggestions that the present lease-hold requirement, specifying a lease of not less than 75 years to run from the date of mortgage execution, is overly restrictive. No change is incorporated in this rule, because the issue merits further evaluation in the broad context

of all HUD multifamily mortgage programs.

The final rule has also been revised (§ 255.423) to clarify that settlement of insurance claims may be made in cash by the Department. Lenders do, however, have the option of requesting payment in debentures, which will be made in accordance with normal debenture settlement procedures.

The final rule deletes all references to "initial-final" endorsement. The modifier is unnecessary, since the Federal Housing Commissioner makes only one insurance endorsement upon completion of repairs in this program and does not insure advances during construction.

In response to questions raised during the public comment and clearance process, the National Historic Preservation Act applies to the Section 223(f) coinsurance program; Section 504 of the Rehabilitation Act of 1973 does not. Projects purchased or refinanced under Section 223(f) are categorically exempt from HUD environmental clearance requirements. (§ 50.21(a)(14) of Procedures for Protection and Enhancement of Environmental Quality, 24 CFR Part 50, effective December 27, 1979.)

A Finding of Inapplicability with respect to environmental impact has been prepared in accordance with HUD Procedures for Protection and Enhancement of Environmental Quality. This rule has been evaluated and has been found not to have major economic consequences for the general economy or for individual industries, geographic regions or levels of government. Copies of the Findings are available for inspection during regular business hours in the Office of the Rules Docket Clerk, Room 5218, Office of the General Counsel, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. This rule is listed and referenced as H-38-78 in the Department's semiannual agenda of significant rules, published pursuant to Executive Order 12044.

Accordingly, Chapter II of 24 CFR is amended by adding a new Part 255, to read as follows:

## **PART 255—COINSURANCE FOR PRIVATE MORTGAGE LENDERS**

### **Subpart A—General Provisions**

- Sec.
- 255.1 Purpose.
- 255.2 Effect of implementation of program on mortgage market.
- 255.3 Utilization of existing multifamily insurance authorities.
- 255.4 Effect of availability of coinsurance on insurance otherwise authorized.

- Sec.
- 255.5 Effect of availability of coinsurance on flow of mortgage credit to older, declining areas.
- 255.6 Safeguards for consumers.
- 255.7 Definition of private mortgage lender.
- 255.8 Definitions.

### **Subpart B—Approval of Private Lender as Coinsurer**

- 255.101 Review of operation prior to approval as coinsurer.
- 255.102 Technical review prior to approval as a coinsurer.
- 255.103 Duration of approval.
- 255.104 Withdrawal of approval.
- 255.105 Effect of withdrawal or suspension of approval as a coinsurer on insurance commitments made by the coinsurer while it was approved.
- 255.106 Mortgage servicing and obligations during coinsurance period.
- 255.107 Required regulatory agreement with mortgagors.

### **Subpart C—Eligibility Requirements Applicable to Mortgages Insured Under Section 207 Pursuant to Section 223(f)**

- 255.201 Application.
- 255.202 Application fees, inspection fees, and service charges.
- 255.203 Processing and commitment.

### **Eligible Mortgages**

- 255.208 Refinancing of mortgages in portfolio.
- 255.209 Mortgage provisions.
- 255.210 Mortgage lien and other obligations.
- 255.211 Maximum mortgage amounts.
- 255.212 Maturity.
- 255.213 Payment requirements.
- 255.214 Maximum mortgage interest rate.
- 255.215 Mortgage to cover entire property.
- 255.216 Covenant for hazard insurance.
- 255.217 Soundness of project.
- 255.218 Accumulation of accruals.
- 255.219 Application of mortgage payments.
- 255.220 Prepayment privileges.
- 255.221 Late charges.

### **Supervision of Mortgagors**

- 255.222 In general.
- 255.223 Required supervision of private mortgagors.
- 255.224 Non-discrimination in housing.
- 255.225 Discrimination in employment.
- 255.226 Covenant regarding use of property.

### **Property Requirements**

- 255.227 Eligibility of property.
- 255.228 Development of property.
- 255.229 Commercial facilities.

### **Title**

- 255.230 Eligibility of title.
- 255.231 Title evidence.

### **Cost Certification Requirements**

- 255.232 Agreement to certify cost requirements.
- 255.233 Reserved.
- 255.234 Reserved.
- 255.235 Certificate of actual cost—contents in general.
- 255.236 Reserved.
- 255.237 Reserved.
- 255.238 Reserved.
- 255.239 Reduction in mortgage amount.

## Sec.

- 255.240 Requisites of certification of actual costs.  
255.241 Cost certification incontestable.

**Subpart D—Contract Rights and Obligations**

- 255.401 Insurance of mortgage.

**Mortgage Insurance Premiums**

- 255.402 Amount of MIP to be collected from the mortgagor.  
255.403 Methods of payment of MIP.  
255.404 Annual payment of MIP on a level percentage of the declining principal balance.  
255.405 Duration of MIP.  
255.406 Pro rata payment of annual MIP.  
255.407 Late charge-payment of MIP.

**Default Under the Mortgage**

- 255.410 Definition of default.  
255.411 Date of default.  
255.412 Notice of default.  
255.413 Reinstatement of defaulted mortgage.  
255.414 Forbearance relief.

**Termination**

- 255.415 Termination of coinsurance contract.  
255.416 Notice and date of termination by Commissioner.  
255.417 Effect of termination.

**Claim Procedure**

- 255.420 Acquisition of property.  
255.421 Deed in lieu of foreclosure.  
255.422 Notice to Commissioner.

**Payment of Insurance Benefits**

- 255.423 Method of payment.  
255.424 Disposition of property and application for insurance benefits.  
255.425 Amount of payment.  
255.426 Items included in payment.  
255.427 Items deducted from payment.

**Amendments**

- 255.428 Effect of amendments.

Authority: Section 244 of the National Housing Act, 12 U.S.C. 1715z(9).

**Subpart A—General Provisions****§ 255.1 Purpose.**

(a) Section 307 of the Housing and Community Development Act of 1974 amended the National Housing Act by adding a new section 244 entitled, "Coinsurance." Section 244 authorizes the Secretary of Housing and Urban Development to insure and make a commitment to insure, under any provision of title II of the National Housing Act, any mortgage otherwise eligible for insurance under such provisions, pursuant to a coinsurance contract providing that the lender will (1) assume a percentage of any loss and (2) carry out (subject to audit, exception, or review requirements) such credit approval, appraisal, inspection, commitment, property disposition or other functions as the Secretary approves.

(b) Section 311 of the Housing and Community Development Act of 1974 also added a new section 223(f) to the National Housing Act. Section 223(f) authorizes the Secretary to insure a mortgage executed in connection with the purchase or refinancing of an existing multifamily project.

(c) It is intended that a demonstration coinsurance program under section 244 to provide insured financing or refinancing for existing housing will assist in the conservation of neighborhoods and existing housing resources. By placing some of the risks, which HUD now assumes when insuring mortgages on approved private mortgage lenders, the demonstration program authorized by section 244 could help to assure more careful initial evaluation of existing projects by lenders who are willing to accept some, but are unwilling to accept all, of the risk of mortgage lending for rental housing projects. It could also make feasible assumption by lenders of the processing responsibilities incidental to a mortgage insurance program and perhaps reduce the present length of time required to approve applications for mortgage insurance.

(d) Congress, in enacting section 307 of the Housing and Community Development Act of 1974, which authorized the program which would be implemented by this part, made clear that it was concerned that implementation of this program not disrupt the mortgage market or reduce the availability of mortgage credit to borrowers who depend on mortgage insurance authorized under provisions of the National Housing Act other than section 244. The Congress also indicated its concern that in delegating mortgage insurance processing duties to lenders, physical inspections of dwelling units be continued in accordance with the same standards used under the regular FHA program. To accord with these concepts, this part sets forth Department's regulations describing a coinsurance program for mortgages on existing multifamily projects underwritten by private mortgage lenders.

(e) In recognition of the capabilities of private lenders, these regulations vest the maximum amount of processing responsibilities with these lenders and to the maximum extent permissible under the statutes authorizing this program, permit these lenders to retain autonomy in their underwriting practices.

(f) The authority for the program to be implemented by this part expires on September 30, 1980. No mortgage shall be insured pursuant to this part after the Secretary's authority to insure pursuant

to this part shall have expired except pursuant to a commitment to insure made before that date.

**§ 255.2 Effect of implementation of program on mortgage market.**

Section 244 of the National Housing Act requires that no contract of coinsurance will be entered into under this part until the Secretary has, after due consultation with the mortgage lending industry, determined that the program described in this part will not disrupt the mortgage market or reduce the availability of mortgage credit to borrowers who depend upon mortgage insurance provided under provisions of the National Housing Act other than section 244. The mortgage lending industry has received adequate opportunity through the public comment period which was devoted to these regulations when proposed to make its views known and the issuance of these regulations shall be considered a determination that no adverse effects on the mortgage market are reasonably predictable from such an issuance. The Department intends, however, to continuously monitor the impact of this program and to consider evidence submitted at any time which would tend to suggest that disruptions in the mortgage market or reduced availability of mortgage credit to borrowers are causally related to the availability of coinsurance under this part.

**§ 255.3 Utilization of existing multifamily insurance authorities.**

Mortgages for multifamily projects which meet the requirements for eligibility of this part shall be insured under section 207 pursuant to section 223(f) and pursuant to section 244 of the National Housing Act and the regulations implementing those sections as set forth in this part.

**§ 255.4 Effect of availability of coinsurance or insurance otherwise authorized.**

No insurance authorized under any provision of the National Housing Act other than section 244 of that Act shall be withdrawn, denied, or delayed by reason of the availability of insurance under the program authorized by this part.

**§ 255.5 Effect of availability of coinsurance on flow of mortgage credit to older, declining areas.**

Insurance will continue to be available under this part only to the extent the Secretary has determined that the availability of insurance authorized by this part does not adversely affect the flow of mortgage credit to older, and lower-cost housing. Insurance

authorized by this part will not be available for mortgages on properties which are eligible to be insured solely pursuant to the authority of section 223(e) of the National Housing Act.

#### § 255.6 Safeguards for consumers.

(a) The inspection of repairs and improvements on projects covered by mortgages approved for coinsurance prior to the beginning of repairs under this part shall be conducted in accordance with the intent of the standards and criteria set forth in subpart S of part 200 of this chapter and used with respect to dwellings or projects approved for mortgage insurance under provisions of title II of the National Housing Act other than section 244.

(b) Principals in projects proposed to be financed with mortgages insured under this part shall comply with the Previous Participation Review and Clearance Procedure of §§ 200.210-200.218 of 24 CFR Part 200.

(c) The Secretary is responsible for compliance with the National Historic Preservation Act, to the extent applicable to properties repaired with mortgage financing pursuant to this part.

#### § 255.7 Definition of private lender.

To be an eligible mortgagee under this part, the institution must be a savings bank, a savings and loan association, a commercial bank, or other such depository institution whose deposits are insured by the Federal Deposit Insurance Corporation, by the Federal Savings and Loan Insurance Corporation, or by an agency or instrumentality of a State; or any not-for-profit corporation established and wholly-owned or controlled by any such insured depository institutions.

#### § 255.8 Definitions.

As used in this subpart the following terms shall have the meaning indicated:

(a) "Commissioner" means the Federal Housing Commissioner.

(b) "Act" means the National Housing Act, as amended.

(c) "Mortgage" means such a first lien upon real estate and other property as is commonly given to secure advances on, or the unpaid purchase price of, real estate under the laws of the State, district, or territory in which the real estate is located, together with the credit instruments, if any, secured thereby.

(d) "Insured mortgage" means a mortgage which has been insured by the endorsement of the mortgage note pursuant to this part by the Commissioner, or his duly authorized representative.

(e) "Contract of coinsurance" means the agreement between the private lender and the Commissioner for the coinsurance of a mortgage evidenced by the endorsement of a mortgage note by the Commissioner and includes the terms, conditions and provisions of this part and of the National Housing Act.

(f) "Mortgagor" means the original borrower under a mortgage and its successors and such of its assigns as are approved by the Commissioner.

(g) "Mortgage insurance premium" means the mortgage insurance premium paid by the lender to the Commissioner in consideration of the contract of insurance.

#### Subpart B—Approval of Private Lender as Coinsurer

##### § 255.101 Review of operation prior to approval as coinsurer.

Approval of a private lender as defined in § 255.7, as a coinsurer of mortgage loans, eligible to underwrite and service mortgages on multifamily projects for coinsurance, will be made for lenders who have requested approval and who are currently approved as mortgagees under the provisions of §§ 203.2 or 203.4 of this chapter, after a review of the lender's operations by HUD as prescribed in § 255.102 of this part.

##### § 255.102 Technical review prior to approval as a coinsurer.

A lender's technical staff and procedures must undergo a review by the Commissioner prior to being approved as a coinsurer. This review shall include an on-site evaluation of the lender's operations, specifically, adequacy of technical staff, procedures for screening and processing applications for mortgage insurance, and capability to service such mortgages, supervise project management and carry out property disposition. As part of this review, the following special requirements are necessary for certification as an approved coinsurer eligible to underwrite mortgages for multifamily projects under this part:

(a) It shall provide a written opinion of its Counsel that it has the necessary powers to participate in the program authorized under this part;

(b) It shall submit such evidence as the Commissioner may require regarding a net worth, surplus accounts, equity capital or other similar category satisfactory to the Commissioner of at least \$1,000,000, and evidence that its assets, which must be acceptable to the Commissioner, are properly proportioned to its liabilities and are

adequate for the character and extent of its intended operations;

(c) it shall submit evidence to the Commissioner that it has the ability, either through technical staff employed by it, or through contracts with persons not on the lender's staff, for discharging full mortgage underwriting, servicing, and management and property disposition functions in a manner which is consistent with the requirements of this part.

(d) It shall submit to periodic auditing and review by the Commissioner, the Inspector General or the Comptroller General of the United States with respect to its participation in the program authorized by this part.

(e) It shall submit its most recent detailed audit report of its books made by an independent certified public accountant selected in accordance with applicable State law or procedures, or by an independent public accountant licensed by a regulatory authority of a State or other political subdivision on or prior to December 31, 1970. The audit may be supplemented by such additional information as the Commissioner shall request;

(f) It shall file with the Commissioner similar annual audits (1) within such period of time required pursuant to applicable State law and procedures or (2) within 75 days of the closing of its fiscal year so long as it continues as an approved lender;

(g) It shall promptly notify the Commissioner of any adjustments in its processing procedures which take place after its certification as an approved lender and shall make no adjustments in its processing procedures that are inconsistent with the requirements of this part;

(h) It shall have in its immediate employ a technical staff consisting of individuals who are knowledgeable in the areas of construction, underwriting and the management and disposition of multifamily projects;

(i) It shall have in its immediate employ staff with sufficient professional and technical competence to monitor the performance including fraud, waste, and mismanagement, of any work it contracts to have done by persons not in the lender's employ such as appraisals, cost, credit analysis, architectural, engineering and management services;

(j) All appraisers assigned by the lender to determine the value of properties intended to serve as security for coinsured mortgages must adhere to minimum standards of education and experience established by the Commissioner;

(k) It shall file with the Commissioner satisfactory proof that it has the

capacity to service mortgages coinsured pursuant to this part.

(l) It shall abide by all applicable requirements issued by the Commissioner for discharging its mortgage underwriting, servicing, and management and property disposition functions pursuant to this part.

#### § 255.103 Duration of approval.

Initial certification of a private lender as an approved coinsurer under § 255.102 of this part will be valid until the Secretary's authority to coinsure pursuant to this part shall have expired, unless such approval is withdrawn pursuant to the provisions of § 255.104 of this part. A temporary lapse in the Secretary's authority to coinsure shall not terminate lenders' approved coinsurer status. However, lenders are responsible during such periods for suspending issuance of commitments, extension of commitment periods, reopening of expired commitments, and mortgage modifications.

#### § 255.104 Withdrawal of approval.

(a) Except as provided in § 255.105, the Commissioner may refrain from endorsing a credit instrument for mortgage insurance authorized by this part with respect to any project proposed for coinsurance by a private lender which has been given written notice by the Commissioner that its approval as a coinsurer under this part has been suspended or withdrawn. Certification as an approved lender under this part may be suspended or withdrawn pursuant to the provisions of part 24 of this title for any of the following causes:

- (1) Failure to maintain satisfactory capital funds or structure;
- (2) Failure to perform underwriting, servicing, or management and property disposition functions consistent with the requirements of this part;
- (3) Failure to discharge its responsibilities under a coinsurance contract;
- (4) Failure to segregate all escrow funds received from mortgagors on account of ground rents, taxes, assessments and insurance premiums, and to deposit such funds to a special account or accounts;
- (5) Use of escrow funds for any purpose other than that for which they were received;
- (6) Payment by the lender of any fee, kickback, or other consideration, directly or indirectly, in connection with any insured mortgage transaction or transactions to any person including an attorney, escrow agent, title company, consultant, mortgage broker, seller, builder, or real estate agent if such

person has received any other payment or other consideration from the mortgagor, the seller, the builder, or any other person for services related to such transaction or transactions or from or related to the purchase or sale of the mortgaged property, except that compensation may be paid for the actual performance of such services as may be approved by the Commissioner.

(7) Such other reasons as the Commissioner determines to be justified in accordance with Part 24 of this title, by action of the agency review board in accordance with Part 25 of this title or § 203.7 of this chapter.

(b) A principal whose participation in a proposed project has been disapproved and whose request for reconsideration has resulted in confirmation of the disapproval may appeal under § 24.10 of this title.

#### § 255.105 Effects of withdrawal or suspension of approval as a coinsurer on insurance commitments made by the coinsurer while it was approved.

Withdrawal suspension, or termination of a private lender as an approved coinsurer under this part will not affect any mortgage insurance commitments issued or the insurance of any mortgages accepted for insurance while the lender was an approved coinsurer.

#### § 255.106 Mortgage servicing and obligations during coinsurance period.

Servicing functions during the period when the Commissioner is a coinsurer of the mortgage shall be performed only by the lender, except that the lender may elect to delegate servicing to another entity if the lender retains its obligations under this part. This servicing entity need not be an eligible mortgagee as defined in § 255.7 supra, but must be a HUD approved mortgagee pursuant to Subpart A, §§ 203.1-203.10. The lender is required to inform the Department of any servicing transfers, and may be required to rescind any servicing so delegated if such servicing is unsatisfactory to HUD. During the coinsurance period the lender may not transfer its risk of loss which would result from default of a coinsured mortgage through reinsurance or otherwise.

#### § 255.107 Required regulatory agreement with mortgagors.

(a) The lender and the mortgagor shall effect an agreement whereby the mortgagor, as further consideration for the making of the mortgage loan, contracts with the lender that it will fulfill the provisions of subpart C, §§ 255.222 through 255.226. Such regulation or restriction will be in the

form of a regulatory contract between the mortgagor and the lender which shall be responsible for enforcing the provisions of the regulatory contract.

(b) The lender may regulate and restrict the mortgagor, as long as the Commissioner and the lender are coinsurers of the mortgage, on such other matters as may be required by the lender as conditions for lending which do not conflict with the requirements of the Commissioner under this part, as determined by the Commissioner.

#### Subpart C—Eligibility Requirements Applicable to Mortgages Insured Under Section 207 Pursuant to Section 223(f)

##### § 255.201 Application.

The application for a commitment to make a coinsured mortgage loan on a project shall be submitted to the lender, as agent for the Secretary, by the sponsor of such project accompanied by such exhibits as may be required by the lender to enable the lender to comply with requirements for coinsurance of the mortgage established under this part.

##### § 255.202 Application fees, inspection fees, and service charges.

The lender may collect from the mortgagor such application fees, inspection fees, and initial service charges as it may require to reimburse itself for the cost of processing an application, conducting inspections, and closing a mortgage transaction. In no event will the total fees be permitted to exceed those allowed in the fully-insured section 223(f) program.

##### § 255.203 Processing and commitment.

The lender shall, as agent for the Secretary, perform all of the processing, including the issuance of both conditional and firm commitments, and make all of the determinations of the eligibility of a mortgage for coinsurance under this part. The firm commitment to insure upon completion shall be effective for 90 days. The term of the commitment may be extended or may be amended in such a manner as the lender may prescribe from time to time pursuant to an application to the Commissioner for such extension or amendment of said commitment, which application shall be acted upon by the Commissioner and returned to the lender promptly after receipt thereof. An expired commitment may be reopened if a request for reopening is received by the lender from the mortgagor within 90 days of the expiration of the commitment and the Commissioner shall act upon the application for reopening of such expired commitment in the manner

prescribed for amendment or extension of commitments herein above set forth.

#### Eligible Mortgages

##### § 255.208 Refinancing of mortgages in portfolio.

The Commissioner may coinsure mortgages refinancing loans already held in an approved lender's portfolio, provided that (a) the loan is current in payments and has not been in default modification, or forbearance at any time during a continuous period of at least two years preceding the date of insurance application; (b) such portfolio loans of an approved lender do not exceed one-fourth of the total number of loans submitted by that approved lender for coinsurance pursuant to this part in any period of twelve consecutive months; and (c) the Commissioner retains discretion to review prior to commitment the lender's property appraisal and mortgage credit analysis with respect to such transactions.

##### § 255.209 Mortgage provisions.

The mortgage shall be:

(a) Executed on a form approved by the Commissioner for use in the jurisdiction in which the property covered by the mortgage is situated, which form shall not be changed without the prior written approval of the Commissioner.

(b) Executed by a mortgagor with the qualifications as provided by this subpart.

(c) A first lien on property that conforms with the intent of the property standards prescribed by the Commissioner.

##### § 255.210 Mortgage lien and other obligations.

A mortgagor shall certify at endorsement of the loan for insurance and the lender shall determine that:

(a) The property covered by the mortgage is free and clear of all liens other than the insured mortgage and such other liens as may be approved by the lender, in accordance with standards established by the Commissioner. Liens other than the insured mortgage which may be approved (other than liens of taxes and assessments of the State or subdivisions of the State not yet due and payable, or ground rents) may not have under applicable law a priority equal or superior to the insured mortgage.

(b) There will not be outstanding unpaid obligations contracted for in connection with the mortgage transaction, the purchase of the mortgage property, or the repairs and improvements to the project, except obligations approved by the lender, in

accordance with standards established by the Commissioner. Obligations of the mortgagor shall be approved by the lender under this section only if such obligations are determined by the lender to be of a lesser priority for payment than the obligation of the insured mortgage.

(c) When a loan is made to finance the purchase of an existing multifamily housing project, the mortgagor may not have any additional obligations in connection with the transaction which exceed the lesser of:

(1) Seven and one-half percent of the lender's estimate of value as defined in § 255.211(b), or

(2) seven and one-half percent of the cost of acquisition as defined in § 255.211(d).

(d) When a loan is made to refinance an existing multifamily housing project, the mortgagor may not have any additional obligations in connection with the transaction which exceed the lesser of:

(1) Seven and one-half percent of the lender's estimate of value, or

(2) Fifty percent of the difference between the cost to refinance as defined in § 255.211(c)(2) and the maximum mortgage amount as determined by the lender.

(e) The additional obligations, if any, provided for in paragraphs (c) and (d) of this section shall be represented by promissory notes on forms approved by the Commissioner. Such notes shall not be due and payable until the maturity date of the mortgage to be insured pursuant to this part, but may be prepaid from surplus cash and in accordance with the conditions prescribed in the regulatory agreement between the lender and the mortgagor.

##### § 255.211 Maximum mortgage amounts.

In addition to the limitations in paragraphs (c) and (d) of this section, a mortgage may not involve a principal obligation in excess of the lesser of the following:

(a) *Dollar limitations on units.*

(1) The total of the amounts per family dwelling unit for other than elevator type structures (excluding exterior land improvements as defined by the Commissioner) depending upon the number of bedrooms, which may be: \$19,500 per family unit without a bedroom, \$21,600 per family unit with one bedroom, \$25,800 per family unit with two bedrooms, \$31,800 per family unit with three bedrooms, \$36,000 per family unit with four or more bedrooms.

(2) The dollar amount limitations per family unit provided in paragraph (a)(1) of this section may be increased by up to 20 percent if such increase is

necessary to account for the cost of the purchase and installation of a solar energy system.

(3) *Increased mortgage amount—elevator type structures.* In order to compensate for the higher costs incident to construction of elevator type structures of sound standards of construction and design, the lender may, pursuant to guidelines issued by the Commissioner, increase the dollar amount limitations per family unit for these type structures to not in excess of: \$22,500 per family unit without a bedroom, \$25,200 per family unit with one bedroom, \$30,900 per family unit with two bedrooms, \$38,700 per family unit with three bedrooms, \$43,758 per family unit with four or more bedrooms.

(4) *Increased mortgage amount—high cost areas.* (i) In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase, by not to exceed 75 percent, the dollar amount limitations set forth in paragraphs (a) (1) and (3) of this section. In such high cost areas, where the Commissioner determines it necessary on a project-by-project basis, the Commissioner may increase these dollar amount limitations by not to exceed 90 percent.

(ii) If the Commissioner finds that because of high costs in Alaska, Guam, or Hawaii, it is not feasible to construct dwellings without the sacrifice of sound standards of construction, design, and livability within the limitations of maximum mortgage amounts provided in this section, the principal obligation of mortgages may be increased in such amounts as may be necessary to compensate for such costs but not to exceed in any event the maximum, including high cost area increases, if any, otherwise applicable by more than one-half thereof.

(b) *Value.* An amount not exceeding 85 percent of the lender's estimate of value.

(1) The final estimate of value for the purpose of this section shall result from consideration of three indicators of value:

(i) The estimated market value of the project by capitalization;

(ii) The estimated market value by direct sales comparison;

(iii) The total estimated replacement cost of the project (without deducting depreciation).

(2) Capitalization will use net income which results from market rents estimated by comparison with unsubsidized projects, capitalized at rates extracted from market transactions of comparable properties. Market value by direct sales comparison will be estimated by comparison of the

subject property with competing properties recently sold, using at least two units of comparison. The total estimated replacement cost of the project (before depreciation) provides only an upper limit. The final estimate of value must lie between that indicated by capitalization and that indicated by direct sales comparison, but in no event shall the final estimate of value exceed the total estimated replacement cost of the project.

(c) *Property to be refinanced.* If the property is to be refinanced by the insured mortgage without a change of ownership, or, if property is sold to a purchaser who has an identity of interest with the seller and the purchase is to be financed with the insured mortgage, then the maximum mortgage amount shall not exceed the greater of:

(1) 70 percent of the lender's estimate of value of the project, or,

(2) The cost to refinance the existing indebtedness which will consist of the following items, the eligibility and amounts of which must be determined by the lender:

(i) The amount required to pay off the existing indebtedness;

(ii) An amount for the initial deposit for the reserve fund for replacements;

(iii) Reasonable and customary legal, organizational, title, and recording expenses, including discounts charged by the lender;

(iv) The estimated repair costs, if any, including the estimated cost of installing safety and fire prevention components, as defined by the Commissioner, in the project;

(v) Architect's municipal inspection and/or engineering fees.

(d) *Property to be acquired.* If the project is to be acquired by the mortgagor and the purchase price is to be financed with the insured mortgage, the maximum amount shall not exceed 85 percent of the cost of acquisition as determined by the lender. The cost of acquisition shall consist of the following items (to the extent that each item is paid by the purchaser separately from the purchase price), the eligibility and amounts of which must be determined by the lender:

(1) Purchase price as indicated in the purchase agreement;

(2) An amount for the initial deposit to the reserve fund for replacements;

(3) Reasonable and customary legal, organizational, title, and recording expenses, including discounts charged by the lender, as permitted by the Commissioner;

(4) The estimated repair cost, if any, including the estimated cost of installing fire prevention and safety components,

as defined by the Commissioner, in the project;

(5) Architect's and engineer's fees, municipal inspection fees, and any other required professional or inspection fees.

(e) *Debt service.* An amount that can be amortized by 85 percent of the projected net income of the project after payment of operating expenses and taxes.

(f) *Reduced mortgage amount—leaseholds.* In the event the mortgage is secured by a leasehold estate rather than a fee simple estate, the value of the property described in the mortgage shall be the value of the leasehold estate (as determined by the lender) which shall in all cases be less than the value of the property in fee simple.

#### § 255.212 Maturity.

The mortgage shall have a maturity satisfactory to the lender, not less than 10 years, nor shall it exceed the lesser of 35 years or 75 percent of the estimated remaining economic life of the physical improvements. The term of the mortgage shall begin on the first day of the second month following the date of endorsement of the mortgage for insurance upon completion.

#### § 255.213 Payment requirements.

*Method of payment.* The mortgage shall provide for monthly payments on the first day of each month on account of interest and principal and shall provide for payments in accordance with an amortization plan as agreed upon by the mortgagor, and the lender. The Commissioner may prohibit specific types of mortgage instruments which would have the effect of automatically adjusting the mortgage interest rate as established at time of endorsement of the loan pursuant to § 255.214.

#### § 255.214 Maximum mortgage interest rate.

(a) Commitments to insure shall be issued at an interest rate not exceeding any HUD maximum limit applicable to Section 223(f) loans at the time of commitment.

(b) The insured mortgage shall bear interest at such rate as may be agreed upon by the mortgagor and the lender but such rate shall not exceed the rate specified in the commitment to insure. At the option of the lender, it may issue an amended commitment to insure at a higher or lower interest rate. If the amended commitment is to insure at a higher rate, such higher rate shall not exceed the maximum rate in effect at the time of the issuance of the amended commitment which shall be no later than the date that the mortgage is endorsed for insurance. The lender shall

only request a commitment to insure a mortgage at a higher rate than that specified in the original commitment to insure if it is determined by the lender that the project which is the security for the mortgage will be able to charge the increased rentals required to amortize a mortgage at the higher rate without adversely affecting the economic soundness of the project. Such increase in the interest rate requires reprocessing of the application in order to determine the new debt service limitation and, where appropriate, a new capitalization rate and value.

#### § 255.215 Mortgage to cover the entire property.

The mortgage shall cover the entire property included in the housing project.

#### § 255.216 Covenant for hazard insurance.

The mortgage shall contain a covenant acceptable to the Commissioner binding the mortgagor to keep the property insured by a standard policy or policies against loss from fire and such other hazards as the lender, upon the insurance of the mortgage, may stipulate, in an amount which will comply with the coinsurance clause applicable to the location and character of the property, but not less than 80 percent of the actual cash value of the insurable improvements and equipment of the project. The policies evidencing such insurance shall have attached thereto a standard mortgagee clause making loss payable to the lender and the Commissioner as their interests may appear.

#### § 255.217 Soundness of project.

No mortgage shall be accepted for insurance unless the lender finds that the property or project with respect to which the mortgage is executed is economically sound, except that as to mortgages covering property located in Alaska, or in Guam, or in Hawaii, no mortgage shall be accepted for insurance unless the lender, with prior notice to the Commissioner finds that the property or project is an acceptable risk giving consideration to the acute housing shortage in Alaska, or in Guam, or in Hawaii.

#### § 255.218 Accumulation of accruals.

(a) The mortgage shall provide for payments by the mortgagor to the lender on each interest payment date of an amount sufficient to accumulate in the hands of the lender one payment period prior to its due date, the next annual mortgage insurance premium. Such payments shall continue only so long as the contract of coinsurance shall remain in effect.

(b) The mortgage shall provide for such equal monthly payments by the mortgagor to the lender as will amortize the ground rents, if any, and the estimated amount of all taxes, water rates and special assessments, if any, and fire and other hazard insurance premiums, within a period ending one month prior to the date on which the same become delinquent, the mortgage must also make provisions for adjustments, in case the estimated amount of such taxes, water rates and assessments, and insurance premiums shall prove to be more, or less than the actual amount thereof so paid by the mortgagor.

**§ 255.219 Application of mortgage payments.**

The mortgage shall provide that all monthly payments being made by the mortgagor to the lender shall be added together and the aggregate thereof shall be paid by the mortgagor upon each monthly payment date in a single payment. The lender shall apply all payments received from the mortgagor or for the account of the mortgagor to the following items in the order set forth:

- (a) Premium charges under the contract of insurance, where applicable.
- (b) Ground rents, taxes, special assessments and fire and other hazard insurance premiums.
- (c) Interest on the mortgage.
- (d) Amortization of the principal of the mortgage.

**§ 225.220 Prepayment privileges.**

The mortgage may establish such conditions or penalties for prepayment as may be agreed upon by the lender and mortgagor.

**§ 225.221 Late charges.**

The mortgage may provide for the collection by the lender of a late charge, not to exceed four cents for each dollar, of each payment to interest and principal more than 15 days in arrears, or such other charges as may be agreed to by the lender and the Commissioner, to cover the extra expense involved in handling delinquent payments. Late charges shall be separately charged to and collected from the mortgagor and shall not be deducted from any aggregate monthly payment.

**Supervision of Mortgages**

**§ 255.222 In general.**

In order to be eligible for the benefit of insured financing under this part, a mortgagor must agree to be regulated and restricted by the lender as to rents, sales, charges, capital structure, rate of return, and methods of operation.

**§ 255.223 Required supervision of mortgagors.**

The regulatory agreement required by § 255.107 shall provide that the following items are regulated or restricted:

(a) *Capital structure.* (1) The number of shares of capital stock, in the case of a corporation, may be issued in such amounts and form as may be agreed upon by the sponsors and the lender prior to the endorsement of the mortgage for insurance and

(2) In the case of a trust entity beneficial certificates of interest may be issued in such amounts and form as may be agreed upon by the mortgagor and the lender.

(b) *Rate of return.* Dividends or other distributions, as defined in the charter, trust agreement, or regulatory agreement, may be declared or made only as of or after the end of a semiannual or annual fiscal period. No dividends or other distributions shall be declared or made except out of surplus cash legally available and remaining after:

(1) The payment of: (i) All sums due or currently required to be paid under the terms of any mortgage or note insured under this part;

(ii) All amounts required to be deposited in the reserve fund for Replacements;

(iii) All obligations of the project other than the mortgage insured under this part unless funds for payment are set aside or deferment of payment has been approved by the lender.

(2) The segregation of: (i) An amount equal to the aggregate of all special funds required to be maintained by the project;

(ii) All tenant security deposits held. No distributions of any kind may be made from borrowed funds.

(c) *Rents and charges.* No charge shall be made by the mortgagor for the accommodations, facilities, or services offered by the project in excess of those approved by the lender, and subject to further review by the Commissioner, in writing prior to the opening of the project for rental. In approving such charges and in passing upon applications for changes, consideration will be given to the following and similar factors:

(1) Rental income necessary to maintain the economic soundness of the project.

(2) Rental income necessary to provide reasonable return on the investment consistent with providing reasonable rentals to tenants.

(d) *Methods of operation.* (1) The mortgagor shall maintain its project, the grounds, buildings, and equipment

appurtenant thereto, in good repair and will promptly complete necessary repairs and maintenance as required by the lender.

(2) In all projects, a fund for replacement shall be established and maintained with the lender. The amount and type of such fund and the conditions under which it shall be accumulated, replenished, and used, shall be specified in the regulatory agreement.

(3) The mortgagor, its property, equipment, buildings, plans, offices, apparatus, and devices, books, contracts, records, documents, and papers shall be subject to inspection and examination by the Commissioner and the lender, or their authorized agents at all reasonable times.

(4) The mortgagor shall execute and deliver to the Commissioner or the lender a certificate that the books and accounts of the mortgagor will be established and maintained in a manner satisfactory to the lender on the date the certificate is executed. Such certificate shall be to the effect that so long as the mortgage is coinsured the mortgagor's books and accounts will be kept in accordance with the requirements of the lender, will be in such form as to permit a speedy and effective audit and as may otherwise be prescribed by the lender, will be maintained for such periods of time as may be prescribed by the lender, and will be available to the Commissioner, the lender and to the Comptroller General of the United States for such examination and audits as they may desire to make. The mortgagor shall file with the Commissioner and the lender the following reports verified by the signature of such officers of the mortgagor as the lender may designate and in such form as prescribed by the lender.

(i) Monthly occupancy reports, when required by the lender.

(ii) Complete annual financial reports based upon examinations of the books and records of the mortgagor, prepared in accordance with the requirements of the lender, certified to by an officer of the mortgagor and, when required by the lender, prepared and certified by a Certified Public Accountant (or other person acceptable to the lender), such reports to be submitted within sixty (60) days after the end of each fiscal year.

(iii) Specific answers to questions upon which information is desired from time to time relative to the actual cost of repairs and improvements, the disposition of mortgage funds, the operation and condition of the property and the status of the insured mortgage;

(iv) Properly certified copies of minutes of meetings of the directors,

officers, stockholders, shareholders, or beneficiaries.

**§ 255.224 Nondiscrimination in housing.**

The mortgagor shall certify in the regulatory agreement required by § 255.107 that so long as the mortgage is coinsured under this part the mortgagor will do the following:

(a) Agree to refrain from utilizing criteria or methods of selecting tenants which discriminate against any family by reason of the fact that there are children in the family, unless the project was designed specifically for occupancy by elderly people; or discriminate against any family by reason of the sex of household head.

(b) Comply with the provisions of title VIII of the Civil Rights Act of 1968, as amended, and regulations issued pursuant thereto, which prohibits discrimination because of race, color, creed, sex, or national origin, and administer the program and related activities in a manner to affirmatively further fair housing. The applicant shall also comply with similar State and local fair housing laws and ordinances.

(c) Comply with the provisions of Executive Order 11063 on Equal Opportunity in Housing which deals with preventing discrimination on the basis of race, color, creed or national origin in housing and related facilities provided through Federal financial assistance and all regulations issued pursuant thereto.

(d) Not rent, permit the rental or permit the offering for rental of the housing, or any part thereof, covered by such mortgage, for transient or hotel purposes. For the duration of the regulatory agreement, the term rental for transient or hotel purposes shall mean (1) rental for any period less than 30 days, or (2) any rental, if the occupants of the housing accommodations are provided customary hotel services, such as room service for food and beverages, maid service, furnishing and laundering of linens, and bellboy service;

(e) Not sell the project as long as the mortgage is coinsured under this part, unless the purchaser also certifies under oath as is required by this section.

**§ 255.225 Discrimination in employment.**

The mortgagor shall certify (on a form approved by the Department) that he (it) will not discriminate on the basis of race, color, creed, sex or national origin against any employee or applicant for employment. Any contract or subcontract executed for project repairs and improvements shall contain a provision to this effect. In addition, the provisions of Executive Order 11246 and

title 24 CFR Part 130 shall apply, when appropriate, to such contracts.

**§ 255.226 Covenant regarding use of property.**

The mortgage shall contain a covenant prohibiting the use of the property covered thereby for any purpose other than that for which it was intended at date the mortgage was executed.

**Property Requirements**

**§ 255.227 Eligibility of property.**

(a) A mortgage to be eligible for insurance shall be on real estate held:

(1) In fee simple; or  
(2) On the interest of the lessee under a lease for not less than 99 years, which is renewable; or

(3) Under a lease having a period of not less than 75 years to run from the date the mortgage is executed; or

(4) Under a lease executed by a governmental agency, or such other lessor as the Commissioner may approve for the maximum term consistent with the legal authority for the execution of such lease, provided that the term of any such lease shall run for a period of not less than 50 years from the date the mortgage is executed.

(b) The property constituting security for the mortgage must be held by an eligible mortgagor as herein defined and must at the time the mortgage is insured be free and clear of other liens except those approved by the lender.

**§ 255.228 Development of property.**

(a) *Obligation of the mortgagor.* The mortgagor shall be obligated to either purchase or refinance existing housing and make such repairs and improvements as are deemed necessary by the lender. The property must not require substantial rehabilitation as hereinafter defined. The property, including improvements, shall comply with any material zoning or deed restrictions applicable to the project site and with all applicable building and other governmental regulations.

(b) *Displacement.* In accordance with the policy of minimizing displacement in the conduct of its programs, the mortgagor's application shall include a plan to minimize involuntary displacement of tenants, if it is contemplated that repairs financed with insured mortgage proceeds will cause involuntary displacement.

(c) *Properties requiring substantial rehabilitation.* Properties requiring substantial rehabilitation are those properties which do not provide safe and adequate shelter; and in their present condition endanger the health and well-being of the occupants. Such

housing has a critical defect or combination of critical defects requiring extensive repair or rebuilding, or necessitating required repairs, the cost of which would exceed the greater of:

(1) 15 percent of the property's value after repairs; or

(2) \$3,000 per dwelling unit, or such higher amount that the Commissioner determines is justified when compared with amounts expended in the area for the majority of other rehabilitation projects assisted by the Department.

(d) *Costs of replacement items and fire safety equipment.* In determining whether a property exceeds the substantial rehabilitation threshold described in paragraphs (c)(1) and (2) of this section, the lender may exempt from the total which must not exceed the threshold, the purchase price but not the installation cost of the following specific items of replacement or fire safety equipment:

- (1) Replacement of:
  - (i) Ranges/hoods,
  - (ii) Ovens,
  - (iii) Refrigerators,
  - (iv) Garbage disposals, and
  - (v) Dishwashers.
- (2) Fire safety equipment required by Federal, State or local law.

(e) *Critical defect.* As used herein, the term "critical defect" shall include, but is not limited to: Holes, open cracks, or loose or missing material over a large area of outside walls, roof, chimney, inside walls, floors or ceilings; insubstantial or sagging floors, walls or roof; extensive damage by storm, fire or flood; inadequate or potentially hazardous utility systems and equipment; a lack of hot running water, a usable flush toilet, a tub or shower.

(f) *Minimum number of units.* A project shall consist of not less than five dwelling units.

(g) *Date of application.* In order to be eligible for mortgage insurance under this part, 3 years must have elapsed from the date of completion of the project or beginning of occupancy (whichever is later) to the date of application for mortgage insurance.

(h) *Financial viability.* The project shall have attained sustaining occupancy (occupancy that would produce rental income sufficient to pay operating expenses, annual debt service and reserve fund for replacement requirements) as determined by the lender, prior to endorsement of the project for insurance; or else the mortgagor shall provide an operating deficit fund at the time of endorsement for insurance, in an amount, and under an agreement, approved by the lender.

**§ 255.229 Commercial facilities.**

The project may include only such commercial and community facilities as the lender determines will be adequate and appropriate to serve the occupants. In no event shall net rentable commercial area exceed 20 percent of the total net rentable area, both commercial and residential. Notwithstanding the above, this limitation may be waived, for good cause, by the Commissioner.

**Title****§ 255.230 Eligibility of title.**

In order for the mortgaged property to be eligible for insurance, the lender must determine that marketable title thereto is vested in the mortgagor as of the date the mortgage is filed for record. The title evidence will be examined by the lender and the original endorsement of the credit instrument for insurance will be evidence of its acceptability.

**§ 255.231 Title evidence.**

Upon insurance of the mortgage, the mortgagor shall furnish to the lender a survey of the mortgaged property, satisfactory to the lender, and a policy of title insurance covering such property, as provided in paragraph (a) of this section. If, for reasons the lender deems satisfactory, title insurance cannot be furnished, the mortgagor shall furnish such evidence of title in accordance with subparagraph (2), (3), or (4) of this paragraph, as the lender may require. Any policy of title insurance, or evidence of title required under this section shall be furnished without expense to the lender. The types of title evidence are:

(a) A policy of title insurance issued by a company and in a form satisfactory to the lender. The policy shall name as the insured the lender and the mortgagor as their interests may appear. The policy shall provide that upon acquisition of title by the lender, it will become an owner's policy running to the lender.

(b) An abstract of title satisfactory to the lender, prepared by an abstract company or individual engaged in the business of preparing abstracts of title, accompanied by the legal opinion satisfactory to the lender as to the quality of such title, signed by an attorney at law experienced in the examination of titles.

(c) A Torrens or similar title certificate.

(d) Evidence of title conforming to the standards of a supervising branch of the Government of the United States of America, or of any State or territory thereof.

**Cost Certification Requirements****§ 255.232 Agreement to certify cost requirements.**

Prior to commencement of repairs and endorsement of the loan the lender shall enter into an Agreement and Certification with the mortgagor in form and content satisfactory to the Commissioner for the purpose of precluding any excess of mortgage proceeds over statutory and regulatory limitations. Under this agreement, the mortgagor shall agree:

(a) To execute a certificate of actual costs, upon completion of all physical improvements on the mortgaged property, in accordance with § 225.235 of this part.

(b) To accept the mortgage loan reduced by the amount, if any, required by § 255.239

**§ 255.235 Certificate of actual cost—contents in general.**

(a) Submission of certificate. The mortgagor's certificate of actual cost, in a form approved by the Commissioner, shall be submitted to the lender prior to endorsement and upon completion of the improvements to the satisfaction of the lender. Cost certification is not required in those refinancing transactions where 70 percent of value is the controlling mortgage limitation.

(b) The certificate shall show the actual cost to the mortgagor of acquiring the property or refinancing property which secures an existing indebtedness. Items which shall be included if paid by the mortgagor in acquiring property are listed in § 255.211(d). Items which shall be included if paid by the mortgagor in refinancing property are listed in § 255.211(c)(2) of this chapter.

(c) The certificate shall be verified by an independent certified public accountant, or by an independent public accountant licensed by a regulatory authority of a State or other political subdivision on or prior to December 31, 1970.

**§ 255.239 Reduction in mortgage amount.**

If the principal obligation of the mortgage exceeds the applicable statutory percentage of the approved actual cost, as reflected in this part, the mortgage shall be reduced by the amount of such excess prior to endorsement for insurance upon completion.

**§ 255.240 Requisites of certification of actual costs.**

Any statement of certification required by § 255.232 shall specifically state that it has been made, presented, and delivered for the purpose of influencing an official action of the

Commissioner and may be relied upon by the Commissioner and the lender as a true statement of the facts contained therein.

**§ 255.241 Cost certification incontestable.**

Upon the lender's approval of the mortgagor's certification, such certification shall be final and incontestable except for fraud or material misrepresentation on the part of the mortgagor.

**Subpart D—Contract Rights and Obligations****§ 255.401 Insurance endorsement of mortgage.**

Upon compliance with a commitment the Commissioner will insure the lender against a portion of losses resulting from nonpayment of the debt, evidencing the insurance by an appropriate endorsement by the Commissioner placed on the original credit instrument which will identify the regulations under which the loan is insured and the date of insurance. To obtain insurance endorsement, the lender shall certify to completion of repairs and improvements, and inspection thereof, and satisfaction of all conditions of the commitment, as evidenced by submission to the Commissioner of the commitment and supporting documents, such as note, mortgage, and any other exhibits required by the terms of the commitment. The mortgage shall be insured from the date of the endorsement of the credit instrument by the Commissioner. The Commissioner and the lender shall thereafter be bound by the regulations in this part with the same force and to the same extent as if a separate contract had been executed relating to the insured mortgage, including the provisions of the regulations in this subpart and of the Act.

**Mortgage Insurance Premiums****§ 255.402 Amount of MIP to be collected from the mortgagor.**

The lender shall collect from the mortgagor an MIP from the date of the contract of coinsurance which shall not exceed an initial MIP of 1 percent of the principal obligations for the first year of the mortgage and 0.5 percent per annum of the amount of the principal obligation of the mortgage outstanding at any time thereafter, without taking into account delinquent payments or prepayments.

**§ 255.403 Method of payment of MIP.**

The payment of any MIP under this subpart shall be made to the Commissioner by the lender in cash or debentures. The MIP will be paid

annually on a level percentage of the declining principal balance.

**§ 255.404 Annual payment of MIP on a level percentage of the declining principal balance.**

From the proceeds of the premium collections authorized in § 255.402, the lender shall pay to the Commissioner on the effective date of the contract of coinsurance, a first year mortgage insurance premium, covering a period of 1 year, equal to 0.75 percent of the outstanding principal balance of the mortgage. Each year thereafter, the lender, on the anniversary date of the contract of coinsurance shall pay a premium for the following year, equal to 0.38 percent per annum of the average outstanding principal obligation of the mortgage, without taking into account delinquent payments or prepayments. All premiums are payable in advance and no refund can be made of any portion thereof except as hereinafter provided in § 255.406.

**§ 255.405 Duration of MIP.**

The MIP under § 255.405 shall continue annually until the earliest date on which one of the following occurs:

- (a) The mortgage is paid in full.
- (b) A deed to the lender is filed for record, or
- (c) The contract of coinsurance is otherwise terminated with the consent of the Commissioner.

**§ 255.406 Pro rata payment of annual MIP.**

(a) If the contract of coinsurance is terminated by prepayment or voluntary termination after the due date of the initial first year MIP due in accordance with § 255.405, the Commissioner shall refund to the lender for the account of the mortgagor that portion of the current annual MIP applicable to the portion of the year subsequent to the date of termination.

(b) For the purpose of computing the pro rata portion of the annual MIP, the date of termination of coinsurance shall be the last day of the month in which the mortgage was prepaid or a voluntary termination request is received by the Commissioner.

**§ 255.407 Late charge-payment of MIP.**

Mortgage insurance premiums which are paid to the Commissioner more than 15 days after the billing date or due date, whichever is later, shall include a late charge of 4 percent of the amount of the payment due.

**Default Under the Mortgage**

**§ 255.410 Definition of default.**

The following shall be considered a default under this subpart:

(a) Failure of the mortgagor to make any payment due under the mortgage;

(b) Failure of the mortgagor to perform any other covenant under the provisions of the mortgage, if the lender because of such failure has accelerated the debt.

**§ 255.411 Date of default.**

For the purposes of this subpart, the date of default shall be considered as 30 days after:

- (a) The first uncorrected failure to perform any obligation under the mortgage; or
- (b) The first failure to make a monthly payment which is not covered by subsequent payments made by the mortgagor when such subsequent payments are applied to the overdue monthly payments in the order in which they became due.

**§ 255.412 Notice of default.**

The lender shall, within 30 days after the date of default as defined in this part, give written notice thereof to the Commissioner on a form prescribed by him, unless such default has been cured or unless the Commissioner has been notified of a previous default which remains uncured.

**§ 255.413 Reinstatement of a defaulted mortgage.**

If after default and prior to the completion of foreclosure proceedings the mortgagor shall cure the default, the insurance shall continue as if a default had not occurred. The mortgagor shall pay to the lender such expenses as the lender has incurred in connection with the foreclosure proceedings and the lender shall give written notice of reinstatement to the Commissioner.

**§ 255.414 Forbearance relief.**

A mortgagor and a lender may enter into an agreement for the reduction or suspension of regular mortgage payments according to standards set forth by the Commissioner: *Provided*, That during such periods of modification of terms or forbearance, all moneys received from rents or other sources must be applied toward the payment of operating costs, with any receipts in excess of operating costs applied during such period to payments required under the mortgage. During periods of modification in mortgage terms or forbearance in requiring payment-in-full of all payments when due under the mortgage, the mortgagor shall agree that no distribution or dividends shall be payable by the mortgagor to any shareholder, partner, or other investor in the mortgagor entity.

**Termination**

**§ 255.415 Termination of coinsurance contract.**

The contract of coinsurance for each individual mortgage shall be terminated if:

- (a) The mortgage is paid in full at maturity or is prepaid in full;
- (b) The lender acquires the mortgaged property and notifies the Commissioner that no claim for insurance benefits will be made;
- (c) After foreclosure the property is redeemed;
- (d) The property is acquired at a foreclosure sale by a party other than the lender, or
- (e) The mortgagor and lender jointly request termination.

**§ 255.416 Notice and date of termination by Commissioner.**

The Commissioner shall notify the lender that the contract of coinsurance on a mortgage has been terminated and establish the effective termination date. The termination date shall be the last day of the month in which any one of the following events occur:

(a) The date foreclosure proceedings were instituted, or the property otherwise acquired by the lender, if the lender notifies the Commissioner that no claim for insurance benefits will be made;

(b) The date the mortgage was paid off at maturity or was prepaid in full;

(c) The date a voluntary termination request was received by the Commissioner.

**§ 255.417 Effect of termination.**

Upon termination of the contract of insurance, the obligations to pay any subsequent MIP shall cease and all rights of the mortgagor and lender pursuant to said contract for insurance shall be terminated.

**Claim Procedure**

**§ 255.420 Acquisition of property.**

After any time after the default of the mortgage and the determination by the lender to accelerate the total principal amount of the mortgage, the lender, at its election, shall (if no other eligible entity has assumed the obligations of the mortgagor) either (a) commence foreclosure of the mortgage; or (b) acquire possession of, and title to, the mortgage property by means other than foreclosure. The lender shall notify the Commissioner of its action at the time it makes its election either to commence foreclosure of the mortgage or acquire possession and title by other means.

**§ 255.421 Deed in lieu of foreclosure.**

In lieu of instituting or completing a foreclosure, the lender may acquire property by voluntary conveyance from the mortgagor. Conveyance of the property by deed in lieu of foreclosure is approved subject to the following requirements:

- (a) The mortgage is in default at the time the deed is executed and delivered;
- (b) The credit instrument is canceled and surrendered to the mortgagor;
- (c) The mortgage is satisfied of record as a part of the consideration for such conveyance; and
- (d) The deed from the mortgagor conveys marketable title and contains a covenant which warrants against the acts of the grantor and all claiming by, through, or under him and conveys good marketable title.

**§ 255.422 Notice to Commissioner**

At the time the lender elects to acquire title either by foreclosure or deed in lieu of foreclosure it shall give written notice to the Commissioner of its intention to file a claim for insurance benefits.

**Payment of Insurance Benefits****§ 255.423 Method of payment.**

Payment of the insurance claim shall be made in cash unless the lender files a written request for payment in debentures. In the event that the lender requests debentures, all of the provisions of § 207.259(e) of this chapter shall apply to mortgages coinsured under this part.

**§ 255.424 Disposition of property and application for insurance benefits.**

(a) Upon the acquisition of marketable title to the property securing a defaulted mortgage in accordance with § 255.420, the lender shall obtain an appraisal of the property by an independent appraiser accredited by a national professional appraisers association. The appraisal shall be based upon the market value of the property for use for the market originally intended.

(b) After the lender sells the property, or after the expiration of 12 months from the date of acquisition of title, whichever occurs first, the lender may file with the Commissioner a claim for the insurance benefits to which it is entitled in accordance with § 255.425. To be eligible for payment, a claim shall be filed no later than 15 days after expiration of this 12 month period.

(c) Upon making a claim to the Commissioner for insurance benefits, the lender shall notify the Commissioner, on an approved form, of the sale of the property, the purchase price, and income and expenses

incurred in connection with the acquisition, repair, operation, and sale of the property, and shall assign to the Commissioner, without recourse of warranty, any and all claims (other than the mortgage financing such sale) which the lender has acquired in connection with the transaction.

(d) If the property has not been disposed of at the time of the lender's request for payment, the lender shall utilize the appraised value of the property secured in accordance with paragraph (a) of this section in its notification to the Commissioner, in lieu of the sales price.

**§ 255.425 Amount of payment.**

(a) The basis for the computation of insurance benefits shall be the sum of the unpaid principal balance on the date of the institution of foreclosure proceedings or on the date of acquisition of the property otherwise after default, plus the amount of all payments made by the lender and allowances for items as set forth in § 255.426 less all items as set forth in § 255.427.

(b) The amount of the total insurance benefits shall be 85 percent of the amount computed pursuant to paragraph (a) of this section.

**§ 255.426 Items included in payment.**

The insurance benefits paid shall include the following items:

(a) The amount of all payments made by the lender for taxes, special assessments, and water rates which are liens prior to the mortgage; for fire and hazard insurance on the property; and for any mortgage insurance premiums paid after default;

(b) An amount equivalent to debenture interest at the rate established pursuant to § 255.429 on the principal of the mortgage unpaid on the date of the institution of foreclosure proceedings or on the date of the acquisition of the property otherwise after default, from the date of default to the date of acquisition of title;

(c) An amount equivalent to mortgage interest on the principal of the mortgage unpaid on the date of institution of foreclosure proceedings or on the date of acquisition of the property after default, from the date of acquisition to the date of payment of the insurance benefits;

(d) Costs, actually paid by the lender and approved by the Commissioner, of acquiring the property through foreclosure or otherwise, in an amount not in excess of two-thirds of such costs, such costs shall not include loss or damage resulting from the invalidity or unenforceability of the lien of the

mortgage or the unmarketability of the title of the mortgagor;

(e) Reasonable payments made by the lender for:

- (1) Preservation, operation, and maintenance of the property;
- (2) Repairs necessary to meet the objectives of the HUD minimum property standards, those required by local law, and such additional repairs as may be specifically approved in advance by the Commissioner;
- (3) Expenses in connection with the sale of property.

**§ 255.427 Items deducted from payment.**

The following items shall be deducted in the computation of insurance benefits:

(a) An amount equal to 5 percent of the outstanding principal balance of the mortgage on the date of institution of foreclosure proceedings or on the date of acquisition of the property otherwise after default.

(b) All amounts received by the lender on account of the mortgage after the institution of foreclosure proceedings or the acquisition of the property by direct conveyance or otherwise after default.

(c) All cash or funds related to the mortgaged property and held by the lender or its agents or to which it is entitled, including security deposits and escrows made for the account of the mortgagor.

(d) The amount of any undrawn balance under a letter of credit accepted by the lender in lieu of a cash deposit for an escrow agreement.

(e) Any net income received by the lender from the property securing the mortgage after the date of default.

(f) The proceeds from the sale of the project, except that if the lender sells the project for an amount less than the appraised value of a negotiated sale the amount to be deducted will be the appraised value. If the property is sold on the basis of a competitive bidding procedure approved by the Commissioner, the sales price will be deducted notwithstanding that it is lower than the appraised value. If the property has not been disposed of within 12 months from the date of acquisition, the lender shall use the appraised value of the property as a substitute for the sales price.

**Amendments****§ 255.428 Effect of amendments.**

The regulations in this subpart may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a lender under the contract of coinsurance on any mortgage already coinsured and shall not adversely affect the interest of

a lender on any mortgage to be coinsured on which the lender has made a commitment to insure.

Issued at Washington, D.C., June 25, 1980.

**Lawrence B. Simons,**

*Assistant Secretary for Housing—Federal Housing Commissioner.*

[FR Doc. 80-19680 Filed 7-1-80; 8:45 am]

**BILLING CODE 4210-01-M**

# **federal register**

---

Wednesday  
July 2, 1980

---

**Part V**

## **Department of Education**

---

**Guaranteed Student Loan Program;  
Refund of Tuition; Charges and Other  
Fees**

## DEPARTMENT OF EDUCATION

## 45 CFR Part 177

**Guaranteed Student Loan Program; Refund of Tuition Charge and other Fees****AGENCY:** Department of Education.**ACTION:** Notice of Proposed Rulemaking.

**SUMMARY:** The Secretary of Education proposes to revise the regulations governing the Guaranteed Student Loan Program (GSLP) which set criteria for determining the fairness and equity of a school's policy for refunding tuition charges and other fees. The proposed regulations relate to students who either never enroll or do not complete the academic period for which they borrowed under the GSLP. The proposed regulations would amend § 177.608(b) of the GSLP regulations by replacing the Federal standards for equity in school refund policies with reliance on State law and the standards developed by the postsecondary education community.

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

**ADDRESSES:** Send comments to Ms. Joy Copeland, Guaranteed Student Loan Program Specialist or Ms. Jan Bryson, Chief, Guaranteed Student Loan Policy Section, Division of Policy and Program Development, Department of Education, 400 Maryland Ave., SW. (Room 4310 ROB-3), Washington, D.C. 20202.

**FOR FURTHER INFORMATION CONTACT:** Ms. Joy Copeland or Ms. Jane Bryson, Telephone (202) 245-2475.

**SUPPLEMENTARY INFORMATION:** the Secretary views the lack of equitable school refund policies and the failure of schools to properly administer their refund policies on a timely basis as one of the major causes of defaults on student loans.

For this reason, the Secretary deems it appropriate that schools participating in the GSLP establish and properly administer "fair and equitable" policies for refunding school charges and fees to students who have borrowed under the GSLP to meet their educational expenses. However, the Secretary is now placing greater reliance on the standards for equitable refund policies which have been developed by the postsecondary education community.

**A. Background**

A refund policy applicable to GSLP participating schools was first included in the GSLP regulation in 1975. The policy was based, as are the regulations now being amended, on 20 U.S.C. 1082 and 20 U.S.C. 1088f-1. The present

amendments on "fair and equitable" refunds result from several recent actions taken by the Commissioner. On July 19, 1978, the Commissioner published proposed regulations (43 FR 31104-05) inviting public comment on the GSLP requirements regarding school refunds. The language of the 1978 proposed refund regulations mirrored the original 1975 language with minor technical changes. These proposed regulations were need because the refund requirements were not included in the April 5, 1978 GSLP proposed regulations which covered all aspects of GSLP operations. In the Spring of 1978, the Commissioner anticipated modifying refund policy regulations to apply them to all programs under Title IV of the Higher Education Act. When the decision on whether to apply the rules to all Title IV programs was not reached, the Commissioner issued the July, 1978 supplementary proposed regulations to prevent the lapse of the existing GSLP requirements on refunds.

On September 17, 1979, the Commissioner published a comprehensive package of final GSLP regulations which included the refund provisions of § 177.608 (44 FR 53897), the section now being amended.

The most controversial provision of the refund regulations has been § 177.608(b) which contains the criteria for the Secretary's determination of whether a school's refund policy is fair and equitable. Many of the commenters on the 1978 proposed rules called this provision an encroachment into school prerogatives and challenged the Commissioner's authority to issue specific rules on school refunds. Still other commenters voiced their objections in terms of specific suggestions for improvement of the provisions. However, the Commissioner received strong support for continued regulations on refund equity from student organizations and other concerned citizens.

The September 17, 1979, final regulations for GSLP modified the proposed regulations as suggested by several commenters. However, the basic Federal criteria were retained. In response to the opposing comments, the Commissioner resolved, in the preamble to those regulations, that the issue of refund policy criteria would be reconsidered in view of the growing efforts of the higher education groups towards viable self-regulation. This proposed regulations is a partial fulfillment of the Commissioner's commitment to both the public and the Congress to reconsider the refund issue. It is the intention of the Department of

Education to further investigate the refund question to determine the degree of self-regulation that actually occurs by schools' adoption of, and adherence to, self-regulation initiatives.

**B. Community-Developed Standards**

These proposed regulations revise the GSLP regulations to rely on standards developed by the postsecondary education community on what is fair and equitable in regard to refunds. Where the State has placed requirements on a school in regard to the school's refund policy, compliance with that law will of course be necessary. In addition, the school must demonstrate fairness and equity in its refund policy by establishing a policy that is in accord with standards accepted by the postsecondary education community and the Secretary.

These proposed regulations give schools several options for compliance which use the route of community self-regulation. The school may adhere to criteria approved by the Secretary which are set by the school's nationally recognized accrediting agency. If no such standards exist, the school may adhere to the standards for fair and equitable refunds set out in Appendix A or to standards that are established by the higher education community through its self-regulating guidelines and approved by the Secretary.

A school may not opt to comply with standards where no standards exist (e.g., by basing its refund policy on an accrediting agency policy that offers no guidance on refunds). These regulations would not require accrediting agencies or other postsecondary organizations to develop refund standards in order to retain eligibility in Federal programs. These regulations simply recognizes that some accrediting agencies have already developed such standards and treats those standards as strong evidence of appropriate practice within the postsecondary education community.

The Secretary considers the guidelines on refund policies which were established by the National Association of College and University Business Officers (NACUBO), in conjunction with persons representing a wide range of schools and professional responsibilities, as the closest indication of the higher education community's consensus on fair and equitable refund policies. These guidelines were specifically developed to assist in achieving self-regulation and have received support from fifteen higher education associations. The guidelines have been incorporated in Appendix A to these proposed regulations. A refund policy based on State law and these

guidelines is, therefore, in compliance with § 177.608(b) requirements if the school's nationally recognized accrediting agency has not adopted standards approved by the Secretary.

For ease of reference, the entire document has been reproduced. However, the reader should direct his or her attention to guidelines VI, VII, and VIII of the appendix, which relate to fair and equitable refund policies. This document does not affect a school's obligation to comply with State law or with any Department of Education regulation other than § 177.608(b). Refund policies which are based on other guidelines will be accepted if those guidelines receive the Secretary's approval.

The Department of Education has discussed this regulatory approach with various constituent groups. It is the Secretary's belief that the shift toward the reliance on standards developed through initiatives like the one undertaken by NACUBO will not deprive student borrowers or the program in general from the necessary protection against "unfair" refund policies.

### C. Citation of Legal Authority

A citation of statutory or other legal authority for each section of the regulations is placed in parentheses on the line following the text of that section.

### D. Invitation To Comment

Interested persons are invited to submit written comments and recommendations regarding these proposed regulations. These may be sent to the address given at the beginning of this document. All comments received on or before the 60th day after publication of this document will be considered in the development of the final regulation.

All written comments submitted in response to this notice will be available for public inspection, both during and after the comment period, in Room 4310 ROB-3, 7th and D Streets, S.W., Washington, D.C. 20202, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday of each week except on Federal holidays.

(Catalog of Federal Domestic Assistance No. 13.460, Guaranteed Student Loan Program)

Dated: June 27, 1980.

Steven A. Minter,

Acting Secretary of Education.

45 CFR Part 177 is amended as follows:

\* \* \* \* \*

1. Section 177.608(b) is revised to read as follows:

#### § 177.608 Refund policy.

(b) *Fair and equitable refund policy.* A school's refund policy is fair and equitable if that policy conforms with—

(1) The requirements of applicable State law; and

(2)(i) Specific refund standards set by the school's nationally recognized accrediting agency and approved by the Secretary;

(ii) If no such standards exist, other specific refund policy standards, either contained in Appendix A to this Part or set by another association of institutions of postsecondary education and approved by the Secretary.

\* \* \* \* \*

(20 U.S.C. 1082, 1088f-1(a)(2))

2. An Appendix A to 45 CFR Part 177 is added, to read as follows:

#### Appendix A—Standards for Acceptable Refund Policies by Participating Schools

For purposes of § 177.608(b), the Secretary considers guidelines VI, VII, and VIII of the following document to be acceptable elements of a fair and equitable school refund policy. This document, which is reproduced in its entirety for the convenience of the reader, was developed by the National Association of College and University Business Officers. The document does not affect a school's obligation to comply with other Department of Education regulations.

##### *Policy Guidelines For Refund of Student Charges*

(I) *The governing board of the institution should review and approve the schedule of all institutional charges and refund policies applicable to students.* The pricing of services and refund policies have important consequences to students, parents, the institution, and society; as such, pricing and refund policies should receive board attention and approval.

(II) *Institutions should seek consumer views in the process of establishing and amending charge and refund structures.* Decisions regarding institutional funds are ultimately the sole responsibility of the institution's legally designated fund custodians. However, consumer concerns do affect decision-making, and involving consumers in decision-making related to charges and refunds is a desirable approach for assessing student needs and creating public awareness of institutional requirements.

(III) *Institutions should publish a current schedule of all student charges, a statement of the purpose for these charges, and related refund policies, and have them readily available free of charge to current and prospective students.* Students and parents have a right to know what charges they will be expected to pay and what will or will not be refunded. They also have a right to know

what services accompany payment of the charges. Informational materials published free for students and prospective students are ideal for this purpose.

(IV) *Institutions should clearly designate all optional charges as "optional" in all published schedules and related materials.* Clearly, charges that are mandatory and charges that are optional must be plainly differentiated in all printed materials. Also, the institution should state clearly in its schedule if a charge is optional for some students but required for others. Statements accompanying the schedule may include institutional endorsements of the optional program or service.

(V) *Institutions should clearly identify charges and deposits that are nonrefundable as "nonrefundable" on all published schedules.* Institutions determine on an individual basis which of their charges are refundable or nonrefundable. In general, admissions fees, application fees, laboratory fees, facility and student activity fees, and other similar charges are not refundable. These fees are generally charged to cover the cost of activities such as processing applications and other student information, reserving academic positions, and establishing the limits of institutional programs and services, reserving housing space, and otherwise setting the fixed costs of the institution for the coming academic period.

*Institutions determine on an individual basis which of their deposits are refundable or nonrefundable. Some deposits will be nonrefundable or will be credited to a student's account (e.g., tuition deposits). Others are refundable according to the terms of the deposit agreement (e.g., deposits for breakage).*

(VI) *Institutions should refund housing rental charges, less a deposit, so long as written notification of cancellation is made prior to a well-publicized date that provides reasonable opportunity to make the space available to other students.* Written notification on or before the beginning of the term of the contract is necessary to ensure utilization of housing units. During the term of the contract, room charges are generally not refundable. However, based on the program offered, space availability, debt service requirements, State and local laws, and other individual circumstances, institutions may provide for some more flexible refund guideline for housing.

(VII) *Institutions should refund board charges in full, less a deposit, if written notification of cancellation is made prior to a well-publicized date that falls on or before the beginning of the term of the contract.* Subsequent board charges should be refunded on a pro rata basis less a withdrawal fee. This is reasonable to make a refund for those goods and services not consumed. The withdrawal charge should reflect that portion of an institution's costs that are fixed for the term of the contract.

(VIII) *The institutional tuition refund policy for an academic period should include the following minimum guidelines: A. The institution should refund 100 percent of the tuition charge, less a deposit fee, if written notification of cancellation is made prior to a*

*well-publicized date that falls on or before the first day of classes. B. The institution should refund at least 25 percent of the tuition charge if written notification of withdrawal is made during the first 25 percent of the academic period. It is reasonable to refund tuition charges on a sliding scale if a student withdraws from his or her program prior to the end of the first 25 percent of the academic period unless State law imposes a more restrictive refund policy.*

*(IX) The institution should assess no penalty charges where the institution, as opposed to the student, is in error. The institution should make refunds in cases where the institution has assessed charges in error. Penalty charges, such as those involved in late registration fees, change of schedule fees, late payment fees, should not be assessed if it is determined that the student is not responsible for the action causing the charge to be levied.*

*(X) Institutions should advise students that any notifications of withdrawal or cancellation and requests for refund must be in writing and addressed to the designated institutional officer. A student's written notification of withdrawal or cancellation and request for a refund provides an accurate record of transactions and also ensures that such request will be processed on a timely basis. Acceptance of oral requests is an undesirable practice.*

*(XI) Institutions should pay or credit refunds due on a timely basis. The definition of "timely basis" should include the time required to process a formal student request for refund, to process a check if required, and to allow for mail delivery, when necessary. If an institution has a policy that a refund of an inconsequential amount will not be made, this policy should be published in part of all materials related to refund policies.*

*(XII) Institutions should publicize, as a part of their dissemination of information on charges and refunds, that an appeals process exists for students or parents who feel that individual circumstances warrant exceptions from published policy. The informational materials should include the name, title, and address of the official responsible. Although charges and refund policies should reflect extensive consideration of student and institutional needs, it will not be possible to encompass in these structures the variety of personal circumstances that may exist or develop. Institutions are required to provide a system of due process to their students, and charges and refund policies are legitimately a part of that process. Students and parents should be informed regularly of procedures for requesting information concerning exceptions to published policies.*

[FR Doc. 80-19833 Filed 7-1-80; 8:45 am]

BILLING CODE 4000-01-M

# federal register

---

Wednesday  
July 2, 1980

---

## Part VI

### The President

---

**Proclamation 4768—Customs Valuation Code (Implementation of Article VII of the General Agreement on Tariffs and Trade)**

---

**Executive Order 12222—Amending the Generalized System of References**

---

**Executive Order 12223—Occupational Safety and Health Programs for Federal Employees**

---

**Proclamation 4769—Orderly Marketing Agreements and Color Television Imports**

---

**Executive Order 12224—Implementation of the International Sugar Agreement**

---

**Proclamation 4770—Sugars, Sirups, and Molasses Imports (Amending Proclamation 4663)**

Washington  
July 1, 1950

Part VI

## The President

Proclamation 2885—National Volunteer  
Civic Administration Act, July 1, 1950

Executive Order 10173—Amending the  
Executive Order of February 2, 1950

Executive Order 10172—Establishing  
Federal and State Personnel Systems

Proclamation 2883—Only National  
Agreement and Labor Relations Act

Executive Order 10171—Implementation  
of the International Labor Agreement

Proclamation 2882—United States and  
Mexico (Mexico American  
Proclamation 1950)

THE PRESIDENT

# Presidential Documents

Title 3—

The President

Proclamation 4768 of June 28, 1980

## Proclamation to Carry Out the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade (the Customs Valuation Code) and for Other Purposes

By the President of the United States of America

### A Proclamation

1. Pursuant to Section 204(a)(2) of the Trade Agreements Act of 1979 (93 Stat. 203) in order to implement, beginning on July 1, 1980, the new customs valuation standards as provided in Title II of that Act, and for other purposes, I make the following determinations, and do proclaim as hereinafter set forth.
2. Section 225 of the Trade Agreements Act of 1979 (93 Stat. 235), Sections 131, 132, 133, 134, 135, and 161(b) of the Trade Act of 1974 (19 U.S.C. 2151, 2152, 2153, 2154, 2155, and 2211(b)) and Section 4(c) of Executive Order No. 11846 of March 27, 1975, (3 CFR 1971-1975 Comp. 974), have been complied with.
3. Pursuant to Section 101(a) of the Trade Act of 1974 (19 U.S.C. 2111(a)) and having made the determinations required by that section with regard to the following trade agreements, I, through my duly empowered representative, (1) on July 11, 1979, entered into a trade agreement with other contracting parties to the General Agreement on Tariffs and Trade (61 Stat. (pts. 5 and 6)), as amended (the General Agreement), with countries seeking to accede to the General Agreement, and the European Communities, which agreement consists of the Geneva (1979) Protocol to the General Agreement, including a schedule of United States concessions annexed thereto (hereinafter referred to as "Schedule XX (Geneva-1979)"), (2) on December 18, 1979, entered into a trade agreement with Switzerland, which agreement consists of an exchange of letters, a copy of which is annexed to this proclamation as Part 2 of Annex I, (3) on December 21 and 27, 1979, and on January 2, 1980, entered into trade agreements with the European Communities, which agreements consist of joint memoranda, copies of which are annexed to this proclamation as Part 3 of Annex I, (4) on January 2, 1980, entered into a trade agreement with the Dominican Republic, which agreement consists of an exchange of letters, a copy of which is annexed to this proclamation as Part 4 of Annex I, and (5) on December 29, 1979, entered into a trade agreement with Indonesia, which agreement consists of a memorandum and an exchange of letters, copies of which are annexed to this proclamation as Part 5 of Annex I.
4. After having complied with Section 102 of the Trade Act of 1974 (19 U.S.C. 2112), and having made the required determinations, I notified Congress of my intention to enter into the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade (a copy of which is annexed to this proclamation as Part 1 of Annex I); and an implementing bill, approving the agreement and the proposed administrative action, has been enacted into law (Section 2(a) of the Trade Agreements Act of 1979 (93 Stat. 147)).
5. (a) Pursuant to Section 2(b)(3) of the Trade Agreements Act of 1979 (93 Stat. 147), I determine (1) that each major industrial country, as defined therein, with the exception of Canada, is accepting the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade, (2) that the acceptance of this Agreement by Canada is not essential to the effective operation of the Agreement, (3) that a significant portion of United States trade will benefit from the Agreement, notwithstanding such nonacceptance,

and (4) that it is in the national interest of the United States to accept the Agreement (and have so reported to the Congress);

(b) Pursuant to Section 204(a)(2)(A) and (B) of the Trade Agreements Act of 1979 (93 Stat. 203), I determine that the European Communities (including the European Economic Community) have accepted the obligations of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade with respect to the United States and each of the member states of the European Communities has implemented the Agreement under its laws (effective July 1, 1980);

(c) Pursuant to Section 503(a)(1) of the Trade Agreements Act of 1979 (93 Stat. 251), I determine, after interested parties were provided an opportunity to comment, that the articles classifiable in the following new items of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202), added thereto by Annex II to this proclamation, were not imported into the United States before January 1, 1978, and were not produced in the United States before May 1, 1978:

402.54	405.70	409.76	411.74
402.82	405.82	409.84	411.86
403.14	406.09	409.92	411.96
403.59	406.42	410.02	412.04
403.66	406.58	410.10	412.12
404.30	406.63	410.18	412.36
404.38	407.07	410.22	412.40
404.47	408.23	410.34	412.50
404.90	408.29	411.10	412.66
405.09	408.38	411.42	412.70
405.34	409.28	411.50	413.30;
405.62	409.68	411.58	

(d) Pursuant to Section 503(a)(2)(A) of the Trade Agreements Act of 1979 (93 Stat. 251), I determine, after providing interested parties an opportunity to comment, that each article identified in Annex IV to this proclamation is not import sensitive.

6. Each modification of existing duty proclaimed herein which provides with respect to an article for a decrease in duty below the limitation specified in Sections 101(b)(1) or 109(a) of the Trade Act of 1974 (19 U.S.C. 2111(b)(1) or 2119(a)), and each modification of any other import restriction or tariff provision so proclaimed is authorized by one or more of the following provisions or statutes:

(a) Section 101(b)(2) of the Trade Act of 1974 (19 U.S.C. 2111(b)(2)), by virtue of the fact that the rate of duty existing on January 1, 1975, applicable to the article was not more than 5 percent ad valorem (or ad valorem equivalent);

(b) Section 109(b) of the Trade Act of 1974 (19 U.S.C. 2119(b)), by virtue of the fact that I have determined, pursuant to that section, that the decrease authorized by that section will simplify the computation of the amount of duty imposed with respect to the article; and

(c) The Trade Agreements Act of 1979 (93 Stat. 144 *et seq.*) including, but not limited to, Sections 503(a)(1), (2)(A) and (6) (93 Stat. 251 and 252) by virtue of the fact that they permit departures from the staging provisions of Section 109(a) of the Trade Act of 1974 (19 U.S.C. 2119(a)).

7. In the case of each decrease in duty, including those of the type specified in clause (a) or (b) of the sixth recital of this proclamation, which involves the determination of the ad valorem equivalent of a specific or compound rate of duty, and in the case of each modification in the form of an import duty, the United States International Trade Commission has determined, pursuant to Section 601(4) of the Trade Act of 1974 (19 U.S.C. 2481(4)), in accordance with Section 4(e) of Executive Order No. 11846 of March 27, 1975 (3 CFR 1971-1975 Comp. 973), and at my direction, the ad valorem equivalent of the specific or compound rate, on the basis of the value of imports of the article concerned during a period determined by it to be representative, utilizing, to the extent

practicable, the standards of valuation contained in Sections 402 and 402a of the Tariff Act of 1930 (19 U.S.C. 1401a and 1402) applicable to the article during such representative period.

8. Pursuant to the Trade Act of 1974 and the Trade Agreements Act of 1979, I determine that each modification or continuance of existing duties or other import restrictions and each continuance of existing duty-free or excise treatment hereinafter proclaimed is required or appropriate to carry out the trade agreements identified in the third recital of this proclamation or the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including but not limited to Title I and Section 604 of the Trade Act of 1974, Section 2 and Titles II and V of the Trade Agreements Act of 1979, and Section 301 of Title 3 of the United States Code, do proclaim that:

(1)(a) The valuation standards amendments made by Title II of the Trade Agreements Act of 1979 (93 Stat. 194 *et seq.*) to Sections 402 and 402a of the Tariff Act of 1930 (19 U.S.C. 1401a and 4102), and,

(b) subject to the provisions of the General Agreement, of the Geneva (1979) Protocol, of other agreements supplemental to the General Agreement, of the other agreements identified in recitals 3 and 4, and of United States Law (including but not limited to provisions for more favorable treatment),—

(i) the modification or continuance of existing duties or other import restrictions, and

(ii) the continuance of existing duty-free or excise treatment provided for in these agreements and in trade agreements legislation, shall become effective on or after July 1, 1980, as provided for herein.

(2) To this end—

(a) The amendments made by Title II of the Trade Agreements Act of 1979 (93 Stat. 194 *et seq.*), except amendments made by section 223(b), shall be effective with respect to articles exported to the United States on and after July 1, 1980:

(b) The TSUS is modified as provided in Annexes II, III and IV of this proclamation;

(c) The modifications to the TSUS made by Sections A and C of Annex II, and Section A of Annex III, of this proclamation shall be effective with respect to articles exported to the United States on and after the effective dates specified in those annexes;

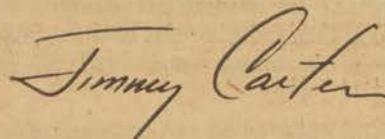
(d) The modifications to the TSUS made by Sections B, D and E of Annex II, Section B of Annex III, and Sections A and B of Annex IV, of this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on and after the effective dates specified in those annexes;

(e) The United States Trade Representative shall make the necessary determinations relevant to the designation of the effective dates of the modifications of the TSUS made by Sections F and G of Annex II and Section C of Annex III to this proclamation, and shall publish in the **Federal Register** the effective date with respect to each of the modifications made by these sections; such modifications shall apply to articles entered, or withdrawn from warehouse for consumption, on and after such effective date;

(f) With respect to the modifications to the TSUS made by Annex IV to this proclamation and Annex IV to Presidential Proclamation 4707 of December 11, 1979, relating to special treatment for the least developed developing countries (LDDC's), whenever the rate of duty specified in the column numbered 1 for any TSUS item is reduced to the same level as the corresponding rate of duty specified in the column entitled "LDDC" for such item, or to a lower level, the rate of duty in the column entitled "LDDC" shall be deleted from the TSUS;

(g) Annexes III and IV of Presidential Proclamation 4707 of December 11, 1979, are superseded to the extent inconsistent with this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of June, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.



[FR Doc. 80-20062

Filed 6-30-80; 3:57 pm]

Billing code 3195-01-M

#### Annex I

##### TEXTS OF CERTAIN AGREEMENTS IDENTIFIED IN THE THIRD AND FOURTH RECITAL OF THIS PROCLAMATION<sup>1</sup>

Part 1 Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade (the Customs Valuation Code) Entered Into on April 12, 1979

Part 2 Trade Agreement with Switzerland Entered Into on December 18, and 21, 1979

Part 3 Trade Agreements with the European Communities (including the European Economic Community) Entered Into on December 21, 1979, on December 27, 1979, and on January 2, 1980

Part 4 Trade Agreement with the Dominican Republic Entered Into on January 2, 1980

Part 5 Trade Agreement with Indonesia Entered Into on December 20, and 29,

<sup>1</sup>Not printed in the Federal Register. The provisions of all the agreements in parts 1 to 5 of annex I will be printed in the Customs Bulletin. The texts of all these agreements will be printed in Treaties and Other International Acts Series, and in the bound volumes of United States Treaties and Other International Agreements.

ANNEX II

GENERAL MODIFICATIONS OF THE TARIFF  
SCHEDULES OF THE UNITED STATES

Notes:

1. A rate of duty specifically set forth in this Annex which does not reflect a trade agreement concession granted in Schedule XX (Geneva-1979) is enclosed in brackets. Such bracketed rates are included in this Annex in cases in which items in the Tariff Schedules of the United States are subdivided or redesignated as required or appropriate to carry out trade agreement concessions. Additional bracketed matter is included to assist in the understanding of proclaimed modifications.

2. In instances in this Annex in which one or more complete items, with or without preceding superior descriptions, supersede matter now in the Tariff Schedules of the United States, the items and superior descriptions are set forth in columnar form, and material in such columns is inserted in the columns designated, "Item", "Articles", "Rates of Duty 1", "Rates of Duty LDDC", and "Rates of Duty 2", respectively, in the Tariff Schedules of the United States.

Subject to the above notes and to the insertion, as indicated herein, of the appropriate rates of duty set forth in Annex III to this proclamation, the Tariff Schedules of the United States are modified as follows:

Section A. Effective as to articles both exported to the United States on and after July 1, 1980, and entered, or withdrawn from warehouse for consumption, on and after July 1, 1980.

Schedule 1, Part 3, Subpart E

1. Schedule 1, part 3E is modified by deleting the headnote;
2. Item 114.05 is superseded by: (as provided in the Trade Agreements Act of 1979, Sec. 223)

	[Shellfish...]			
	[Clams:]			
	[In...:]			
	"Other:			
114.04	Boiled clams, whether whole, minced, or chopped, and whether or not salted, but not otherwise prepared or preserved, in immediate containers the contents of which do not exceed 24 ounces gross weight...	[See Annex III]	14% ad val.	[110% ad val.] [1/]
114.06	Other.....	[See Annex III]	7% ad val.	[35% ad val.]";

[1/ This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 223.]

## ANNEX II

-2-

Schedule 4, Part 1

3. Schedule 4, part 1 is modified by deleting headnotes 4 and 5;
4. Schedule 4, part 1 is modified by deleting subparts B and C of this part and inserting the following, in lieu thereof:

"Subpart B. - Industrial Organic Chemicals

Subpart B headnotes:

1. The provisions of items 402.00 to 406.63, inclusive, in this subpart shall apply not only to the products described therein when obtained, derived, or manufactured in whole or in part from products described in subpart A of this part, but shall also apply to products of like chemical composition having a benzenoid, quinoid, or modified benzenoid structure artificially produced by synthesis, whether or not obtained, derived, or manufactured in whole or in part from products described in said subpart A.

2. For the purpose of classification of merchandise provided for under items 402.36 to 406.63, inclusive, the following provisions shall govern:

(a) The term "derivatives" refers to only those derivatives which may be obtained by one or more of the following processes: Halogenation, nitration, nitrosation, or sulfonation, and is to be understood to include sulfonyl halides.

(b) A compound with functional groups described in two or more items under items 402.36 to 406.63, inclusive, is to be classified in the latest applicable item. For example, 4-acetamido-2-aminophenol, which contains three functional groups, will be classified in 405.12 (Amides), rather than in 404.92 to 405.09, inclusive (Aminophenols), or in 404.84 to 404.90, inclusive (Amines), or in 403.51 (Phenols). When applicable, classification should be made in accordance with the following principles:

- (i) Salts of organic acids (including phenols) with inorganic bases and salts of organic bases with inorganic acids are to be classified under the same superior heading as the organic acid or base; salts of organic acids with organic bases are to be classified either under the superior heading which describes the functional groups present in the free acid or under the one which describes the functional groups present in the free base, whichever is listed later.
- (ii) Esters of organic acids are to be classified either under the superior heading which describes the functional groups present in the free acid or under the one which describes the functional groups present in the free alcohol or phenol, whichever is listed later.
- (iii) The above provisions apply also in cases where the component having the functional groups described under the later superior heading is not of benzenoid origin. For example, benzyl acetate is classified under carboxylic acids (404.24 to 404.47, inclusive) rather than under alcohols (403.45).

## ANNEX II

-3-

Cyclic organic chemical products in any physical form having a benzenoid, quinoid, or modified benzenoid structure, not provided for in subpart A or C of this part:

402.00	Anthracene having a purity of 30% or more by weight.....	[See Annex III]	0.8¢ per lb. + 5.5% ad val.	[7c per lb. + 46.5% ad val.] [1/]
402.04	Carbazole having a purity of 65% or more by weight.....	[See Annex III]	0.8¢ per lb. + 6.1% ad val.	[7c per lb. + 40% ad val.]
402.08	Naphthalene which after the removal of all water present has a solidifying point of 79° C. or above.....	[See Annex III]	0.5¢ per lb. + 2.7% ad val.	[7c per lb. + 40% ad val.]
402.12	Phthalic anhydride.....		1.2¢ per lb. + 8.6% ad val.	[7c per lb. + 49% ad val.] [1/]
402.16	Styrene.....	[See Annex III]	7.4% ad val.	[7c per lb. + 45% ad val.]
	All distillates of coal tar, blast-furnace tar, oil-gas tar, and water-gas tar, which on being subjected to distillation yield in the portion distilling below 190° C. a quantity of tar acids equal to or more than 5% by weight of the original distillate or which on being subjected to distillation yield in the portion distilling below 215° C. a quantity of tar acids equal to or more than 75% by weight of the original distillate:			
402.20	Phenol (carbolic acid) which on being subjected to distillation yields in the portion distilling below 190° C. a quantity of tar acids equal to or more than 5% by weight of the original distillate.....	[See Annex III]	1.3¢ per lb. + 12.5% ad val.	[3.5¢ per lb. + 29.5% ad val.] [1/]
402.24	Cresylic acid which on being subjected to distillation yields in the portion distilling below 215° C. a quantity of tar acids equal to or more than 75% by weight of the original distillate.....	[See Annex III]	0.5¢ per lb. + 3.3% ad val.	[3.5¢ per lb. + 20% ad val.]
402.28	Metacresol, orthocresol, paracresol, and metaparacresol, all the foregoing having a purity of 75% or more by weight.....	[See Annex III]	0.5¢ per lb. + 3.7% ad val.	[7c per lb. + 42.5% ad val.] [1/]
402.32	Other.....	[See Annex III]	1¢ per lb. + 4.9% ad val.	[7c per lb. + 33.5% ad val.] [1/]
	Other:			
	Hydrocarbons:			
402.36	Alkylbenzenes and polyalkylbenzenes.....	[See Annex III]	0.5¢ per lb. + 17.3% ad val.	[7c per lb. + 55% ad val.] [1/]
402.40	Bi- and polyphenyls.....	[See Annex III]	7.6% ad val.	[7c per lb. + 40% ad val.]
402.44	α-Methylstyrene.....	[See Annex III]	9.5% ad val.	[7c per lb. + 40% ad val.]
402.48	Vinyltoluene.....	[See Annex III]	7.8% ad val.	[7c per lb. + 40% ad val.]
	Other:			
402.52	Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex III]	10.4% ad val.	[7c per lb. + 68.5% ad val.] [1/]
402.54	Other.....		10.4% ad val.	[7c per lb. + 68.5% ad val.] [1/]

[1/ This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 223.]

## ANNEX II

-4-

	[Cyclic...:]				
	[Other:]				
	Halogenated hydrocarbons:				
402.56	Benzyl chloride ( $\alpha$ -Chlorotoluene).....	[See Annex III]	7.9% ad val.	[7c per lb. + 40% ad val.]	
402.60	Benzotrichloride ( $\alpha,\alpha,\alpha$ -Tri-chlorotoluene).....	[See Annex III]	7.4% ad val.	[7c per lb. + 48% ad val.] [1/]	
	Chlorobenzenes, mono-, di-, and tri-:				
402.64	Monochlorobenzene.....	[See Annex III]	20% ad val.	[7c per lb. + 91.5% ad val.] [1/]	
402.68	Orthodichlorobenzene.....	[See Annex III]	15.2% ad val.	[7c per lb. + 84% ad val.] [1/]	
402.72	Other.....	[See Annex III]	6.8% ad val.	[7c per lb. + 40.5% ad val.] [1/]	
402.76	Chlorinated biphenyl.....	[See Annex III]	7.6% ad val.	[7c per lb. + 39% ad val.] [1/]	
	Other:				
402.80	Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex III]	9.1% ad val.	[7c per lb. + 71% ad val.] [1/]	
402.82	Other.....		9.1% ad val.	[7c per lb. + 71% ad val.] [1/]	
	Hydrocarbon derivatives:				
402.84	Monochloromononitrobenzenes.....	[See Annex III]	10% ad val.	[7c per lb. + 59% ad val.] [1/]	
402.88	4,4'-Dinitrostilbene-2,2'-disulfonic acid.....	[See Annex III]	15% ad val.	[7c per lb. + 50% ad val.] [1/]	
	Nitrated benzene, toluene, or naphthalene:				
402.96	p-Nitrotoluene.....	[See Annex III]	7.2% ad val.	[7c per lb. + 40% ad val.]	
402.98	Other.....	[See Annex III]	1.3c per lb. + 12.5% ad val.	[7c per lb. + 40% ad val.]	
403.00	Nitrotoluenesulfonic acids.....	[See Annex III]	10.8% ad val.	[7c per lb. + 74.5% ad val.] [1/]	
403.05	p-Toluenesulfonyl chloride.....	[See Annex III]	7% ad val.	[7c per lb. + 41.5% ad val.] [1/]	
	Other:				
403.09	m-Benzenedisulfonic acid, sodium salt; l-Bromo-2-nitrobenzene; l-Chloro-3,4-dinitrobenzene; l,2-Dichloro-4-nitrobenzene; o-Fluoronitrobenzene; l,5-Naphthalenedisulfonic acid; p-Nitro-o-xylene; and o-(and p)-Toluenesulfonic acid, methyl ester.....	[See Annex III]	5.8% ad val.	[7c per lb. + 40% ad val.]	
	Other:				
403.12	Products provided for in the Chemical Appendix to the Tariff Schedules.....		1.7c per lb. + 15.9% ad val.	[7c per lb. + 51% ad val.] [1/]	
403.14	Other.....		13.5% ad val.	[7c per lb. + 51% ad val.] [1/]	

[1/ This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 223.]

## ANNEX I

-5-

	[Cyclic...:]				
	[Other:]				
	Alcohols, phenols, ethers (including epoxides and acetals), aldehydes, ketones, alcohol peroxides, ether peroxides, ketone peroxides, and their derivatives:				
403.16	Alkyl cresols.....	[See Annex III]	7.1% ad val.	[7c per lb. + 40.5% ad val.] [1/]	
403.20	Alkyl phenols.....	[See Annex III]	11% ad val.	[7c per lb. + 80% ad val.] [1/]	
403.24	6-Chloro-m-cresol [OH=1].....	[See Annex III]	6.3% ad val.	[7c per lb. + 41% ad val.] [1/]	
403.28	Naphthols.....	[See Annex III]	20% ad val.	[7c per lb. + 73% ad val.] [1/]	
403.32	2-Naphthol-3,6-disulfonic acid and its salts.....	[See Annex III]	7.2% ad val.	[7c per lb. + 54% ad val.] [1/]	
403.36	Nitrophenols.....	[See Annex III]	8.1% ad val.	[7c per lb. + 51.5% ad val.] [1/]	
403.41	Resorcinol.....	[See Annex III]	7.1% ad val.	[7c per lb. + 40% ad val.]	
	Other:				
403.45	Alcohols.....	[See Annex III]	6.6% ad val.	[7c per lb. + 40% ad val.]	
403.49	Phenols and phenol-alcohols: 4,4'-Isopropylidenediphenol (Bisphenol A).....		1.7c per lb. + 13.7% ad val.	[7c per lb. + 44% ad val.] [1/]	
403.51	Other.....	[See Annex III]	7.2% ad val.	[7c per lb. + 44% ad val.] [1/]	
	Halogenated, sulfonated, nitrated, or nitrosated derivatives of phenols or phenol-alcohols:				
403.52	m-Chlorophenol; 2,5-Dihydroxybenzene-sulfonic acid, potassium salt; 3,6-Dihydroxy-2,7-naphthalenedisulfonic acid; 3,6-Dihydroxy-2,7-naphthalenedisulfonic acid, sodium salt; Dinitro-o-cresol; 4-Hydroxy-1-naphthalene-sulfonic acid; 4-Hydroxy-1-naphthalene-sulfonic acid, sodium salt (1-Naphthol-4-sulfonic acid); 1-Naphthol-3,6-disulfonic acid; and 4-Nitro-m-cresol.....	[See Annex III]	6% ad val.	[7c per lb. + 45.5% ad val.] [1/]	
	Other:				
403.56	Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex III]	0.7c per lb. + 19.4% ad val.	[7c per lb. + 62% ad val.] [1/]	
403.59	Other.....		13.5% ad val.	[7c per lb. + 62% ad val.] [1/]	

[1/ This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 223.]

## ANNEX II

-6-

	[Cyclic...:]				
	[Other:]				
	[Alcohols...:]				
	[Other:]				
	Ethers, ether-alcohols, ether-phenols, ether- alcohol-phenols, peroxides of alcohols, ethers, and ketones, and their halogenated, sulfonated, nitrated, or nitrosated derivatives:				
403.61	5-Chloro-2-nitroanisole; Dimethyl diphenyl ether; 4-Ethylguaiacol; 2-( $\alpha$ -Hydroxyethoxy)- phenol; and Nitrochlorohydroquinone, dimethyl ester.....	[See Annex III]	6.9% ad val.	[7¢ per lb. + 40% ad val.]	
	Other:				
403.64	Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex III]	20% ad val.	[7¢ per lb. + 70.5% ad val.] [1/]	
403.66	Other.....		13.5% ad val.	[7¢ per lb. + 70.5% ad val.] [1/]	
403.68	Epoxides, epoxyalcohols, epoxyphenols, and epoxy- ethers, with a three- or four-member ring, and their halogenated, sulfonated, nitrated, or nitrosated derivatives.....	[See Annex III]	6.9% ad val.	[7¢ per lb. + 40% ad val.]	
403.72	Acetals and hemiacetals and single and complex oxygen- function acetals and hemi- acetals, and their halogenated, sulfonated, nitrated, or nitrosated derivatives.....	[See Annex III]	6.9% ad val.	[7¢ per lb. + 41.5% ad val.] [1/]	
403.76	Aldehydes, aldehyde-alcohols, aldehyde-ethers, aldehyde- phenols, and other single or complex oxygen-function aldehydes; cyclic polymers of aldehydes and paraformal- dehyde.....	[See Annex III]	10.6% ad val.	[7¢ per lb. + 41% ad val.] [1/]	
403.81	Halogenated, sulfonated, nitrated, or nitrosated derivatives of aldehydes, aldehyde-alcohols, aldehyde- ethers, aldehyde-phenols, and other single or complex oxygen-function aldehydes, cyclic polymers of aldehydes and paraformaldehyde.....	[See Annex III]	20% ad val.	[7¢ per lb. + 77.5% ad val.] [1/]	

[1/ This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 223.]

## ANNEX II

-7-

	[Cyclic...:]				
	[Other:]				
	[Alcohols...:]				
	[Other:]				
	Ketones, ketone-alcohols, ketone-phenols, ketone- aldehydes, quinones, quinone-alcohols, quinone- phenols, quinone-aldehydes, and other single or complex oxygen-function ketones and quinones, and their halogenated, sulfonated, nitrated, or nitrosated derivatives:				
403.88	2,3-Dichloro-1,4- naphthoquinone.....	[See Annex III]	5.8% ad val.	[7c per lb. + 52% ad val.] [1/]	
403.92	1,8-Dihydroxy-4,5- dinitroanthraquinone.....	[See Annex III]	6.1% ad val.	[7c per lb. + 43% ad val.] [1/]	
403.96	Other.....	[See Annex III]	11% ad val.	[7c per lb. + 42% ad val.] [1/]	
	Carboxylic acids, anhydrides, halides, acyl peroxides, peroxyacids, and their derivatives:				
404.00	1,2,4-Benzenetricarboxylic acid, 1,2-dianhydride (Trimellitic anhydride).....	[See Annex III]	7.5% ad val.	[7c per lb. + 40% ad val.]	
404.04	Benzoic acid.....	[See Annex III]	8% ad val.	[7c per lb. + 40% ad val.]	
404.08	Benzoyl chloride.....	[See Annex III]	7.9% ad val.	[7c per lb. + 44% ad val.] [1/]	
404.12	Isophthalic acid.....	[See Annex III]	8.1% ad val.	[7c per lb. + 40% ad val.]	
404.16	Terephthalic acid.....	[See Annex III]	20% ad val.	[7c per lb. + 77% ad val.] [1/]	
404.20	Terephthalic acid, dimethyl ester.....	[See Annex III]	1.3c per lb. + 13.1% ad val.	[7c per lb. + 42% ad val.] [1/]	
	Other:				
	Monocarboxylic acids and their anhydrides, halides, peroxides, and peracids, and their halogenated, sulfonated, nitrated, or nitrosated derivatives:				
404.24	Benzoic anhydride; tert-Butyl peroxybenzoate; 4-Chloro-3-nitrobenzoic acid; m-Chloroperoxybenzoic acid; Metrizoic acid; p-Nitrobenzoyl chloride; 2-Nitro-m-toluic acid; 3-Nitro-o-toluic acid; and Phenylacetic acid ( $\alpha$ - Toluic acid).....	[See Annex III]	6.7% ad val.	[7c per lb. + 40.5% ad val.] [1/]	

[1/ This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 223.]

## ANNEX II

-8-

	[Cyclic...:]				
	[Other:]				
	[Carboxylic...:]				
	[Other:]				
	[Monocarboxylic...:]				
	Other:				
404.28	Products provided for in the Chemical Appendix to the Tariff Schedules.....	1.7c per lb. + 17.9% ad val.		[7c per lb. + 57% ad val.] [1/1]	
404.30	Other.....	13.5% ad val.		[7c per lb. + 57% ad val.] [1/1]	
	Polycarboxylic acids and their anhydrides, halides, peroxides, and peracids, and their halogenated, sulfonated, nitrated, or nitrosated derivatives:				
404.32	Naphthalic anhydride; Phthalic acid; 4-Sulfo-1,8-naphthalic anhydride; and Terephthalaldehyde.....	[See Annex III]	6.9% ad val.	[7c per lb. + 37% ad val.] [1/1]	
	Other:				
404.36	Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex III]	20% ad val.	[7c per lb. + 73% ad val.] [1/1]	
404.38	Other.....	13.5% ad val.		[7c per lb. + 73% ad val.] [1/1]	
	Carboxylic acids with alcohol, phenol, aldehyde, or ketone function and other single or complex oxygen-function carboxylic acids and their anhydrides, halides, peroxides, and peracids, and their halogenated, sulfonated, nitrated, or nitrosated derivatives:				
404.40	p-Anisic acid; Benzilic acid; Benzilic acid, methyl ester; 2,3-Cresotic acid; 1-Formyl phenylacetic acid, methyl ester; 1,6-Hexanediol-bis(3,5- dibutyl-4-hydroxyphenyl)- propionate; m-Hydroxybenzoic acid; 2-Hydroxybenzoic acid, calcium salt; 1-Hydroxy-2-naphthoic acid; 2-Hydroxy-1-naphthoic acid; 1-Hydroxy-2-naphthoic acid, phenyl ester; 3-Phenoxybenzoic acid; α-Resorcylic acid; γ-Resorcylic acid; and 5-Sulfosalicylic acid.....	[See Annex III]	5.8% ad val.	[7c per lb. + 40% ad val.]	

[1/ This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 223.]

## ANNEX II

-9-

	[Cyclic...:]			
	[Other:]			
	[Carboxylic...:]			
	[Other:]			
	[Carboxylic...:]			
404.44	Gentisic acid; p-Hydroxybenzoic acid; and Hydroxycinnamic acid and its salts.....	[See Annex III]	7% ad val.	[7c per lb. + 48.5% ad val.] [1/]
	Other:			
404.46	Products provided for in the Chemical Appendix to the Tariff Schedules.....		1.7c per lb. + 17.9% ad val.	[7c per lb. + 57% ad val.] [1/]
404.47	Other.....		13.5% ad val.	[7c per lb. + 57% ad val.] [1/]
404.48	Esters of inorganic acids (except hydrocyanic acid, hydrogen halides, and hydrogen sulfide) and their derivatives.....	[See Annex III]	7.2% ad val.	[7c per lb. + 43% ad val.] [1/]
	Amines and their derivatives:			
404.52	7-Amino-1,3-naphthalenedisulfonic acid and its salts; 5-Amino-2-naphthalenesulfonic acid and its salts; 8-Amino-1-naphthalenesulfonic acid and its salts; 4-Amino-2-stilbenesulfonic acid and its salts; m-Phenylenediamine; o-Phenylenediamine; N-Phenyl-2-naphthylamine; Toluene-2,4-diamine; and 2,4-Xylidine.....	[See Annex III]	6.9% ad val.	[7c per lb. + 48.5% ad val.] [1/]
404.56	8-Amino-2-naphthalenesulfonic acid and its salts.....	[See Annex III]	5.9% ad val.	[7c per lb. + 39% ad val.] [1/]
404.60	Aniline.....		1.7c per lb. + 13.6% ad val.	[7c per lb. + 43.5% ad val.] [1/]
404.64	4,4'-Diamino-2,2'-stilbenedisulfonic acid.....	[See Annex III]	10.5% ad val.	[7c per lb. + 80% ad val.] [1/]
404.68	N,N-Dimethylaniline.....	[See Annex III]	12.4% ad val.	[7c per lb. + 40% ad val.]
404.72	N-Methylaniline; and 2,4,6-Trimethyl- aniline (Mesidine).....	[See Annex III]	6.1% ad val.	[7c per lb. + 37% ad val.] [1/]
404.76	4,4'-Methylenedianiline.....	[See Annex III]	7.1% ad val.	[7c per lb. + 40% ad val.]
404.80	Nitrodiphenylamine.....	[See Annex III]	7% ad val.	[7c per lb. + 40% ad val.]

[1/ This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 223.]

## ANNEX II

-10-

[Cyclic...:]

[Other:]

[Amines...:]

Other:

404.84

5-Amino-2-(p-aminoanilino)-  
 benzenesulfonic acid;  
 o-Aminobenzenesulfonic acid  
 (Orthanilic acid);  
 p-Aminobenzoylamino-  
 naphthalenesulfonic acid;  
 3-Amino-2,7-naphthalene-  
 disulfonic acid;  
 4-Amino-1-naphthalene-  
 sulfonic acid, sodium salt;  
 5-Amino-1-naphthalene-  
 sulfonic acid (Laurent's  
 acid);  
 7-Amino-1,3,6-naphthalene-  
 trisulfonic acid;  
 Aminophenol, substituted;  
 8-Anilino-1-naphthalene-  
 sulfonic acid (Phenyl  
 Peri acid);  
 6-Chlorometanilic acid;  
 2-Chloro-5-nitroaniline;  
 4-Chloro-3-nitroaniline;  
 4-Chloro-o-toluidine [NH<sub>2</sub>=1]  
 and hydrochloride;  
 5-Chloro-o-toluidine [NH<sub>2</sub>=1]  
 (Chloro-o-toluidine [CH<sub>3</sub>=1]);  
 6-Chloro-o-toluidine [NH<sub>2</sub>=1];  
 4,4'-Diamino-3-biphenyl-  
 sulfonic acid (3-Benzidine-  
 sulfonic acid);  
 2,3-Dichloroaniline;  
 2,4-Dichloroaniline;  
 3,5-Dichloroaniline;  
 2,6-Dichloro-m-toluidine;  
 N,N-Diethylmetanilic acid;  
 2,4-Difluoroaniline;  
 3,3'-Dimethylbenzidine  
 (o-Tolidine);  
 3,3'-Dimethylbenzidine  
 hydrochloride;  
 N,N-Dimethyl-p-toluidine;  
 p-Ethylaniline;  
 3-(N-Ethylanilino)propionic  
 acid, methyl ester;  
 N-Ethyl-N-benzyl-m-toluidine;  
 N-Ethyl-N,N'-dimethyl-N'-  
 phenylethylenediamine;  
 N-Ethyl-1-naphthylamine;  
 p-Fluoroaniline;  
 4,4'-Methylenebis[2-chloro-  
 aniline];  
 1,8-Naphthalenediamine;  
 m-Nitroaniline;  
 1-(p-Nitrophenyl)-2-amino-  
 1,3-propanediol;  
 4-Nitro-m-phenylenediamine;  
 Toluene-2,5-diamine;

## ANNEX II

-11-

	[Cyclic...:]				
	[Other:]				
	[Amines...:]				
	[Other:]				
404.84 (con.)	Toluidine carbinate; 2,4,5-Trichloroaniline; 2,3-Kylidine; 2,5-Kylidine; and 3,4-Kylidine.....	[See Annex III]	5.8% ad val.	[7c per lb. + 39.5% ad val.] [1/]	
404.88	Other: Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex III]	1.1c per lb. + 18.8% ad val.	[7c per lb. + 60% ad val.] [1/]	
404.90	Other.....		13.5% ad val.	[7c per lb. + 60% ad val.] [1/]	
404.92	Amines having one or more oxygen functions, and their derivatives: p-Acetaminobenzaldehyde; 2'-Aminoacetophenone; m-Aminobenzoic acid, technical; Aminobisphenol ester: 1-Amino-4-bromo-2-methylantraquinone; 2-Amino-4-chlorophenol; 2-Amino-4-chlorophenol hydrochloride; 2-Amino-p-cresol; 4-Amino-o-cresol; 6-Amino-2,4-dichloro-3-methylphenol; 4-Amino-5-hydroxy-1,3- naphthalenedisulfonic acid (Chicago acid); 4-Amino-5-hydroxy-1,3- naphthalenedisulfonic acid, potassium salt; 4-Amino-5-hydroxy-2,7-naphthalene- disulfonic acid, potassium salt (H acid, monopotassium salt); 4-Amino-5-hydroxy-2,7- naphthalenedisulfonic acid, monosodium salt (H acid, mono- sodium salt); 4-Amino-5-hydroxy-1,3- naphthalenedisulfonic acid, sodium salt; 4-Amino-3-hydroxy-1- naphthalenesulfonic acid; 2-(3-Amino-4-hydroxyphenyl- sulfonyl)ethanol; 2-Amino-4-nitrophenol; 2-Amino-5-nitrophenol; 2-Amino-4-nitrophenol, sodium salt; m-Aminophenol; 2-(4'-Aminophenoxy)ethylsulfate; 1,4-Bis[1-anthraquinonylamino]- anthraquinone; 4,4'-Bis(dimethylamino)benzhydrol (Michler's hydrol);				

[1/ This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 223.]

## ANNEX II

-12-

	[Cyclic...:]			
	[Other:]			
	[Amines...:]			
404.92 (con.)	5-Chloro-2-(2',4'-dichlorophenoxy)- aniline; 3,5-Diaminobenzoic acid; Dibenzcarbinol; DL-3-(3,4-Dihydroxyphenyl)alanine; 1,4-Dimesidinoanthraquinone; 3,4-Dimethoxyphenethylamine (Homoveratrylamine); 4-Dimethylaminobenzaldehyde; 2-Hydroxy-5-nitrometanilic acid; 8-(8-Methoxyethoxyethyl)-4-aminobenzoate; 4-Methoxymetanilic acid; 6'-Methoxymetanilic acid; 4-Methoxy-m-phenylenediamine; 5-Methoxy-m-phenylenediamine sulfate; 6-(Methylamino)-1-naphthol-3- sulfonic acid; 7-(Methylamino)-1-naphthol-3- sulfonic acid; 2-Methyl-p-anisidine[NH <sub>2</sub> =1]; Nitric acid amide(1-Amino-9,10- dihydro-N-(3-methoxypropyl)-4- nitro-9,10-dioxo-2-anthramide); and L-Phenylalanine.....	[See Annex III]	5.8% ad val.	[7c per lb. + 39% ad val.] [1/]
404.96	3'-Aminoacetophenone; o-Anisidine; p-Anisidine; m-Diethylaminophenol; 3-Ethylamino-p-cresol; Iminodanthraquinone; 5-Methoxy-m-phenylenediamine; and DL-Phenylephrine base.....	[See Annex III]	7.8% ad val.	[7c per lb. + 65% ad val.] [1/]
405.00	p-Aminobenzoic acid; 6-Amino-1-naphthol-3-sulfonic acid and its salts; 8-Amino-1-naphthol-5-sulfonic acid and its salts; m-Dimethylaminophenol; and p-Phenetidine.....	[See Annex III]	6.8% ad val.	[7c per lb. + 51% ad val.] [1/]
405.03	4-Chloro-2,5-dimethoxyaniline [NH <sub>2</sub> =1]; and 2,4-Dimethoxyaniline.....	[See Annex III]	6.1% ad val.	[7c per lb. + 41.5% ad val.] [1/]
405.08	Other: Products provided for in the Chemical Appendix to the Tariff Schedules.....		1.7c per lb. + 15.6% ad val.	[7c per lb. + 50% ad val.] [1/]
405.09	Other.....		13.5% ad val.	[7c per lb. + 50% ad val.] [1/]

[1/ This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 223.]

## ANNEX II

-13-

	[Cyclic...:]			
	[Other:]			
	Amides and their derivatives:			
405.12	4-Acetamido-2-aminophenol.....	[See Annex III]	6.9% ad val.	[7c per lb. + 40% ad val.]
405.16	2-Acetamido-3-chloroanthraquinone; o-Acetoacetanilide; o-Acetoacetotoluidide; 2',4'-Acetoacetoxylidide; and 1-Amino-5-benzamidoanthraquinone.....	[See Annex III]	7.2% ad val.	[7c per lb. + 53% ad val.] [1/]
405.21	Benzanilide.....	[See Annex III]	6.7% ad val.	[7c per lb. + 40% ad val.]
405.24	Biligravin acid; and 3,5-Diacetamido-2,4,6-triiodobenzoic acid.....	[See Annex III]	5.3% ad val.	[7c per lb. + 34% ad val.] [1/]
	Other:			
405.28	p-Acetanilide; Acetoacetbenzylamide; Acetoacet-5-chloro-2-toluidide; p-Acetoacetophenetidide; N-Acetyl-2,6-xylydine (N-Acetyl-2,6-dimethylaniline); p-Aminobenzoic acid isooctylamide; 2-Amino-4-chlorobenzamide; 4-Aminohippuric acid; 4'-Amino-N-methylacetanilide; p-Aminophenylurethane; 1-Benzamido-4-chloroanthraquinone; 1-Benzamido-5-chloroanthraquinone; 4'-Chloroacetoacetanilide; 3-(N,N-Dihydroxyethylamino)-benzanilide; 2,5-Dihydroxy-N-(2-hydroxyethyl)benzamide; 2,5-Dimethoxyacetanilide; Gentisamide; N,N'-Hexamethylene bis-(3,5-di-tert-butyl-4-hydroxyhydrocinnamide); N-(7-Hydroxy-1-naphthyl)acetamide; and Phenacetin, technical.....	[See Annex III]	5.8% ad val.	[7c per lb. + 39.5% ad val.] [1/]
	Other:			
405.32	Products provided for in the Chemical Appendix to the Tariff Schedules.....		1.7c per lb. + 18.1% ad val.	[7c per lb. + 58% ad val.] [1/]
405.34	Other.....		13.5% ad val.	[7c per lb. + 58% ad val.] [1/]
	Other nitrogen-function compounds (except those in which the only nitrogen function is a nitro (-NO <sub>2</sub> ) or a nitroso (-NO) group, or an ammonium salt of an organic acid) and their derivatives:			
405.36	Benzonitrile.....	[See Annex III]	7.3% ad val.	[7c per lb. + 40% ad val.]
405.41	Diazoaminobenzene(1,3-Diphenyl-triazene).....	[See Annex III]	6.6% ad val.	[7c per lb. + 40% ad val.]

[1/ This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 223.]

## ANNEX II

-14-

	[Cyclic...:]						
	[Other:]						
	[Other...:]						
405.44	Toluenediisocyanates (unmixed).....	[See Annex III]	7.2% ad val.	[7c per lb. + 40% ad val.]			
405.48	Other: Quaternary ammonium salts and hydroxides.....	[See Annex III]	6.2% ad val.	[7c per lb. + 36% ad val.] <u>[1/]</u>			
405.52	Carboxyimide-function compounds (including orthobenzoic sulfimide and its salts) and imine-function compounds.....	[See Annex III]	15% ad val.	[7c per lb. + 61% ad val.] <u>[1/]</u>			
405.56	Nitrile-function compounds: 2-Amino-4-chlorobenzonitrile (5-Chloro-2-cyanoaniline); 2-Amino-5-chlorobenzonitrile; 4-Amino-2-chlorobenzonitrile; 2-Amino-5-nitrobenzonitrile; (Cyanoethyl)(hydroxyethyl)-m-toluidine; 2-Cyano-4-nitroaniline; Dichlorobenzonitrile; Phthalonitrile; and Tetrachloro-3-cyanobenzoic acid, methyl ester...	[See Annex III]	6.8% ad val.	[7c per lb. + 41% ad val.] <u>[1/]</u>			
405.60	Other: Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex III]	20% ad val.	[7c per lb. + 65.5% ad val.] <u>[1/]</u>			
405.62	Other.....		13.5% ad val.	[7c per lb. + 10.5% ad val.] <u>[1/]</u>			
405.64	Diazo-, azo-, and azoxy-compounds: p-Aminoazobenzene-disulfonic acid; 4-Aminoazobenzene-disulfonic acid, monosodium salt; 6-Amino-3,4'-azodibenzenesulfonic acid (C.I. acid yellow 9); and 6-Bromo-5-methyl-1H-imidazo[4,5-b]pyridine.....	[See Annex III]	5.8% ad val.	[7c per lb. + 40.5% ad val.] <u>[1/]</u>			
405.68	Other: Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex III]	19.9% ad val.	[7c per lb. + 63.5% ad val.] <u>[1/]</u>			
405.70	Other.....		13.5% ad val.	[7c per lb. + 63.5% ad val.] <u>[1/]</u>			
405.72	Organic derivatives of hydrazine or hydroxylamine.....	[See Annex III]	7.2% ad val.	[7c per lb. + 43.5% ad val.] <u>[1/]</u>			

[1/ This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 223.]

ANNEX II

-15-

	[Cyclic...:]				
	[Other:]				
	[Other...:]				
	[Other:]				
	Compounds with other nitrogen functions:				
405.76	Bitolylene diisocyanate (TODI); o-isocyanic acid, o-tolyl ester; and Xylene diisocyanate.....	[See Annex III]	3.8% ad val.	[7¢ per lb. + 40% ad val.]	
	Other:				
405.80	Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex III]	1.3¢ per lb. + 16.2% ad val.	[7¢ per lb. + 52% ad val.] (1/1)	
405.82	Other.....		13.5% ad val.	[7¢ per lb. + 52% ad val.] (1/1)	
	Organo-inorganic compounds (i.e., compounds having an atom other than carbon, hydrogen, oxygen, nitrogen, chlorine or other halogen attached directly to a carbon atom), and their derivatives:				
405.84	Benzenethiol (Thiophenol).....	[See Annex III]	6.7% ad val.	[7¢ per lb. + 38.5% ad val.] (1/1)	
405.88	Phenylsulfone.....	[See Annex III]	7.3% ad val.	[7¢ per lb. + 53% ad val.] (1/1)	
405.92	Sodium tetraphenylboron.....	[See Annex III]	3.8% ad val.	[7¢ per lb. + 40% ad val.]	
405.96	2,4,4',5' -Tetrachlorophenylsulfone.....	[See Annex III]	6.1% ad val.	[7¢ per lb. + 41.5% ad val.] (1/1)	
	Other:				
406.00	Organo-sulfur compounds.....	[See Annex III]	6.7% ad val.	[7¢ per lb. + 40.5% ad val.] (1/1)	
406.05	Organo-mercury compounds.....	[See Annex III]	6.6% ad val.	[7¢ per lb. + 40% ad val.]	
	Other:				
406.08	Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex III]	17.7% ad val.	[7¢ per lb. + 68.5% ad val.] (1/1)	
406.09	Other.....		13.5% ad val.	[7¢ per lb. + 68.5% ad val.] (1/1)	
	Heterocyclic compounds and their derivatives (including lactones and lactams but excluding epoxides with three membered rings, anhydrides and imides of polybasic acids, and cyclic esters of polyhydric alcohols with polybasic acids):				
406.12	1,2-Dihydro-2,2,4-trimethylquinoline....	[See Annex III]	6.9% ad val.	[7¢ per lb. + 40% ad val.]	
406.16	2,2'-Dithiobisbenzothiazole.....	[See Annex III]	15% ad val.	[7¢ per lb. + 57% ad val.] (1/1)	
406.20	Ethoxyquin (1,2-Dihydro-6-ethoxy-2,2,4-trimethylquinoline).....	[See Annex III]	10% ad val.	[7¢ per lb. + 55% ad val.] (1/1)	

[1/ This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 223.]

## ANNEX II

-16-

[Cyclic...:]				
[Other:]				
	[Heterocyclic...:]			
406.24	1-Hydroxy-2-carbazolecarboxylic acid; 2-Hydroxy-3-dibenzofurancarboxylic acid; and 7-Nitronaphth[1,2]oxadiazole-5-sulfonic acid and its salts.....	[See Annex III]	7.8% ad val.	[7c per lb. + 66.5% ad val.] [1/]
406.28	2-Mercaptobenzothiazole, sodium salt (2-Benzothiazolethiol, sodium salt).....	[See Annex III]	0.4c per lb. + 12.5% ad val.	[7c per lb. + 40% ad val.]
406.32	2-Pyridinecarboxaldehyde; and Vinylcarbazole, mono.....	[See Annex III]	5.8% ad val.	[7c per lb. + 40% ad val.]
406.36	Other: 4-Aminoantipyrine; 2-Amino-6-methoxybenzothiazole; 2-Amino-6-methylbenzothiazole; Aminomethylphenylpyrazole (Phenylmethylaminopyrazole); 5-Amino-3-phenyl-1,2,4- thiadiazole (3-phenyl-5- amino-1,2,4-thiadiazole); 3-Amino-1-(2,4,6-trichloro- phenyl)-5-pyrazolone; 2-sec-Butyl-4-tert-butyl- 6-(benzotriazol-2-yl)phenol; 2-tert-Butyl-4-methyl-6- (5-chlorobenzotriazol-2-yl)- phenol; p-Chloro-2-benzylpyridine; 4-Chloro-3-(3-methyl-5-oxo- 2-pyrazolin-1-yl)benzene- sulfonic acid; 4-Chloro-1-methylpiperidine hydrochloride; 1-(m-Chlorophenyl)-3-methyl- 2-pyrazolin-5-one; 2,4-Di-tert-butyl-6-(benzo- triazol-2-yl)phenol; 2,4-Di-tert-butyl-6-(5- chlorobenzotriazol-2-yl)phenol; 1-(2',5'-Dichlorophenyl)-3- methyl-2-pyrazolin-5-one; 2,3-Dichloro-6-quinoxaline- carbonyl chloride; 1,4-Dimethyl-6-hydroxy-3- cyanopyridone-2; 6-Ethoxy-2-benzothiazolethiol; o-Ethylpyrazolone; 2-Hydroxybenzoxazole (Benzoxazolone); 2-Hydroxy-3-carbazolecarboxylic acid; 2-Hydroxy-3-carbazolecarboxylic acid, sodium salt; Iminodibenzyl(10,11-dihydro- 5H-dibenz[b,f]azepine); 5-Imino-3-methyl-1-(m- sulfophenyl)pyrazole; 5-Imino-3-methyl-1-phenyl- pyrazole; Iminopyrazole-3-sulfonic acid; Indoline; Isoquinoline; 3-Methylbenzo[f]quinoline; 3-Methylbenzothiazole-2- hydrazone;			

[1/ This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 223.]

## ANNEX II

-17-

	[Cyclic...]			
	[Other:]			
	[Heterocyclic...:]			
	[Other:]			
406.36 (con.)	2-Methyl-5-ethylpyridine; 2-Methylindoline; 1-Methyl-2-phenylindole; Methylpyrazine; 8-Methylquinoline; 2-Phenylbenzimidazole; p-Phenylimidazole; 2-Phenylimidazole; 2-Phenylindole; 4-Phenylpropylpyridine; p-Phenylpyridylacetic acid, methyl ester; Picolinic acid; Primuline base; Pyrazole (3-carboxy-1-4- sulphophenylpyrazol-5-one); 2,5-Pyridinedicarboxylic acid; 3-Quinuclidinol; Tetramethylpyrazine; 1,9-Thianthrene-dicarboxylic acid; Thioxanthen-9-one (Thioxanthone); 1-(2,4,6-Trichlorophenyl)-3- aminopyrazolone; 2-(Trifluoromethyl)phenothiazine; 2,3,5-Triphenyltetrazolium chloride; dl-Tryptophan; and Xanthen-9-one.....	[See Annex III]	5.8% ad val.	[7c per lb. + 39.5% ad val.] [1/1]
	Other:			
406.40	Products provided for in the Chemical Appendix to the Tariff Schedules.....		1.7c per lb. + 16.2% ad val.	[7c per lb. + 52% ad val.] [1/1]
406.42	Other.....		13.5% ad val.	[7c per lb. + 5% ad val.] [1/1]
	Sulfonamides, sultones, sultams, and other organic compounds:			
406.44	Copper phthalocyanine ([Phthalocyanato(2-)]copper).....	[See Annex III]	17.5% ad val.	[7c per lb. + 67% ad val.] [1/1]
	Sulfonamides:			
406.48	4-Amino-6-chloro-m- benzenedisulfonamide; 2-Amino-m-ethylbenzene- sulfonanilide; 5-Amino-m,m,a-tri- fluorotoluene-2,4- disulfonamide; Benzenesulfonamide; Benzenesulfonyl hydrazide; 2-Chloro-4-amino-5- hydroxybenzenesulfonamide; 2,5-Dimethoxysulfanilide; and Metanilamide.....	[See Annex III]	6.8% ad val.	[7c per lb. + 41% ad val.] [1/1]
406.52	o-Toluenesulfonamide.....	[See Annex III]	7.4% ad val.	[7c per lb. + 57.5% ad val.] [1/1]

[1/ This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 223.]

## ANNEX II

-18-

[Cyclic...:]

[Other:]

[Sulfonamides...:]

[Sulfonamides:]

Other:

406.56	Products provided for in the Chemical Appendix to the Tariff Schedules.....	1.7c per lb. + 18% ad val.	[7c per lb. + 57.5% ad val.] [1/]
406.58	Other.....	13.5% ad val.	[7c per lb. + 57.5% ad val.] [1/]
406.61	Other: Products provided for in the Chemical Appendix to the Tariff Schedules.....	1.7c per lb. + 14.5% ad val.	[7c per lb. + 46.5% ad val.] [1/]
406.63	Other.....	13.5% ad val.	[7c per lb. + 46.5% ad val.] [1/]

All other products, by whatever name known, not provided for in subpart A or C of this part, including acyclic organic chemical products, which are obtained, derived, or manufactured in whole or in part from any of the cyclic products having a benzenoid, quinoid, or modified benzenoid structure provided for in the foregoing provisions of this subpart or in subpart A of this part:

406.64	Acetone.....	{See Annex III}	0.1c per lb. + 18.7% ad val.	[7c per lb. + 60% ad val.] [1/]
406.68	Adipic acid.....	{See Annex III}	0.1c per lb. + 19.8% ad val.	[7c per lb. + 63% ad val.] [1/]
406.72	Caprolactam monomer.....		1.5c per lb. + 10% ad val.	[7c per lb. + 40% ad val.]
406.76	Cyclohexane.....	{See Annex III}	0.9c per lb. + 12.5% ad val.	[7c per lb. + 40% ad val.]
406.81	Cyclohexanone.....	{See Annex III}	1.1c per lb. + 12.5% ad val.	[7c per lb. + 40% ad val.]
406.84	Fumaric acid.....	{See Annex III}	20% ad val.	[7c per lb. + 87% ad val.] [1/]
406.86	Hexamethylene adipamide.....	{See Annex III}	7.1% ad val.	[7c per lb. + 46% ad val.] [1/]
406.92	Hexamethylenediamine.....	{See Annex III}	20% ad val.	[7c per lb. + 66.5% ad val.] [1/]
406.96	Maleic anhydride.....	{See Annex III}	1c per lb. + 15.6% ad val.	[7c per lb. + 50% ad val.] [1/]
407.00	Methylcyclohexanone.....	{See Annex III}	5.9% ad val.	[7c per lb. + 40% ad val.]

[1/ This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 223.]

## ANNEX II

-19-

[All....:]			
Other:			
407.05	Products provided for in the Chemical Appendix to the Tariff Schedules.....	1.7c per lb. + 16.8% ad val.	[7c per lb. + 53.5% ad val.] [1/]
407.07	Other.....	13.5% ad val.	[7c per lb. + 53.5% ad val.] [1/]
Mixtures in whole or in part of any of the products provided for in this subpart:			
407.09	Solvents which contain over 25 percent by weight of any of the products provided for in this subpart.....	[See Annex III]	7.4% ad val., but not less than the high- est rate applicable to any component material
			[7c per lb. + 43.5% ad val., but not less than the high- est rate applicable to any component material] [1/]
407.15	Other.....	1.7c per lb. + 13.6% ad val., but not less than the high- est rate applicable to any component material	[7c per lb. + 43.5% ad val., but not less than the high- est rate applicable to any component material] [1/]

[1/ This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 223.]

## ANNEX II

-20-

## Subpart C. - Finished Organic Chemical Products

## Subpart C headnotes:

1. The provisions of this subpart providing for products obtained, derived, or manufactured in whole or in part from products described in subpart A or B of this part shall also apply to products of like chemical composition having a benzenoid, quinoid, or modified benzenoid structure artificially produced by synthesis, whether or not obtained, derived, or manufactured in whole or in part from products described in the said subpart A or B.

2. For the purposes of the Tariff Schedules, the term "pesticides" means products, such as insecticides, rodenticides, fungicides, herbicides, fumigants, and seed disinfectants, chiefly used to destroy undesired animal or plant life.

3. The term "plastics materials" in items 408.44 to 409.18, inclusive, embraces products formed by the condensation, polymerization, or copolymerization of organic chemicals and to which plasticizers, fillers, colors, or extenders may have been added. The term includes, but is not limited to, phenolic and other tar-acid resins, styrene resins, alkyd and polyester resins based on phthalic anhydride, coumarone-indene resins, urethane, epoxy, toluene sulfonamide, maleic, fumaric, aniline, and polyamide resins, and other synthetic resins. The plastics materials may be in solid, semi-solid, or liquid condition, such as flakes, powders, pellets, granules, solutions, emulsions, and other basic forms not further processed.

4. For the purpose of the classification of merchandise provided for under items 408.44 to 409.18, inclusive, the following provisions shall apply:

(a) The term "thermoplastic resins" means those materials in unfinished forms which in their final state as finished articles are capable of being repeatedly softened by increase of temperature and hardened by decrease of temperature.

(b) The term "thermosetting resins" (or thermosets) means those materials in unfinished forms which in their final state as finished articles are substantially infusible. Thermosetting resins are often liquids at some stage in their manufacture or processing and are cured by heat, catalysis, or other chemical means. After being fully cured, thermosets cannot be resoftened by heat.

(c) Copolymers and terpolymers not specially provided for shall be classified as if they consisted entirely of that monomer which is present in the largest amount by weight on a resin content basis (i.e., excluding the weight of plasticizers, liquid diluents, fillers, or other additives). Any polymer consisting of two or more monomers which are present in equal amounts shall be classified as if it consisted entirely of that monomer whose polymer is listed first under the thermoplastic or thermosetting resins, as appropriate.

5. The term "paints and enamel paints" in this subpart covers dispersions of pigments or pigment-like materials with a liquid (vehicle) which are suitable for application to surfaces as a thin layer, and which dry (harden) to an opaque, solid film. The vehicle of paints consists of drying oils or resins which bind the pigment particles together in the film; the vehicle of enamel paints is principally varnish. Paints and enamel paints may also contain thinners, driers, plasticizers, or other agents.

## ANNEX II

-21-

6. The term "varnishes" in this subpart covers liquid surface-coating products which contain no pigments or pigment-like materials, and which dry (harden) to a transparent or translucent film. Shellac varnishes are solutions of shellac or any other form of lac in a volatile solvent such as ethyl alcohol. Oleoresinous varnishes consist of resins dissolved in or reacted with a drying oil, to which thinners, driers, and plasticizers may be added. Cellulose-derivative varnishes (lacquers) are solutions of cellulose nitrate or other cellulose derivatives in a volatile solvent.

7. The term "stains" in this subpart covers liquids containing transparent or semi-transparent pigments, dyes, or chemicals, chiefly used to deepen or otherwise alter the color of wood, but which will not obscure its grain, texture, or markings.

8. For the purposes of this subpart --

(a) The term "surface-active agents" means synthetic organic compounds, or mixtures thereof, which function as surface tension modifiers and are chiefly used for any one or combination of the following purposes: as detergents, wetting agents, emulsifiers, dispersants, or foaming agents.

(b) The term "synthetic detergents" embraces formulated materials which are used chiefly for household, laundry, and industrial cleaning purposes, and which consist of one or more surface-active agents as the active ingredients in combination with colors, brighteners, perfumes, inert diluents, builders, and extenders such as inorganic salts, polyphosphates, polyalicates or sodium carboxymethyl-cellulose.

9. The term "plasticizers" in item 409.34 means substances which may be incorporated into a material (usually a plastic, resin material, or an elastomer) to increase its softness, flexibility, workability, or distensibility.

10. The term "drugs" in this subpart means those substances having therapeutic or medicinal properties and chiefly used as medicines or as ingredients in medicines.

11. For the purposes of the provisions of this subpart relating to "colors, dyes, stains, and related products" (except products provided for in items 410.36 to 410.44, inclusive) --

(a) the specific duties shall be based on standards of strength which shall be established by the Secretary of the Treasury, and upon all importations of such articles which exceed such standards of strength the specific duty shall be computed on the weight which the article would have if it were diluted to the standard strength, but in no case shall any such articles of whatever strength be subject to a less specific duty than that provided in the respective items of this subpart;

(b) it shall be unlawful to import or bring into the United States any such product unless the invoice shall bear a plain, conspicuous, and truly descriptive statement of the identity and percentage, exclusive of diluents, of such product;

(c) it shall be unlawful to import or bring into the United States any such product, if the immediate container or the invoice bears a statement, design, or device regarding the product or the ingredients or substances contained therein which is false, fraudulent, or misleading in any particular; and

(d) in the enforcement of the foregoing provisions of this headnote the Secretary of the Treasury shall adopt a standard of strength for each dye or other product which shall conform as nearly as practicable to the commercial strength in ordinary use in the United States prior to July 1, 1914. If a dye or other product has been introduced

## ANNEX II

-22-

into commercial use since said date then the standard of strength for such dye or other product shall conform as nearly as practicable to the commercial strength in ordinary use. If a dye or other product was or is ordinarily used in more than one commercial strength, then the lowest commercial strength shall be adopted as the standard of strength for such dye or other product.

12. Any product described in two or more of the items under items 411.32 to 412.70, inclusive, is to be classified in the first applicable item.

Products obtained, derived, or manufactured in whole or in part from any product provided for in subpart A or B of this part:

Explosives:			
Trinitrotoluene:			
408.00	Valued not over 15 cents per pound.....	[See Annex III]	8.9% ad val. [7c per lb. + 45% ad val.]
408.04	Valued over 15 cents per pound.....	[Free]	[7c per lb. + 45% ad val.]
408.08	Other.....	[See Annex III]	6.5% ad val. [7c per lb. + 45% ad val.]
408.12	Ink powders.....	[See Annex III]	6.2% ad val. [7c per lb. + 45% ad val.]
Pesticides:			
Not artificially mixed:			
408.16	Fungicides.....	[See Annex III]	11.1% ad val. [7c per lb. + 40% ad val.]
Herbicides (including plant growth regulators):			
408.21	S-(4-Chlorobenzyl)-N,N-diethylthiocarbamate (Benthiocarb); 2-(4-Chloro-2-methylphenoxy)propionic acid and its salts; p-Chlorophenoxyacetic acid; 3-(p-Chlorophenyl)-1,1-dimethylurea (Monuron); 3,5-Dibromo-4-hydroxybenzotrile (Bromoxynil); 2-(2,4-Dichlorophenoxy)propionic acid; 2,2-Dimethyl-1,3-benzodioxol-4-yl methylcarbamate (Bendiocarb); 1,1-Dimethyl-3-( $\alpha,\alpha,\alpha$ -trifluorom-tolyl)urea (Fluometuron); o-Diquat dibromide(1,1'-Ethylene-2,2'-dipyridylum dibromide); 3-Ethoxycarbonylamino-phenyl-N-phenylcarbamate (Desmedipham); 2-Ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuransylmethanesulfonate; 3-Isopropyl-1H-2,1,3-benzothiadiazin-4(3H)-one-2,2-dioxide (Bentazon); Isopropyl-N-(3-chlorophenyl)carbamate (CIPC); Methyl-4-aminobenzenesulfonylcarbamate (Asulam); and o-Paraquat dichloride.....	[See Annex III]	6.8% ad val. [7c per lb. + 40.5% ad val.] [1/1]

[1/ This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 223.]

## ANNEX II

-23-

	[Products...:]			
	[Pesticides:]			
	[Not...:]			
	[Herbicides...:]			
	Other:			
408.22	Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex III]	13.5% ad val.	[7c per lb. + 48.5% ad val.] [1/]
408.23	Other.....		13.5% ad val.	[7c per lb. + 48.5% ad val.] [1/]
	Insecticides:			
408.24	1,2-Benzisothiazolin-3-one; N <sup>4</sup> -(4-Chloro-o-tolyl)-N,N-dimethylformamide; 1,1-Dichloro-2,2-bis(p-ethylphenyl)ethane; O,O-Diethyl-S-[(6-chloro-2-oxobenzoxazolin-3-yl)methyl]phosphorodithioate (Phosalone); and O,O-Dimethyl-O-(4-nitro-m-tolyl)phosphorothioate (Fenitrothion).....	[See Annex III]	6.9% ad val.	[7c per lb. + 41% ad val.] [1/]
	Other:			
408.28	Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex III]	12.5% ad val.	[7c per lb. + 64.5% ad val.] [1/]
408.29	Other.....		12.5% ad val.	[7c per lb. + 64.5% ad val.] [1/]
408.32	Other.....	[See Annex III]	10.7% ad val.	[7c per lb. + 40% ad val.]
	Other:			
408.36	Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex III]	0.8c per lb. + 9.7% ad val.	[7c per lb. + 31% ad val.] [1/]
408.38	Other.....		0.8c per lb. + 9.7% ad val.	[7c per lb. + 31% ad val.] [1/]
408.41	Photographic chemicals.....	[See Annex III]	8.5% ad val.	[7c per lb. + 50% ad val.] [1/]
	Plastics materials:			
408.44	Concentrated dispersions of pigments in plastics materials.....	[See Annex III]	5.9% ad val.	[7c per lb. + 45% ad val.]
408.48	Paints and enamel paints.....	[See Annex III]	5.9% ad val.	[7c per lb. + 45% ad val.]
408.52	Varnishes and lacquers.....	[See Annex III]	6.7% ad val.	[7c per lb. + 57% ad val.] [1/]
	Other:			
	Thermoplastic resins:			
408.54	Petroleum hydrocarbon and coumarone-indene resins.....	[See Annex III]	6.1% ad val.	[7c per lb. + 49% ad val.] [1/]
408.61	Polyamide resins, nylon type.....	[See Annex III]	6.3% ad val.	[7c per lb. + 51.5% ad val.] [1/]
408.64	Polycarbonate resins.....	[See Annex III]	5.8% ad val.	[7c per lb. + 45% ad val.]
408.68	Polyester resins, saturated.....		1.4c per lb. + 9% ad val.	[7c per lb. + 45% ad val.]
408.72	Acrylonitrile-butadiene-styrene (ABS) resins.....	[See Annex III]	0.3c per lb. + 9.4% ad val.	[7c per lb. + 47% ad val.] [1/]

[1/ This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 223.]

## ANNEX II

-24-

	[Products...:]				
	[Plastics...:]				
	[Other:]				
	[Thermoplastic...:]				
408.76	Methyl methacrylate-butadiene-styrene (MBS) resins.....	[See Annex III]	7.6% ad val.	[7c per lb. + 67.5% ad val.] [1/]	
408.81	Styrene-acrylonitrile (SAN) resins.....	[See Annex III]	0.5c per lb. + 9.1% ad val.	[7c per lb. + 45.5% ad val.] [1/]	
408.84	Polystyrene resins and styrene copolymers, terpolymers (except ABS, MBS, and SAN resins).....	[See Annex III]	0.4c per lb. + 9.2% ad val.	[7c per lb. + 46% ad val.] [1/]	
408.88	Other.....	[See Annex III]	6.1% ad val.	[7c per lb. + 49% ad val.] [1/]	
	Thermosetting resins:				
408.92	Alkyd resins.....		1.4c per lb. + 9% ad val.	[7c per lb. + 45% ad val.]	
408.96	Allyl resins (e.g., diallyl phthalate).....	[See Annex III]	5.8% ad val.	[7c per lb. + 45% ad val.]	
409.02	Epoxy resins.....	[See Annex III]	6.1% ad val.	[7c per lb. + 47% ad val.] [1/]	
409.06	Phenolic resins.....	[See Annex III]	6.5% ad val.	[7c per lb. + 48% ad val.] [1/]	
409.10	Polyester resins, unsaturated.....	[See Annex III]	0.4c per lb. + 9% ad val.	[7c per lb. + 45% ad val.]	
409.14	Polyurethane resins.....	[See Annex III]	6.3% ad val.	[7c per lb. + 51.5% ad val.] [1/]	
409.18	Other.....	[See Annex III]	5.8% ad val.	[7c per lb. + 45% ad val.]	
	Products chiefly used as assistants in preparing or finishing textiles:				
409.22	Surface-active agents and synthetic detergents.....	[See Annex III]	6.6% ad val.	[7c per lb. + 53.5% ad val.] [1/]	
	Other:				
409.26	Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex III]	6.1% ad val.	[7c per lb. + 49.5% ad val.] [1/]	
409.28	Other.....		6.1% ad val.	[7c per lb. + 49.5% ad val.] [1/]	
409.30	Products (except those in items 409.22, 409.26 and 409.28) chiefly used for any one or combination of the following purposes: As detergents, wetting agents, emulsifiers, dispersants, or foaming agents.....	[See Annex III]	7.7% ad val.	[7c per lb. + 44.5% ad val.] [1/]	
409.34	Products chiefly used as plasticizers.....	[See Annex III]	0.1c per lb. + 17.7% ad val.	[7c per lb. + 57% ad val.] [1/]	
409.38	Sodium benzoate.....	[See Annex III]	8.2% ad val.	[7c per lb. + 65.5% ad val.] [1/]	
409.42	Synthetic tanning materials.....	[See Annex III]	14.3% ad val.	[7c per lb. + 48.5% ad val.]	

ANNEX II

-25-

[Colors...:]			
409.50	Vat blue 1 (synthetic indigo), "Colour Index No. 73000".....	1.5¢ per lb. + 14.4% ad val.	[3¢ per lb. + 29% ad val.] [1/]
409.54	Acid blue 45; 106; Acid yellow 116; Basic blue 3; Basic red 14; Basic yellow 1, 11, 13; Direct blue 86; Direct red 83; Direct yellow 28; Disperse red 4; Fluorescent brightening agent 32; Solvent orange 11; Solvent yellow 25; Vat brown 3; Vat orange 2, 7; and Vat violet 9, 13; all the foregoing obtained, derived, or manufactured in whole or in part from any product provided for in subpart A or B of this part.....	[See Annex III]	20% ad val. [7¢ per lb. + 63.5% ad val.] [1/]
409.58	Acid black 31, 50, 94, 129; Acid blue 54, 127, 129, 143; Acid brown 44, 46, 48, 58, 188, 189; Acid green 40; Acid red 130, 145, 174, 211; Acid violet 19, 31, 41, 48; Acid yellow 2, 75; Basic orange 22; Basic red 13; Direct black 62, 91; Direct blue 92, 106, 108, 109, 160, 172; Direct brown 103, 115, 116; Direct green 5, 29, 31; Direct orange 37; Disperse blue 30; Fluorescent brightening agent 18, 24; Ingrain blue 2; Mordant black 8; Mordant green 47; Mordant red 17, 27; Reactive black 1; Reactive blue 1, 2, 4; Reactive orange 1; Reactive red 1, 2, 3, 5, 6; Reactive yellow 1; Vat blue 2; Vat red 44; Vat solubilized orange 3; and Vat yellow 4, 20; all the foregoing obtained, derived, or manufactured in whole or in part from any product provided for in subpart A or B of this part.....	[See Annex III]	14.2% ad val. [7¢ per lb. + 50% ad val.] [1/]
	Colors, dyes, and stains (except toners), whether soluble or not in water, obtained, derived, or manufactured in whole or in part from any product provided for in subpart A or B of this part:		
409.62	Acid dyes: Acid black 61, 63, 76, 83, 117, 127, 131, 132, 139, 164, 170, 183, 194, 199; Acid blue 47, 60, 61, 66, 72, 81, 82, 83, 90, 98, 102, 112, 123, 126, 127:L, 130, 133, 140, 142, 147, 151, 172, 182, 185, 193, 204, 205, 208, 209, 221, 225, 229, 239, 242, 247, 250, 254, 260, 261, 264, 266, 268, 280, 288, 290, 296, 312, 317;		

[1/ This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 223.]

## ANNEX II

-26-

	[Colors...:]			
	[Colors...:]			
	[Acid...:]			
409.62	Acid brown 10, 11, 30, 33, 45, 50, 68,			
(con.)	83, 100, 101, 103, 104, 105, 106,			
	126, 127, 147, 158, 160, 161, 162,			
	163, 165, 180, 191, 195, 224, 226,			
	227, 235, 237, 239, 248, 266, 267,			
	270, 276, 282, 283, 289, 290, 291,			
	298, 304, 311, 314, 315, 321, 322,			
	324, 325, 330, 331, 355, 358, 359,			
	360, 361, 362;			
	Acid green 26, 28, 41, 43, 60, 68,			
	70, 71, 73, 80, 82, 84, 92, 93, 94,			
	108, 112;			
	Acid orange 3, 19, 28, 33, 43, 47,			
	61, 86, 89, 94, 102, 126, 135, 142;			
	Acid red 37, 42, 48, 52, 57, 58, 92,			
	111, 118, 127, 131, 138, 143, 155,			
	161, 199, 213, 215, 216, 226, 227,			
	228, 249, 252, 257, 259, 260, 261,			
	263, 274, 281, 282, 283, 301, 303,			
	310, 315, 330, 331, 332, 336, 357,			
	361, 362, 392;			
	Acid violet 9, 34, 36, 47, 66, 75,			
	80, 90, 103, 109, 111, 121;			
	Acid yellow 7, 64, 96, 111, 127,			
	136, 155, 167, 183, 184, 194, 218,			
	223, 227;			
	Copper phthalocyanine-3,3', 4, 4'-			
	tetrasulfonic acid;			
	Copper phthalocyanine-4, 4', 4'',			
	4'''-tetrasulfonic acid.....	[See Annex III]	9.2% ad val.	[7c per lb. + 52% ad val.] [1/]
	Other:			
409.66	Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex III]	20% ad val.	[7c per lb. + 69.5% ad val.] [1/]
409.68	Other.....	[See Annex III]	15% ad val.	[7c per lb. + 69.5% ad val.] [1/]
	Basic dyes:			
409.70	Basic black 7;			
	Basic blue 41, 45, 48, 55, 62, 66,			
	71, 78, 80, 81, 120, 141;			
	Basic green 6, 8;			
	Basic orange 30, 35, 36, 37, 43, 44;			
	Basic red 23, 28, 29, 43, 44, 46, 58,			
	100;			
	Basic violet 2, 22, 25, 37, 38; and			
	Basic yellow 19, 23, 24, 25, 39, 40,			
	45, 54, 56, 63, 70.....	[See Annex III]	9% ad val.	[7c per lb. + 51% ad val.] [1/]
	Other:			
409.74	Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex III]	20% ad val.	[7c per lb. + 70% ad val.] [1/]
409.76	Other.....	[See Annex III]	15% ad val.	[7c per lb. + 70% ad val.] [1/]

[1/ This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 223.]

## ANNEX II

-27-

	[Colors...:]				
	[Colors...:]				
	Direct dyes:				
409.78	Direct black 51, 69, 112, 114, 118, 122; Direct blue 74, 77, 90, 137, 156, 158, 158:1, 207, 211, 225, 244, 267; Direct brown 97, 113, 157, 169, 170, 200, 212, 214; Direct green 33, 59, 67, 68; Direct orange 17, 60, 105, 106, 107, 118; Direct red 9, 89, 92, 95, 111, 127, 173, 207, 221; Direct violet 47, 93; and Direct yellow 27, 39, 68, 93, 95, 96, 98, 109, 110, 133.....	(See Annex III)	9.5% ad val.	[7c per lb. + 53.5% ad val.] [1/]	
	Other:				
409.82	Products provided for in the Chemical Appendix to the Tariff Schedules.....	(See Annex III)	20% ad val.	[7c per lb. + 64.5% ad val.] [1/]	
409.84	Other.....	(See Annex III)	15% ad val.	[7c per lb. + 64.5% ad val.] [1/]	
	Disperse dyes:				
409.86	Disperse blue 19, 26, 55, 56, 58, 72, 73, 79, 83, 84, 93, 95, 122, 125, 128, 154, 165, 180, 183, 185, 200, 284, 285, 288, 295, 296; Disperse brown 19; Disperse green 9; Disperse orange 7, 13, 20, 31, 47, 48, 56, 63, 70, 80, 96, 127, 137; Disperse red 44, 72, 73, 90, 93, 107, 118, 121, 122, 131, 133, 134, 151, 169, 184, 202, 203, 224, 278, 282, 310; Disperse violet 23, 57, 63; and Disperse yellow 13, 63, 65, 82, 85, 91, 107, 119, 122, 124, 126, 139, 182, 184, 202.....	(See Annex III)	9% ad val.	[7c per lb. + 51% ad val.] [1/]	
	Other:				
409.90	Products provided for in the Chemical Appendix to the Tariff Schedules.....	(See Annex III)	20% ad val.	[7c per lb. + 62.5% ad val.] [1/]	
409.92	Other.....	(See Annex III)	15% ad val.	[7c per lb. + 62.5% ad val.] [1/]	

[1/ This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 223.]

## ANNEX II

-28-

	[Colors...:]				
	[Colors...:]				
409.94	Fluorescent brighteners.....	[See Annex III]	8.1% ad val.	[7c per lb. + 43% ad val.] [1/]	
409.96	Solvent dyes: Solvent black 2, 3, 27, 28, 29, 34; Solvent blue 45, 49, 51, 53, 56, 67, 97; Solvent brown 1, 28, 42, 43, 44; Solvent green 4, 5, 7, 19, 28, 213; Solvent orange 45, 54, 59, 63, 67; Solvent red 7, 18, 19, 23, 27, 35, 89, 92, 110, 118, 119, 124, 125, 127, 129, 130, 131, 132, 160; Solvent violet 2, 23, 24; and Solvent yellow 1, 32, 48, 64, 89, 93, 98, 160.....	[See Annex III]	8.2% ad val.	[7c per lb. + 45% ad val.]	
410.00	Other: Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex III]	20% ad val.	[7c per lb. + 63% ad val.] [1/]	
410.02	Other.....	[See Annex III]	15% ad val.	[7c per lb. + 63% ad val.] [1/]	
410.04	Reactive dyes: Reactive black 4, 10, 13, 21, 23, 26, 34, 35, 41; Reactive blue 7, 8, 10, 13, 18, 22, 23, 24, 26, 29, 34, 39, 40, 41, 42, 43, 44, 50, 51, 52, 65, 66, 67, 69, 74, 75, 77, 78, 79, 82, 94, 103, 104, 114, 116, 118, 136, 137, 140, 156, 157, 160; Reactive brown 2, 5, 12, 18, 19, 23; Reactive green 5, 6, 8, 12, 15, 16; Reactive orange 5, 9, 10, 11, 15, 20, 29, 33, 34, 35, 42, 44, 45, 62, 64, 67, 68, 69, 70, 71, 82, 84; Reactive red 4, 7, 8, 12, 13, 16, 17, 19, 21, 24, 29, 40, 42, 45, 55, 56, 66, 78, 82, 83, 84, 85, 86, 99, 104, 116, 118, 119, 121, 122, 123, 124, 132, 134, 151, 152, 159, ; Reactive violet 3, 6, 12, 23, 24; and Reactive yellow 4, 6, 11, 12, 15, 25, 27, 29, 35, 39, 41, 52, 57, 58, 64, 81, 82, 85, 87, 110, 125.....	[See Annex III]	8.3% ad val.	[7c per lb. + 46.5% ad val.] [1/]	

[1/ This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 223.]

## ANNEX II

-29-

	[Colors...:]				
	[Colors...:]				
	[Reactive...:]				
	Other:				
410.08	Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex III]	20% ad val.	[7c per lb. + 62.5% ad val.] [1/]	
410.10	Other.....	[See Annex III]	15% ad val.	[7c per lb. + 62.5% ad val.] [1/]	
	Vat dyes:				
410.12	Solubilized vat blue 5; Solubilized vat orange 1; Solubilized vat yellow 7, 45, 47; Vat black 19, 30, 31; Vat blue 19, 21, 66; Vat brown 33, 57; Vat green 28, 48; Vat orange 5, 13; Vat red 15, 41; and Vat yellow 46.....	[See Annex III]	8.4% ad val.	[7c per lb. + 47.5% ad val.] [1/]	
	Other:				
410.16	Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex III]	20% ad val.	[7c per lb. + 74.5% ad val.] [1/]	
410.18	Other.....	[See Annex III]	15% ad val.	[7c per lb. + 74.5% ad val.] [1/]	
	Other:				
410.19	Mordant black 75; Mordant blue 1; Mordant brown 79; and Mordant red 81, 84.....	[See Annex III]		[7c per lb. + 49.5% ad val.] [1/]	
	Other:				
410.20	Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex III]	20% ad val.	[7c per lb. + 49.5% ad val.] [1/]	
410.22	Other.....	[See Annex III]	15% ad val.	[7c per lb. + 49.5% ad val.] [1/]	
410.24	Natural alizarin and natural indigo; colors, dyes, and stains (except toners), whether soluble or not in water, obtained, derived, or manufactured in whole or in part from natural alizarin or natural indigo; color acids, color bases, indoxyl, indoxyl compounds, and leuco-compounds (whether colorless or not), obtained, derived, or manufactured in whole or in part from natural alizarin, natural indigo, or any product provided for in subpart A or B of this part.....	[See Annex III]	20% ad val.	[7c per lb. +70% ad val.] [1/]	
	Color lakes and toners, obtained, derived, or manufactured in whole or in part from natural alizarin, natural indigo, or any product provided for in subpart A or B of this part:				
410.28	Pigment black 1; Pigment blue 16, 18; Pigment brown 22, 23, 25; Pigment green 8; Pigment orange 31, 34, 36, 51;				

[1/ This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 223.]

## ANNEX II

-30-

[Colors...:]			
[Color...:]			
410.28 (con.)	Pigment red 9, 14, 34, 48:3, 52, 112, 139, 144, 146, 151, 166, 169, 170, 171, 175, 176, 177, 178, 180, 185, 188, 192, 199, 208, 209, 220, 221; and Pigment yellow 49, 81, 93, 95, 97, 101, 109, 110, 117, 127.....	[See Annex III]	8.3% ad val. [7c per lb. + 46% ad val.] [1/]
Other:			
410.32	Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex III]	20% ad val. [7c per lb. + 70.5% ad val.] [1/]
410.34	Other.....	[See Annex III]	15% ad val. [7c per lb. + 70.5% ad val.] [1/]
410.36	Fast color bases.....	[See Annex III]	12.5% ad val. [7c per lb. + 53% ad val.] [1/]
410.40	Fast color salts.....	[See Annex III]	12.5% ad val. [7c per lb. + 54.5% ad val.] [1/]
410.44	Naphthol AS and derivatives.....	[See Annex III]	14% ad val. [7c per lb. + 60% ad val.] [1/]
Products suitable for medicinal use, and drugs: Obtained, derived, or manufactured in whole or in part from any product provided for in sub- part A or B of this part:			
Products suitable for medicinal use:			
410.48	Acetanilide.....	[See Annex III]	10.8% ad val. [7c per lb. + 45% ad val.]
410.52	Benzaldehyde.....	[See Annex III]	7.2% ad val. [7c per lb. + 45% ad val.]
410.56	Benzoic acid.....	[See Annex III]	8.6% ad val. [7c per lb. + 69.5% ad val.] [1/]
410.60	2-Naphthol (Beta-naphthol).....	[See Annex III]	7% ad val. [7c per lb. + 45% ad val.]
410.64	Resorcinol.....	[See Annex III]	5.9% ad val. [7c per lb. + 34% ad val.] [1/]
410.66	Salicylic acid and its salts.....	[See Annex III]	8.7% ad val. [7c per lb. + 72% ad val.] [1/]
Drugs:			
410.68	Acetphenetidine (Phenacetin).....	[See Annex III]	6.7% ad val. [7c per lb. + 54.5% ad val.] [1/]
410.72	Acetylsalicylic acid (Aspirin).....	[See Annex III]	10.2% ad val. [7c per lb. + 82% ad val.] [1/]
410.76	Antipyrine.....	[See Annex III]	7.2% ad val. [7c per lb. + 49.5% ad val.] [1/]
410.80	5-Chloro-7-iodo-8-quinolinol (Iodo- chlorhydroxyquin) and 2-[1-(p- chlorophenyl)-3-dimethylamino- propyl]pyridine maleate (Chlorophenir- amine maleate).....	[See Annex III]	7.6% ad val. [7c per lb. + 73.5% ad val.] [1/]
410.84	Diethylaminoacetoxylidide (Lidocaine)...	[See Annex III]	10% ad val. [7c per lb. + 101.5% ad val.] [1/]
410.88	5-Ethyl-5-phenylhexahydropyrimidine- 4,6-dione (Primidone).....	[See Annex III]	5.3% ad val. [7c per lb. + 45% ad val.]
410.92	Hydantoin derivatives: Methylphenethylhydantoin (Mephentoin).....	[See Annex III]	6.7% ad val. [7c per lb. + 63% ad val.] [1/]

[1/ This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 223.]

## ANNEX II

-31-

[Products...:] [Obtained...:] [Drugs:]				
410.96	[Hydantoin...:] Other.....	[See Annex III]	6.7% ad val.	[7c per lb. + 63% ad val.] [1/]
411.00	Imidazole derivatives: 2-Benzyl-4,5-imidazole hydrochloride (Tolazoline hydrochloride).....	[See Annex III]	6.4% ad val.	[7c per lb. + 58.5% ad val.] [1/]
411.04	Phenylbenzylaminoethylimidazole hydrochloride.....	[See Annex III]	5.9% ad val.	[7c per lb. + 51% ad val.] [1/]
411.08	Other: Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex III]	6% ad val.	[7c per lb. + 51% ad val.] [1/]
411.10	Other.....		6% ad val.	[7c per lb. + 51% ad val.] [1/]
411.12	Phenolphthalein.....	[See Annex III]	7.4% ad val.	[7c per lb. + 53% ad val.] [1/]
411.16	Phenylephrine hydrochloride.....	[See Annex III]	6.8% ad val.	[7c per lb. + 58.5% ad val.] [1/]
411.20	Salol (Phenyl salicylate).....	[See Annex III]	6.8% ad val.	[7c per lb. + 45% ad val.] [1/]
411.24	Sulfamethazine.....	[See Annex III]	8% ad val.	[7c per lb. + 80% ad val.] [1/]
411.28	Sulfadiazine, sulfaguanidine, sulfamerazine, sulfapyridine, and salicylazosulfapyridine (Sulfasalazine).....	[See Annex III]	11.6% ad val.	[7c per lb. + 128.5% ad val.] [1/]
411.32	Other: Alkaloids and their salts and other derivatives: Ephedrine, pseudoephedrine, racephedrine, and their salts.....	[See Annex III]	7.6% ad val.	[7c per lb. + 59% ad val.] [1/]
411.36	Papaverine and its salts: Ethaverine hydrochloride.....	[See Annex III]	6.9% ad val.	[7c per lb. + 48.5% ad val.] [1/]
411.40	Other: Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex III]	11.6% ad val.	[7c per lb. + 104% ad val.] [1/]
411.42	Other.....		11.6% ad val.	[7c per lb. + 104% ad val.] [1/]
411.44	Other: Arecoline, hydrobromide; Deserpidine; Ergonovine maleate; Lobeline sulfate; Meperidine hydrochloride;			

[1/ This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 223.]

ANNEX II

-32-

	[Products....:]				
	[Obtained....:]				
	[Drugs:]				
	[Other:]				
	[Alkaloids....:]				
	[Other:]				
411.44 (con.)	Nicotinyl alcohol tartrate; and Quinacrine hydrochloride.....	[See Annex III]	7% ad val.	[7c per lb. + 50% ad val.] [1/]	
	Other:				
411.48	Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex III]	9.8% ad val.	[7c per lb. + 88% ad val.] [1/]	
411.50	Other.....		9.8% ad val.	[7c per lb. + 88% ad val.] [1/]	
	Antihistamines, including those chiefly used as anti-nauseants:				
411.52	Diphenhydramine; Promethazine hydrochloride; and Triprolidine hydrochloride....	[See Annex III]	6.6% ad val.	[7c per lb. + 45% ad val.]	
	Other:				
411.56	Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex III]	9.2% ad val.	[7c per lb. + 82% ad val.] [1/]	
411.58	Other.....		9.2% ad val.	[7c per lb. + 82% ad val.] [1/]	
	Anti-infective agents:				
	Antibiotics:				
411.60	Ampicillin and its salts.....	[See Annex III]	6.9% ad val.	[7c per lb. + 48.5% ad val.] [1/]	
411.64	Penicillin G salts.....	[See Annex III]	6.9% ad val.	[7c per lb. + 49% ad val.] [1/]	
	Penicillin, not specially provided for:				
411.68	Carfecillin, sodium; Cloxacillin, sodium; Dicloxacillin, sodium; Flucloxacillin, (Floxacillin); and Oxacillin, sodium.....	[See Annex III]	5.8% ad val.	[7c per lb. + 45% ad val.]	
	Other:				
411.72	Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex III]	7.4% ad val.	[7c per lb. + 56.5% ad val.] [1/]	
411.74	Other.....		7.4% ad val.	[7c per lb. + 56.5% ad val.] [1/]	

[1/ This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 223.]

## ANNEX II

-33-

	[Products...:]				
	[Obtained...:]				
	[Drugs:]				
	[Other:]				
	[Anti-infective...:]				
	[Antibiotics:]				
411.76	Other.....	[See Annex III]	6.6% ad val.	[7c per lb. + 45% ad val.]	
	Anti-infective sulfonamides:				
411.80	Sulfathiazole and sulfathiazole, sodium....	[See Annex III]	15% ad val.	[7c per lb. + 133% ad val.] [1/]	
	Other:				
411.84	Products provided for in the Chemical Appendix to the Tariff Schedules....	[See Annex III]	10.8% ad val.	[7c per lb. + 96% ad val.] [1/]	
411.86	Other.....		10.8% ad val.	[7c per lb. + 96% ad val.] [1/]	
	Anti-infective agents, not specially provided for:				
411.90	Acriflavine; Acriflavine hydrochloride; Bunamidine hydrochloride; Carbadox; Clopidol; Crotamiton; Decoquinat; Difodohydroxyquin; Ethionamide; Nicarbazin; Nicosamide; Oxyquinoline sulfate; Pentamidine; Phenylmercuric nitrate; Pyrazinamide; Stibophen; Thimerosal; Thymol iodide; Tolnaftate; and Trimethoprim.....	[See Annex III]	6.7% ad val.	[7c per lb. + 46% ad val.] [1/]	
	Other:				
411.94	Products provided for in the Chemical Appendix to the Tariff Schedules....	[See Annex III]	8.1% ad val.	[7c per lb. + 67.5% ad val.]	
411.96	Other.....		8.1% ad val.	[7c per lb. + 67.5% ad val.]	
	Autonomic drugs, except alkaloids and their derivatives:				
411.98	Cromolyn, sodium; Furosemide; Glipizide; Isoetharine hydrochloride; Isoxsuprine hydrochloride; Nylidrin hydrochloride; Procyclidine; Salbutamol (Albuterol); and Terbutaline sulfate.....	[See Annex III]	6.7% ad val.	[7c per lb. + 47% ad val.] [1/]	

[1/ This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 223.]

## ANNEX II

-34-

[Products...:]	[Obtained...:]	[Drugs:]	[Other:]	[Autonomic...:]	Other:			
412.02					Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex III]	8.2% ad val.	[7c per lb. + 71.5% ad val.] [1/]
412.04					Other.....		8.2% ad val.	[7c per lb. + 71.5% ad val.] [1/]
412.06					Cardiovascular drugs, except alkaloids and their derivatives: Hydralazine hydrochloride; Sulfinpyrazone; and Warfarin, sodium.....	[See Annex III]	5.8% ad val.	[7c per lb. + 47.5% ad val.] [1/]
412.10					Other: Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex III]	8% ad val.	[7c per lb. + 65% ad val.] [1/]
412.12					Other.....		8% ad val.	[7c per lb. + 65% ad val.] [1/]
412.14					Dermatological agents and local anesthetics.....	[See Annex III]	7.2% ad val.	[7c per lb. + 51.5% ad val.] [1/]
412.18					Drugs primarily affecting the central nervous system, except alkaloids and their derivatives: Analgesics, antipyretics, and nonhormonal anti- inflammatory agents: Propoxyphene hydro- chloride.....	[See Annex III]	13.4% ad val.	[7c per lb. + 119.5% ad val.] [1/]
412.22					Other.....	[See Annex III]	6.8% ad val.	[7c per lb. + 47.5% ad val.] [1/]
412.26					Anticonvulsants, hypnotics, and sedatives.....	[See Annex III]	6.9% ad val.	[7c per lb. + 48.5% ad val.] [1/]
412.30					Antidepressants, tranquil- izers, and other psycho- therapeutic agents: Amisriptyline; Butaperazine maleate; Clozapine; Droperidol; Fluphenazine decanoate; Fluphenazine enanthate; Imipramine hydro- chloride; Mesoridazine besylate; Piperacetazine; Prochlorperazine maleate; Promazine hydrochloride; and Trifluoperazine hydro- chloride.....	[See Annex III]	6.6% ad val.	[7c per lb. + 45.5% ad val.] [1/]

[1/ This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 223.]

## ANNEX II

-35-

	[Products...:]				
	[Obtained...:]				
	[Drugs:]				
	[Other:]				
	[Drugs...:]				
	[Antidepressants...:]				
	Other:				
412.34	Products provided for in the Chemical Appendix to the Tariff Schedules....	[See Annex III]	16.6% ad val.	[7c per lb. + 149.5% ad val.] [1/]	
412.36	Other.....		16.6% ad val.	[7c per lb. + 149.5% ad val.] [1/]	
	Other:				
412.38	Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex III]	7.6% ad val.	[7c per lb. + 58.5% ad val.] [1/]	
412.40	Other.....		7.6% ad val.	[7c per lb. + 58.5% ad val.] [1/]	
	Hormones, synthetic substitutes, and antagonists:				
412.42	Desonide; Dienestrol; Epinephrine; Epinephrine hydrochloride; Estradiol benzoate; Estradiol cyclopentyl- propionate (Estradiol cypionate); Nandrolone phenpropionate; and L-Thyroxine (Levothyroxine), sodium.....	[See Annex III]	6.9% ad val.	[7c per lb. + 49% ad val.] [1/]	
	Other:				
412.48	Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex III]	8.7% ad val.	[7c per lb. + 78.5% ad val.] [1/]	
412.50	Other.....		8.7% ad val.	[7c per lb. + 78.5% ad val.] [1/]	
	Vitamins, provitamins, and their analogues and derivatives used primarily for their vitamin activity:				
412.52	Vitamin B <sub>2</sub> (Riboflavin and its salts and esters).....	[See Annex III]	7.8% ad val.	[7c per lb. + 62% ad val.] [1/]	
412.56	Vitamin B <sub>12</sub> (Cyanocobalamin and related compounds with vitamin B <sub>12</sub> activity).....	[See Annex III]	16.2% ad val.	[7c per lb. + 145.5% ad val.] [1/]	
412.60	Vitamin E (d $\alpha$ -Tocopherol and its esters).....	[See Annex III]	7.9% ad val.	[7c per lb. + 63.5% ad val.] [1/]	

[1/ This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 223.]

## ANNEX II

-36-

	[Products...:]				
	[Obtained...:]				
	[Drugs:]				
	[Other:]				
	[Vitamins...:]				
	Other:				
412.64	Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex III]	6.9% ad val.	[7c per lb. + 49% ad val.] [1/1]	
412.66	Other.....		6.9% ad val.	[7c per lb. + 49% ad val.] [1/1]	
	Other:				
412.68	Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex III]	6.9% ad val.	[7c per lb. + 45% ad val.]	
412.70	Other.....		6.9% ad val.	[7c per lb. + 45% ad val.]	
	Drugs, from whatever source obtained, produced or manufactured:				
412.72	Guaiacol and its derivatives.....	[See Annex III]	9.1% ad val.	[7c per lb. + 79% ad val.] [1/1]	
	Aromatic or odoriferous compounds including flavors, not marketable as cosmetics, perfumery, or toilet preparations, and not mixed, and not containing alcohol:				
	Obtained, derived, or manufactured in whole or in part from any product provided for in sub- part A or B of this part:				
412.76	p-Anisaldehyde.....	[See Annex III]	8% ad val.	[7c per lb. + 36% ad val.] [1/1]	
412.80	Benzyl acetate.....	[See Annex III]	23.5% ad val.	[7c per lb. + 104.5% ad val.] [1/1]	
412.84	Benzyl benzoate.....	[See Annex III]	18.9% ad val.	[7c per lb. + 84% ad val.] [1/1]	
412.88	Diphenyl oxide.....	[See Annex III]	11.8% ad val.	[7c per lb. + 42.5% ad val.] [1/1]	
412.92	Ethyl vanillin.....	[See Annex III]	16.3% ad val.	[7c per lb. + 80% ad val.] [1/1]	
412.96	Heliotropin.....	[See Annex III]	7% ad val.	[7c per lb. + 56.5% ad val.] [1/1]	
413.00	Methyl anthranilate.....	[See Annex III]	6.6% ad val.	[7c per lb. + 22.5% ad val.] [1/1]	
413.04	α-Methylbenzyl alcohol.....	[See Annex III]	12.2% ad val.	[7c per lb. + 51% ad val.] [1/1]	
413.08	Musk, artificial.....	[See Annex III]	6.5% ad val.	[7c per lb. + 57% ad val.] [1/1]	
413.12	α-Pentylcinnamaldehyde.....	[See Annex III]	9.4% ad val.	[7c per lb. + 45% ad val.]	
413.16	Phenylacetaldehyde.....	[See Annex III]	8.4% ad val.	[7c per lb. + 40.5% ad val.] [1/1]	
413.20	Phenethyl alcohol.....	[See Annex III]	16.3% ad val.	[7c per lb. + 77% ad val.] [1/1]	
413.24	Saccharin.....	[See Annex III]	6.9% ad val.	[7c per lb. + 61% ad val.] [1/1]	

[1/ This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 223.]

## ANNEX II

-37-

	[Aromatic...:]			
	[Obtained...:]			
	Other:			
413.28	Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex III]	11.9% ad val.	[7c per lb. + 58% ad val.] [1/]
413.30	Other.....		11.9% ad val.	[7c per lb. + 58% ad val.] [1/]
	From whatever source obtained, derived, or manufactured:			
413.32	Coumarin.....	[See Annex III]	20% ad val.	[7c per lb. + 48% ad val.] [1/]
413.36	Methyl salicylate.....	[See Annex III]	15.7% ad val.	[7c per lb. + 68.5% ad val.] [1/]
413.40	Vanillin.....	[See Annex III]	8.5% ad val.	[7c per lb. + 48% ad val.] [1/]
	Mixtures in whole or in part of any of the products provided for in this subpart:			
413.50	Paints and enamel paints, stains, and varnishes...	[See Annex III]	10% ad val.	[7c per lb. + 46% ad val.] [1/]
413.51	Other.....	[See Annex III]	10% ad val., but not less than the highest rate applicable to any component material	[7c per lb. + 46% ad val., but not less than the highest rate applicable to any component material]"; [1/]

[1/ This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 223.]

## ANNEX II

-38-

Schedule 4, Part 8

5. Schedule 4, part 8, headnote 1 is modified by deleting "405.30 and 405.35" and substituting "409.22 to 409.30, inclusive" in lieu thereof;

Schedule 4, Part 12

6. Schedule 4, part 12, headnote 1 is modified by deleting "405.04 and 405.06" and substituting "408.00 to 408.08, inclusive" in lieu thereof;

Schedule 6, Part 3, Subpart E

7. Schedule 6, part 3E, headnote 4 is modified by deleting "or 402a";

Schedule 6, Part 4, Subpart J

8. Items 680.35 and 680.36 are superseded by: (as provided in the Trade Agreements Act of 1979, Sec. 222)

[Ball...:]

"Other:

680.37	Ball bearings and parts thereof.....	11% ad val.	[67% ad val.] [1/]
680.38	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).....	[Free]	
680.39	Other.....	[See Annex III] 6.5% ad val.	[67% ad val.] [1/]
680.41	If Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).....	[Free]";	

[1/ This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 223.]

Schedule 7, Part 1, Subpart C

9. Schedule 7, part 1C is modified by deleting headnote 4;  
 10. The article description for item 704.55 is modified by deleting "(see headnote 4 of this subpart)";

Schedule 7, Part 11, Subpart B

11. Schedule 7, part 11B, headnote 1 is modified by deleting "or 402a";

Schedule 8, Part 7

12. Schedule 8, part 7 headnote 2(111) is modified by deleting "680.35" and substituting "680.39" in lieu thereof;

Chemical Appendix

13. The TSUS is modified by adding, immediately after the Appendix, the following new Chemical Appendix:

"Chemical Appendix Headnotes:

1. This appendix enumerates those chemicals and products which the President has determined were imported into the United States before January 1, 1978, or were produced in the United States before May 1, 1978. For convenience, the listed articles are described (1) by reference to their registry number with the Chemical Abstracts Service (C.A.S.) of the American Chemical Society, where available, or (2) by reference to their common chemical name or trade name where the C.A.S. registry number is not available. For the purposes of these schedules, any reference to a product provided for in this appendix includes such products listed herein, by whatever name known.

2. The term "Dyes containing, by weight", means those products which contain only the specified components listed therewith, each of which must be present in the product. A tolerance of plus or minus 2 percentage points from the named percentages is allowable.

## ANNEX II

-39-

## CHEMICAL APPENDIX TO THE TARIFF SCHEDULES

| CAS Number |
|------------|------------|------------|------------|------------|------------|------------|
| 57-29-3    | 59-47-2    | 79-01-6    | 82-71-3    | 86-56-6    | 89-24-7    | 91-56-5    |
| 57-32-8    | 59-49-4    | 79-88-9    | 82-76-R    | 86-61-3    | 89-25-9    | 91-57-6    |
| 50-34-0    | 59-50-7    | 79-93-6    | 82-81-5    | 86-63-5    | 89-25-8    | 91-59-7    |
| 50-42-0    | 59-63-2    | 79-94-7    | 82-87-1    | 86-72-6    | 89-26-9    | 91-59-8    |
| 57-52-2    | 59-92-7    | 79-95-8    | 83-07-8    | 86-75-9    | 89-27-0    | 91-61-2    |
| 50-53-3    | 60-09-3    | 79-98-1    | 83-08-9    | 86-76-0    | 89-28-1    | 91-62-3    |
| 57-58-9    | 57-11-7    | 80-11-2    | 83-13-6    | 86-86-2    | 89-29-2    | 91-63-4    |
| 57-63-5    | 60-13-9    | 80-04-6    | 83-18-1    | 86-87-3    | 89-30-5    | 91-65-6    |
| 50-94-0    | 60-18-4    | 80-07-9    | 83-23-8    | 86-88-4    | 89-32-7    | 91-66-7    |
| 51-12-7    | 60-19-5    | 80-08-0    | 83-31-9    | 86-92-0    | 89-33-8    | 91-67-9    |
| 51-17-2    | 60-32-2    | 80-10-4    | 83-32-3    | 86-95-3    | 89-36-1    | 91-72-5    |
| 51-31-9    | 61-57-1    | 81-11-5    | 83-34-1    | 86-98-6    | 89-39-4    | 91-73-6    |
| 51-40-1    | 61-16-5    | 80-15-9    | 83-41-0    | 86-99-7    | 89-43-0    | 91-76-9    |
| 51-42-3    | 61-25-6    | 80-18-2    | 83-42-1    | 87-10-3    | 89-52-1    | 91-78-1    |
| 51-43-4    | 61-31-4    | 80-19-3    | 83-53-4    | 87-01-4    | 89-55-4    | 91-80-5    |
| 51-44-5    | 61-73-4    | 80-20-6    | 83-70-5    | 87-02-5    | 89-57-6    | 91-81-6    |
| 51-56-9    | 61-96-1    | 80-22-8    | 83-81-8    | 87-03-6    | 89-59-8    | 91-84-9    |
| 51-57-0    | 62-23-7    | 80-23-9    | 84-15-1    | 87-05-8    | 89-60-1    | 91-87-2    |
| 51-60-5    | 62-31-7    | 80-32-0    | 84-22-1    | 87-18-1    | 89-61-2    | 91-88-3    |
| 51-61-6    | 62-38-4    | 80-33-1    | 84-23-1    | 87-10-5    | 89-62-3    | 91-90-7    |
| 51-63-9    | 62-97-5    | 80-35-3    | 84-46-8    | 87-12-7    | 89-63-4    | 91-91-8    |
| 51-64-9    | 63-25-2    | 81-40-0    | 84-47-9    | 87-17-2    | 89-68-9    | 91-93-0    |
| 51-65-0    | 63-45-6    | 80-43-3    | 84-57-1    | 87-19-3    | 89-69-0    | 91-94-1    |
| 51-78-5    | 63-56-9    | 80-49-9    | 84-57-1    | 87-19-4    | 89-71-4    | 91-98-5    |
| 52-49-3    | 63-74-1    | 80-51-3    | 84-58-2    | 87-20-7    | 89-75-8    | 91-99-6    |
| 52-85-7    | 64-04-0    | 80-74-0    | 84-59-3    | 87-22-9    | 89-80-5    | 92-00-2    |
| 53-46-3    | 64-10-8    | 80-77-3    | 84-69-5    | 87-25-2    | 89-83-8    | 92-02-4    |
| 53-57-6    | 64-77-7    | 80-81-9    | 84-77-5    | 87-29-6    | 89-84-9    | 92-04-6    |
| 53-70-3    | 65-28-1    | 81-03-8    | 84-80-0    | 87-32-1    | 89-86-1    | 92-16-8    |
| 53-84-9    | 65-29-2    | 81-06-1    | 84-83-3    | 87-41-2    | 89-87-2    | 92-09-1    |
| 54-36-4    | 65-47-4    | 81-08-3    | 84-86-6    | 87-52-5    | 89-93-0    | 92-11-5    |
| 54-42-2    | 65-49-6    | 81-10-7    | 84-92-4    | 87-60-5    | 89-97-4    | 92-12-6    |
| 54-85-3    | 65-71-4    | 81-12-9    | 84-94-6    | 87-61-6    | 89-99-6    | 92-14-8    |
| 54-95-5    | 66-22-8    | 81-16-3    | 85-01-8    | 87-62-7    | 91-11-9    | 92-17-1    |
| 55-06-1    | 66-71-7    | 81-19-6    | 85-04-1    | 87-65-0    | 90-12-0    | 92-18-2    |
| 55-10-7    | 66-76-2    | 81-20-9    | 85-06-3    | 87-82-1    | 90-13-1    | 92-24-0    |
| 55-21-0    | 67-92-5    | 81-26-5    | 85-17-4    | 87-83-2    | 90-16-4    | 92-26-2    |
| 55-38-9    | 68-01-9    | 81-30-1    | 85-08-5    | 87-87-6    | 90-17-5    | 92-27-3    |
| 55-80-1    | 68-34-8    | 81-32-3    | 85-19-6    | 88-14-0    | 90-20-0    | 92-31-9    |
| 55-81-2    | 69-09-0    | 81-39-0    | 85-15-4    | 88-16-4    | 90-20-0    | 92-36-4    |
| 56-33-7    | 69-44-3    | 81-41-4    | 85-22-3    | 88-17-5    | 90-25-5    | 92-39-7    |
| 56-37-1    | 69-72-7    | 81-42-5    | 85-34-7    | 88-22-2    | 90-30-2    | 92-41-1    |
| 56-38-2    | 69-89-6    | 81-44-7    | 85-40-5    | 88-23-3    | 90-33-5    | 92-43-3    |
| 56-49-5    | 70-30-4    | 81-46-9    | 85-42-7    | 88-24-4    | 90-40-4    | 92-49-9    |
| 56-55-3    | 70-55-3    | 81-48-1    | 85-43-8    | 88-27-7    | 90-43-7    | 92-50-2    |
| 56-65-5    | 70-69-9    | 81-49-2    | 85-45-0    | 88-34-6    | 90-45-9    | 92-53-5    |
| 56-72-4    | 71-81-8    | 81-56-1    | 85-47-2    | 88-39-1    | 90-51-7    | 92-56-8    |
| 56-93-9    | 72-20-8    | 81-63-0    | 85-48-3    | 88-40-4    | 90-55-1    | 92-59-1    |
| 57-37-4    | 72-43-5    | 81-68-5    | 85-52-9    | 88-42-6    | 90-64-2    | 92-60-4    |
| 57-50-1    | 72-48-0    | 81-71-0    | 85-54-1    | 88-44-8    | 90-68-6    | 92-63-7    |
| 57-62-5    | 72-57-1    | 81-73-2    | 85-55-2    | 88-45-9    | 90-72-2    | 92-64-8    |
| 57-66-9    | 72-69-5    | 81-75-4    | 85-56-3    | 88-49-3    | 90-87-9    | 92-65-9    |
| 57-74-9    | 72-80-0    | 81-77-6    | 85-57-4    | 88-50-6    | 90-93-7    | 92-66-0    |
| 57-97-6    | 73-05-2    | 81-78-7    | 85-67-6    | 88-51-7    | 90-94-8    | 92-70-6    |
| 58-14-0    | 73-22-3    | 81-81-2    | 85-72-3    | 88-52-8    | 90-99-3    | 92-71-7    |
| 58-15-1    | 73-24-5    | 81-85-6    | 85-73-4    | 88-53-9    | 91-02-1    | 92-80-8    |
| 58-25-3    | 73-48-3    | 81-88-9    | 85-75-6    | 88-56-2    | 91-06-5    | 92-82-0    |
| 58-27-5    | 73-49-4    | 81-90-3    | 85-77-8    | 88-61-9    | 91-08-7    | 92-83-1    |
| 58-28-6    | 74-11-3    | 81-94-7    | 85-81-4    | 88-63-1    | 91-10-1    | 92-84-2    |
| 58-38-8    | 74-31-7    | 81-96-9    | 85-83-6    | 88-64-2    | 91-13-4    | 92-85-3    |
| 58-39-9    | 74-39-5    | 82-05-3    | 85-85-8    | 88-66-4    | 91-16-7    | 92-86-4    |
| 58-54-8    | 76-44-8    | 82-17-5    | 85-86-9    | 88-67-5    | 91-17-8    | 92-87-5    |
| 58-64-0    | 76-51-7    | 82-14-4    | 85-91-6    | 88-68-6    | 91-19-0    | 92-89-7    |
| 58-68-4    | 76-54-0    | 82-15-5    | 85-98-3    | 88-74-4    | 91-22-5    | 92-92-2    |
| 58-72-0    | 76-60-8    | 82-16-6    | 86-15-7    | 88-82-4    | 91-23-6    | 92-94-4    |
| 58-74-2    | 76-61-9    | 82-18-8    | 86-16-8    | 88-85-7    | 91-28-1    | 92-99-9    |
| 58-89-9    | 76-62-0    | 82-19-9    | 86-20-4    | 88-87-9    | 91-29-2    | 93-10-5    |
| 58-93-5    | 76-67-5    | 82-20-2    | 86-25-9    | 88-89-1    | 91-31-6    | 93-01-6    |
| 58-94-6    | 76-86-8    | 82-28-6    | 86-26-0    | 88-90-4    | 91-33-8    | 93-04-9    |
| 58-95-7    | 76-87-9    | 82-27-9    | 86-29-3    | 88-95-9    | 91-34-9    | 93-07-2    |
| 59-05-2    | 76-90-4    | 82-31-5    | 86-30-6    | 88-96-0    | 91-36-1    | 93-08-3    |
| 59-06-3    | 77-08-7    | 82-33-7    | 86-42-0    | 88-97-1    | 91-43-0    | 93-19-4    |
| 59-26-7    | 77-36-1    | 82-34-8    | 86-45-3    | 88-98-2    | 91-43-0    | 93-10-7    |
| 59-30-3    | 77-52-1    | 82-37-1    | 86-48-6    | 89-02-1    | 91-44-1    | 93-11-8    |
| 59-31-4    | 77-83-8    | 82-38-2    | 86-49-7    | 89-07-6    | 91-45-2    | 93-13-0    |
| 59-33-6    | 78-04-6    | 82-45-1    | 86-50-0    | 89-08-7    | 91-50-9    | 93-15-2    |
| 59-40-5    | 78-27-3    | 82-49-5    | 86-52-2    | 89-13-4    | 91-51-1    | 93-16-3    |
| 59-42-7    | 78-37-5    | 82-66-6    | 86-53-3    | 89-20-3    | 91-55-4    | 93-17-4    |

## ANNEX II

-40-

| CAS Number |
|------------|------------|------------|------------|------------|------------|------------|
| 93-18-5    | 95-20-5    | 98-37-3    | 100-55-0   | 102-22-7   | 104-10-9   | 109-04-6   |
| 93-19-6    | 95-21-6    | 98-40-8    | 100-56-1   | 102-23-8   | 104-11-0   | 109-08-0   |
| 93-21-1    | 95-23-8    | 98-42-7    | 100-62-9   | 102-27-2   | 104-12-1   | 109-09-1   |
| 93-26-5    | 95-24-9    | 98-43-1    | 100-62-9   | 102-28-3   | 104-13-2   | 110-15-6   |
| 93-27-6    | 95-25-0    | 98-44-2    | 100-65-2   | 102-29-4   | 104-21-1   | 110-16-7   |
| 93-28-7    | 95-26-1    | 98-47-5    | 100-65-2   | 102-33-0   | 104-21-2   | 110-43-8   |
| 93-29-8    | 95-29-4    | 98-48-6    | 100-66-3   | 102-36-3   | 104-23-4   | 111-89-4   |
| 93-34-5    | 95-31-8    | 98-49-7    | 100-69-6   | 102-40-9   | 104-24-5   | 111-49-9   |
| 93-37-8    | 95-33-0    | 98-50-0    | 100-70-9   | 102-42-1   | 104-27-9   | 113-59-7   |
| 93-40-3    | 95-46-5    | 98-52-2    | 100-71-1   | 102-47-6   | 104-28-9   | 114-26-1   |
| 93-43-6    | 95-49-8    | 98-53-3    | 100-76-5   | 102-48-7   | 104-29-4   | 114-63-6   |
| 93-45-8    | 95-51-2    | 98-56-6    | 100-81-4   | 102-49-8   | 104-31-4   | 114-70-5   |
| 93-46-9    | 95-52-3    | 98-60-2    | 100-82-3   | 102-56-7   | 104-36-9   | 114-80-7   |
| 93-48-1    | 95-53-4    | 98-61-3    | 100-84-5   | 102-63-6   | 104-38-1   | 114-91-0   |
| 93-50-5    | 95-55-6    | 98-62-4    | 100-86-7   | 102-77-2   | 104-39-2   | 115-29-7   |
| 93-51-6    | 95-56-7    | 98-64-6    | 100-87-8   | 102-78-3   | 104-41-6   | 115-32-2   |
| 93-52-7    | 95-57-8    | 98-66-8    | 100-88-9   | 102-92-1   | 104-45-1   | 115-37-7   |
| 93-53-8    | 95-72-7    | 98-67-9    | 100-92-5   | 102-96-5   | 104-47-2   | 115-39-9   |
| 93-58-3    | 95-73-8    | 98-69-1    | 100-93-6   | 102-97-6   | 104-48-3   | 115-40-2   |
| 93-64-1    | 95-74-9    | 98-71-5    | 100-94-7   | 102-98-7   | 104-49-4   | 115-41-3   |
| 93-69-6    | 95-75-0    | 98-72-6    | 101-06-4   | 103-01-5   | 104-53-0   | 115-51-5   |
| 93-70-9    | 95-76-1    | 98-73-7    | 101-09-7   | 103-03-7   | 104-54-1   | 115-63-9   |
| 93-72-1    | 95-82-9    | 98-81-7    | 101-10-0   | 103-05-9   | 104-57-4   | 115-64-0   |
| 93-76-5    | 95-83-0    | 98-87-3    | 101-11-1   | 103-06-0   | 104-62-1   | 115-78-6   |
| 93-79-8    | 95-94-3    | 98-94-2    | 101-12-2   | 103-07-1   | 104-63-2   | 115-93-5   |
| 93-84-5    | 96-41-3    | 98-95-3    | 101-15-5   | 103-19-4   | 104-64-3   | 116-22-3   |
| 93-85-6    | 96-59-3    | 99-04-7    | 101-17-7   | 103-19-5   | 104-65-4   | 116-29-0   |
| 93-89-1    | 96-62-8    | 99-07-0    | 101-18-8   | 103-21-9   | 104-66-5   | 116-31-4   |
| 93-90-3    | 96-72-0    | 99-11-6    | 101-20-2   | 103-25-3   | 104-68-7   | 116-43-8   |
| 93-92-5    | 96-73-1    | 99-24-1    | 101-23-5   | 103-26-4   | 104-69-8   | 116-49-4   |
| 93-94-7    | 96-74-2    | 99-26-3    | 101-24-6   | 103-28-6   | 104-71-2   | 116-63-2   |
| 93-99-2    | 96-75-3    | 99-27-4    | 101-26-8   | 103-31-1   | 104-72-3   | 116-70-1   |
| 94-01-9    | 96-77-5    | 99-28-5    | 101-27-9   | 103-32-2   | 104-81-4   | 116-71-2   |
| 94-02-0    | 96-78-6    | 99-29-6    | 101-39-3   | 103-33-3   | 104-82-5   | 116-72-3   |
| 94-11-1    | 96-83-3    | 99-30-9    | 101-41-7   | 103-36-6   | 104-83-6   | 116-73-4   |
| 94-13-3    | 96-96-8    | 99-31-0    | 101-42-8   | 103-37-7   | 104-84-7   | 116-74-5   |
| 94-18-8    | 96-97-9    | 99-33-2    | 101-49-5   | 103-38-8   | 104-86-9   | 116-76-7   |
| 94-20-2    | 96-98-0    | 99-34-3    | 101-51-9   | 103-41-3   | 104-87-0   | 116-79-0   |
| 94-21-3    | 97-00-7    | 99-36-5    | 101-52-0   | 103-45-7   | 104-91-6   | 116-81-4   |
| 94-26-8    | 97-02-9    | 99-51-4    | 101-54-2   | 103-46-8   | 104-92-7   | 116-82-5   |
| 94-30-4    | 97-04-1    | 99-55-8    | 101-55-3   | 103-48-0   | 104-93-8   | 116-85-8   |
| 94-31-5    | 97-08-5    | 99-56-9    | 101-56-4   | 103-49-1   | 105-05-5   | 116-88-1   |
| 94-33-7    | 97-09-6    | 99-59-2    | 101-57-5   | 103-50-4   | 105-07-7   | 116-89-2   |
| 94-34-8    | 97-17-6    | 99-60-5    | 101-61-1   | 103-52-6   | 105-08-8   | 116-90-5   |
| 94-36-0    | 97-18-7    | 99-62-7    | 101-63-3   | 103-53-7   | 105-12-4   | 116-98-3   |
| 94-38-2    | 97-20-1    | 99-63-8    | 101-64-4   | 103-54-8   | 105-13-5   | 117-01-1   |
| 94-43-9    | 97-20-1    | 99-64-9    | 101-65-5   | 103-55-9   | 105-52-2   | 117-03-3   |
| 94-44-0    | 97-22-3    | 99-72-9    | 101-67-7   | 103-56-0   | 105-75-9   | 117-08-8   |
| 94-46-2    | 97-23-4    | 99-75-2    | 101-68-8   | 103-58-2   | 105-76-0   | 117-09-9   |
| 94-47-3    | 97-32-5    | 99-76-3    | 101-70-2   | 103-59-3   | 106-37-6   | 117-10-2   |
| 94-48-4    | 97-35-8    | 99-79-6    | 101-72-4   | 103-60-6   | 106-38-7   | 117-11-3   |
| 94-53-1    | 97-42-7    | 99-80-9    | 101-73-5   | 103-61-7   | 106-40-1   | 117-18-0   |
| 94-57-5    | 97-43-8    | 99-90-1    | 101-74-6   | 103-62-8   | 106-43-4   | 117-22-6   |
| 94-62-2    | 97-46-1    | 99-94-5    | 101-75-7   | 103-63-9   | 106-47-8   | 117-23-7   |
| 94-64-4    | 97-47-2    | 99-96-7    | 101-76-8   | 103-64-0   | 106-48-9   | 117-26-9   |
| 94-68-8    | 97-50-7    | 99-98-9    | 101-79-1   | 103-67-3   | 106-49-0   | 117-27-1   |
| 94-69-9    | 97-52-9    | 100-01-6   | 101-80-4   | 103-68-4   | 106-50-3   | 117-32-8   |
| 94-70-2    | 97-53-0    | 100-03-8   | 101-81-5   | 103-69-5   | 106-53-6   | 117-33-9   |
| 94-74-6    | 97-54-1    | 100-04-9   | 101-82-6   | 103-70-8   | 106-87-6   | 117-34-0   |
| 94-75-7    | 97-56-3    | 100-05-0   | 101-83-7   | 103-71-9   | 108-26-9   | 117-37-3   |
| 94-79-1    | 97-60-9    | 100-07-2   | 101-84-8   | 103-80-0   | 108-30-5   | 117-42-0   |
| 94-80-4    | 98-05-5    | 100-10-7   | 101-87-1   | 103-81-1   | 108-33-8   | 117-44-2   |
| 94-80-4    | 98-08-8    | 100-11-8   | 101-91-7   | 103-82-2   | 108-37-2   | 117-45-3   |
| 94-81-5    | 98-09-9    | 100-15-2   | 101-94-0   | 103-83-3   | 108-40-7   | 117-46-4   |
| 94-82-6    | 98-11-3    | 100-17-4   | 101-96-2   | 103-84-4   | 108-41-8   | 117-55-5   |
| 94-84-8    | 98-13-5    | 100-18-5   | 101-97-3   | 103-89-8   | 108-42-9   | 117-57-7   |
| 94-86-0    | 98-16-8    | 100-20-9   | 101-98-4   | 103-89-9   | 108-44-1   | 117-59-9   |
| 94-87-1    | 98-19-1    | 100-22-1   | 101-99-5   | 103-90-2   | 108-58-7   | 117-61-3   |
| 94-89-3    | 98-21-5    | 100-23-2   | 102-01-2   | 103-92-4   | 108-69-0   | 117-62-4   |
| 94-91-7    | 98-23-7    | 100-25-4   | 102-04-5   | 103-93-5   | 108-71-4   | 117-69-1   |
| 94-92-8    | 98-28-2    | 100-29-8   | 102-05-6   | 103-94-6   | 108-72-5   | 117-71-5   |
| 94-93-9    | 98-30-6    | 100-39-0   | 102-11-4   | 103-95-7   | 108-75-8   | 117-76-0   |
| 94-98-4    | 98-31-7    | 100-41-4   | 102-13-6   | 103-96-8   | 108-77-0   | 117-86-2   |
| 94-99-5    | 98-32-8    | 100-43-6   | 102-16-9   | 103-98-0   | 108-86-1   | 117-88-4   |
| 95-00-1    | 98-33-9    | 100-46-9   | 102-17-0   | 103-99-1   | 108-87-2   | 117-92-0   |
| 95-13-6    | 98-34-0    | 100-48-1   | 102-18-1   | 104-01-8   | 108-91-8   | 117-93-1   |
| 95-14-7    | 98-35-1    | 100-50-5   | 102-19-2   | 104-04-1   | 108-93-0   | 117-98-6   |
| 95-16-9    | 98-36-2    | 100-54-9   | 102-20-5   | 104-09-6   | 109-00-2   | 118-04-7   |

## ANNEX II

-41-

| CAS Number |
|------------|------------|------------|------------|------------|------------|------------|
| 118-07-0   | 120-92-3   | 125-52-0   | 131-18-7   | 136-21-0   | 144-75-2   | 375-96-4   |
| 118-12-7   | 120-97-8   | 125-66-6   | 131-22-6   | 136-28-7   | 144-79-6   | 306-07-0   |
| 119-20-7   | 120-98-9   | 125-69-9   | 131-27-1   | 136-36-7   | 144-80-9   | 316-08-1   |
| 118-31-7   | 121-77-6   | 125-86-0   | 131-43-1   | 136-44-7   | 144-82-1   | 309-00-2   |
| 118-32-1   | 121-02-8   | 125-93-9   | 131-49-7   | 136-45-8   | 145-49-3   | 312-30-1   |
| 118-33-2   | 121-74-1   | 125-99-5   | 131-53-3   | 136-67-7   | 146-56-5   | 312-40-3   |
| 119-41-2   | 121-17-5   | 126-02-3   | 131-55-5   | 136-69-6   | 146-68-9   | 312-45-8   |
| 118-42-3   | 121-18-6   | 126-14-7   | 131-56-6   | 136-77-6   | 146-81-6   | 314-13-6   |
| 118-46-7   | 121-19-7   | 126-15-8   | 131-57-7   | 136-78-7   | 147-24-0   | 314-40-9   |
| 118-48-0   | 121-25-5   | 126-64-7   | 131-65-7   | 136-80-1   | 147-47-7   | 319-99-1   |
| 118-55-8   | 121-34-6   | 126-81-8   | 131-69-1   | 136-95-8   | 147-52-4   | 327-51-4   |
| 118-56-9   | 121-39-1   | 127-23-1   | 131-70-4   | 137-04-2   | 147-82-0   | 320-60-5   |
| 119-58-1   | 121-47-1   | 127-24-2   | 131-74-8   | 137-06-4   | 148-01-6   | 320-72-9   |
| 118-67-5   | 121-48-2   | 127-25-3   | 131-91-9   | 137-09-7   | 148-24-3   | 321-14-2   |
| 119-61-6   | 121-51-7   | 127-56-0   | 131-92-0   | 137-19-8   | 148-25-4   | 321-38-0   |
| 118-69-4   | 121-53-9   | 127-57-1   | 132-15-0   | 137-19-9   | 148-39-0   | 324-77-5   |
| 118-72-9   | 121-57-3   | 127-58-2   | 132-16-1   | 137-47-3   | 148-54-9   | 326-56-7   |
| 119-74-1   | 121-58-4   | 127-68-4   | 132-17-2   | 137-48-4   | 148-56-1   | 326-61-4   |
| 118-79-6   | 121-59-5   | 127-69-5   | 132-18-3   | 137-49-5   | 148-64-1   | 327-92-4   |
| 118-83-2   | 121-60-8   | 127-71-9   | 132-20-7   | 137-51-9   | 148-65-2   | 327-98-0   |
| 118-88-7   | 121-61-9   | 127-73-1   | 132-22-9   | 137-52-0   | 148-69-6   | 328-84-7   |
| 118-90-1   | 121-62-0   | 127-75-3   | 132-32-1   | 137-53-1   | 148-71-0   | 329-20-4   |
| 118-91-2   | 121-63-1   | 127-85-5   | 132-53-6   | 137-64-4   | 148-79-8   | 329-98-6   |
| 118-92-3   | 121-69-7   | 128-39-2   | 132-60-5   | 137-65-5   | 148-82-3   | 330-54-1   |
| 118-96-7   | 121-72-2   | 128-44-9   | 132-66-1   | 138-25-0   | 148-85-6   | 330-55-2   |
| 119-10-8   | 121-75-5   | 128-56-3   | 132-67-2   | 138-28-3   | 148-87-8   | 331-25-0   |
| 119-13-1   | 121-78-8   | 128-58-5   | 132-75-2   | 138-37-4   | 149-30-4   | 332-14-9   |
| 119-15-3   | 121-79-9   | 128-67-6   | 132-87-6   | 138-39-6   | 149-74-6   | 333-41-5   |
| 119-17-5   | 121-81-3   | 128-69-8   | 132-88-7   | 138-41-0   | 150-19-6   | 341-02-6   |
| 119-19-7   | 121-86-8   | 128-70-1   | 132-93-4   | 138-42-1   | 150-33-4   | 341-69-5   |
| 119-21-1   | 121-87-9   | 128-79-0   | 132-98-9   | 138-52-3   | 150-59-4   | 344-74-7   |
| 119-22-2   | 121-90-4   | 128-80-3   | 133-09-5   | 138-86-3   | 150-61-8   | 344-07-0   |
| 119-22-2   | 121-92-6   | 128-82-5   | 133-10-8   | 138-89-6   | 150-76-5   | 345-35-7   |
| 119-27-7   | 121-95-9   | 128-83-6   | 133-14-2   | 139-05-9   | 150-78-7   | 348-51-6   |
| 119-33-5   | 121-98-2   | 128-85-8   | 133-17-5   | 139-06-0   | 151-05-3   | 348-52-7   |
| 119-34-6   | 122-01-0   | 128-86-9   | 133-18-6   | 139-27-5   | 151-06-4   | 348-54-9   |
| 119-39-1   | 122-03-2   | 128-87-0   | 133-32-4   | 139-28-6   | 151-10-0   | 349-78-0   |
| 119-40-4   | 122-09-8   | 128-88-1   | 133-49-3   | 139-29-7   | 153-87-7   | 349-88-2   |
| 119-43-7   | 122-11-2   | 128-89-2   | 133-55-1   | 139-67-6   | 154-41-6   | 350-03-8   |
| 119-47-1   | 122-16-7   | 128-90-5   | 133-58-4   | 139-70-8   | 154-69-8   | 350-46-9   |
| 119-56-2   | 122-18-9   | 128-93-8   | 133-59-5   | 139-76-4   | 155-04-4   | 350-57-5   |
| 119-58-4   | 122-28-1   | 128-94-9   | 133-60-8   | 140-10-3   | 156-10-5   | 351-32-6   |
| 119-64-2   | 122-35-0   | 128-95-0   | 133-67-5   | 140-18-1   | 156-38-7   | 352-11-4   |
| 119-67-5   | 122-37-2   | 128-97-2   | 133-91-5   | 140-19-2   | 156-51-4   | 352-32-9   |
| 119-68-6   | 122-39-4   | 129-09-9   | 133-96-0   | 140-21-6   | 182-55-8   | 352-34-1   |
| 119-72-2   | 122-42-9   | 129-16-8   | 134-09-8   | 140-25-0   | 191-48-0   | 357-08-4   |
| 119-74-4   | 122-43-0   | 129-17-9   | 134-19-0   | 140-26-1   | 198-55-0   | 363-72-4   |
| 119-75-5   | 122-46-3   | 129-22-6   | 134-25-8   | 140-27-2   | 208-96-8   | 364-76-1   |
| 119-76-6   | 122-48-5   | 129-28-2   | 134-30-5   | 140-28-3   | 218-91-9   | 364-83-0   |
| 119-77-7   | 122-59-8   | 129-29-3   | 134-32-7   | 140-29-4   | 225-83-2   | 364-98-7   |
| 119-81-3   | 122-63-4   | 129-30-6   | 134-34-9   | 140-39-6   | 253-52-1   | 366-29-0   |
| 119-84-6   | 122-65-6   | 129-35-1   | 134-47-4   | 140-41-0   | 254-27-3   | 367-12-4   |
| 119-90-4   | 122-68-9   | 129-42-0   | 134-50-9   | 140-49-8   | 256-96-2   | 367-21-5   |
| 119-92-6   | 122-69-0   | 129-44-2   | 134-80-5   | 140-50-1   | 262-27-4   | 367-25-9   |
| 119-94-8   | 122-70-3   | 129-54-4   | 134-83-8   | 140-53-4   | 271-89-6   | 368-43-4   |
| 119-97-1   | 122-71-4   | 129-56-6   | 134-94-1   | 140-57-8   | 273-13-2   | 369-58-4   |
| 120-07-7   | 122-72-5   | 129-63-5   | 135-02-4   | 140-60-3   | 273-53-0   | 369-77-7   |
| 120-11-6   | 122-73-6   | 129-67-9   | 135-07-9   | 140-67-0   | 281-23-2   | 371-40-4   |
| 120-15-0   | 122-74-7   | 129-73-7   | 135-09-1   | 140-67-0   | 286-20-4   | 371-41-5   |
| 120-18-3   | 122-79-2   | 129-74-8   | 135-10-4   | 140-73-8   | 298-00-0   | 372-44-1   |
| 120-21-8   | 122-80-5   | 129-77-1   | 135-11-5   | 140-75-0   | 298-59-9   | 379-57-0   |
| 121-22-9   | 122-84-9   | 129-90-8   | 135-12-6   | 140-76-1   | 298-83-9   | 383-29-9   |
| 120-23-0   | 122-87-2   | 130-00-7   | 135-20-6   | 140-99-8   | 298-93-1   | 387-45-1   |
| 120-32-1   | 122-91-8   | 130-14-3   | 135-23-9   | 141-01-5   | 298-95-3   | 389-78-2   |
| 120-35-4   | 122-94-1   | 130-17-6   | 135-31-9   | 141-02-6   | 299-11-6   | 389-40-2   |
| 120-39-8   | 122-95-2   | 130-18-7   | 135-48-8   | 141-05-9   | 299-84-3   | 392-56-3   |
| 121-42-3   | 122-97-4   | 130-20-1   | 135-49-9   | 141-30-0   | 299-86-5   | 392-83-6   |
| 120-45-6   | 122-98-5   | 130-22-3   | 135-51-3   | 141-85-5   | 299-95-6   | 392-85-8   |
| 120-47-8   | 122-99-6   | 130-24-5   | 135-53-5   | 141-86-6   | 300-57-2   | 393-52-2   |
| 120-50-3   | 123-02-4   | 130-34-7   | 135-57-9   | 141-90-2   | 300-62-9   | 393-75-9   |
| 120-56-9   | 123-03-5   | 130-37-0   | 135-61-5   | 141-93-5   | 303-21-9   | 394-35-4   |
| 121-66-1   | 123-37-8   | 130-85-8   | 135-62-6   | 142-04-1   | 303-25-3   | 394-47-8   |
| 120-70-7   | 123-33-1   | 131-08-8   | 135-70-6   | 142-08-5   | 304-06-3   | 394-50-3   |
| 120-71-8   | 123-61-5   | 131-13-5   | 135-72-8   | 142-16-5   | 304-17-6   | 396-01-0   |
| 120-72-9   | 125-20-2   | 131-14-6   | 135-73-9   | 142-46-1   | 304-88-1   | 398-99-2   |
| 120-75-2   | 125-31-5   | 131-15-7   | 135-76-2   | 142-88-1   | 305-03-3   | 401-78-5   |
| 120-78-5   | 125-46-2   | 131-16-8   | 135-80-8   | 143-74-8   | 305-80-6   | 401-81-0   |
| 120-83-2   | 125-51-9   | 131-17-9   | 135-91-1   | 144-35-4   | 305-85-1   | 402-43-7   |

## ANNEX II

-42-

| CAS Number |
|------------|------------|------------|------------|------------|------------|------------|
| 402-44-0   | 482-89-3   | 523-27-3   | 548-68-5   | 582-24-1   | 603-76-9   | 612-45-3   |
| 402-71-1   | 483-20-5   | 523-44-4   | 548-80-1   | 582-25-2   | 603-86-1   | 612-57-7   |
| 403-54-3   | 483-84-1   | 523-87-5   | 549-18-8   | 582-33-2   | 604-32-0   | 612-60-2   |
| 404-82-0   | 484-11-7   | 524-38-9   | 549-94-0   | 582-60-5   | 604-44-4   | 612-62-4   |
| 415-51-5   | 484-47-9   | 525-05-3   | 550-15-2   | 582-69-4   | 604-53-5   | 612-83-9   |
| 427-36-1   | 484-65-1   | 525-52-0   | 550-44-7   | 582-73-0   | 604-59-1   | 612-98-6   |
| 433-16-7   | 485-31-4   | 525-79-1   | 550-74-3   | 583-33-9   | 604-75-1   | 613-33-6   |
| 433-19-2   | 485-15-8   | 525-82-6   | 550-82-3   | 583-06-2   | 604-88-6   | 613-28-5   |
| 434-45-7   | 486-16-8   | 527-84-4   | 550-99-2   | 583-39-1   | 605-01-6   | 613-29-6   |
| 434-64-3   | 487-16-1   | 527-85-5   | 551-09-7   | 583-55-1   | 605-36-7   | 613-37-6   |
| 435-97-2   | 487-21-8   | 528-21-2   | 551-16-6   | 583-68-6   | 605-45-8   | 613-46-7   |
| 437-15-0   | 487-26-3   | 528-45-0   | 552-32-9   | 583-69-7   | 605-48-1   | 613-48-9   |
| 437-17-2   | 487-88-7   | 528-79-0   | 552-38-5   | 583-75-5   | 605-54-9   | 613-70-7   |
| 438-41-5   | 487-89-8   | 528-94-9   | 552-45-4   | 583-78-8   | 605-59-4   | 613-93-1   |
| 438-63-8   | 488-98-2   | 529-19-1   | 552-46-5   | 584-42-9   | 605-65-2   | 613-91-2   |
| 439-14-5   | 490-03-9   | 529-23-7   | 552-87-9   | 584-48-5   | 605-69-6   | 613-93-4   |
| 440-29-9   | 490-78-8   | 529-28-2   | 553-18-2   | 585-47-7   | 606-07-8   | 613-97-8   |
| 443-26-5   | 491-35-0   | 529-65-7   | 553-24-2   | 585-71-7   | 606-17-7   | 614-00-6   |
| 443-93-4   | 491-80-5   | 529-84-0   | 553-54-8   | 585-76-2   | 606-20-2   | 614-16-4   |
| 444-29-1   | 492-37-5   | 530-44-9   | 553-70-8   | 585-79-5   | 606-21-3   | 614-30-2   |
| 445-03-4   | 492-80-8   | 530-64-3   | 553-82-2   | 586-38-9   | 606-35-9   | 614-34-6   |
| 445-03-4   | 492-86-4   | 530-91-6   | 553-94-6   | 586-61-8   | 606-45-1   | 614-39-1   |
| 445-29-4   | 493-01-6   | 531-52-2   | 553-97-9   | 586-62-9   | 606-46-2   | 614-45-9   |
| 446-35-5   | 493-02-7   | 531-53-3   | 554-73-4   | 586-75-4   | 606-55-3   | 614-60-8   |
| 446-72-0   | 493-52-7   | 531-59-9   | 554-84-7   | 586-76-5   | 607-00-1   | 614-68-6   |
| 447-14-3   | 493-77-6   | 531-85-1   | 554-92-7   | 586-77-6   | 607-35-2   | 614-80-2   |
| 451-02-5   | 494-90-6   | 532-02-5   | 554-95-0   | 586-78-7   | 607-56-7   | 614-82-4   |
| 451-13-8   | 495-18-1   | 532-03-6   | 555-03-3   | 586-96-9   | 607-57-8   | 614-94-8   |
| 451-40-1   | 495-48-7   | 532-28-5   | 555-21-5   | 587-23-5   | 607-81-8   | 614-97-1   |
| 451-46-7   | 495-54-5   | 532-31-3   | 555-30-6   | 587-49-5   | 607-88-5   | 615-15-6   |
| 451-82-1   | 495-69-2   | 532-54-7   | 555-32-8   | 587-84-8   | 607-90-9   | 615-16-7   |
| 452-35-7   | 495-76-1   | 532-82-1   | 555-37-3   | 587-98-4   | 607-96-5   | 615-18-9   |
| 452-71-1   | 496-11-7   | 532-94-5   | 555-48-6   | 588-07-8   | 607-99-8   | 615-20-3   |
| 455-13-0   | 496-41-3   | 533-00-6   | 555-57-7   | 588-16-9   | 608-25-3   | 615-21-4   |
| 455-14-1   | 496-72-0   | 533-18-6   | 555-60-2   | 588-46-5   | 608-28-6   | 615-22-5   |
| 455-16-3   | 498-02-2   | 533-23-3   | 555-68-0   | 588-52-3   | 608-31-1   | 615-28-1   |
| 455-20-9   | 499-06-9   | 533-31-3   | 556-18-3   | 588-59-0   | 608-33-3   | 615-37-2   |
| 455-32-3   | 499-75-2   | 533-58-4   | 556-72-9   | 588-63-6   | 608-71-9   | 615-41-8   |
| 456-27-9   | 499-83-2   | 534-52-1   | 562-10-7   | 588-64-7   | 608-74-2   | 615-42-9   |
| 456-41-7   | 500-72-1   | 534-85-0   | 564-20-5   | 588-68-1   | 608-93-5   | 615-43-0   |
| 456-42-8   | 500-73-2   | 534-97-4   | 567-13-5   | 589-10-6   | 609-21-2   | 615-45-2   |
| 456-59-7   | 501-00-8   | 535-75-1   | 569-58-4   | 589-15-1   | 609-22-3   | 615-46-3   |
| 458-35-5   | 501-52-0   | 535-77-3   | 569-59-5   | 589-87-7   | 609-23-4   | 615-47-4   |
| 459-22-3   | 501-65-5   | 535-80-8   | 569-61-9   | 591-17-3   | 609-54-1   | 615-48-5   |
| 459-44-9   | 501-81-5   | 536-17-4   | 569-64-2   | 591-18-4   | 609-60-9   | 615-49-6   |
| 459-46-1   | 502-02-3   | 536-38-9   | 569-65-3   | 591-19-5   | 609-65-4   | 615-50-9   |
| 459-60-9   | 504-02-9   | 536-46-9   | 571-60-8   | 591-20-8   | 609-67-6   | 615-58-7   |
| 461-78-9   | 504-03-0   | 536-60-7   | 573-26-2   | 591-50-4   | 609-72-3   | 615-59-8   |
| 462-06-6   | 504-24-5   | 536-80-1   | 573-58-0   | 594-31-0   | 609-73-4   | 615-65-6   |
| 462-08-8   | 504-29-0   | 536-97-3   | 573-83-1   | 595-90-4   | 609-86-9   | 615-93-0   |
| 464-72-2   | 505-29-3   | 537-67-7   | 574-06-1   | 596-03-2   | 610-17-3   | 615-94-1   |
| 464-85-7   | 508-02-1   | 537-91-7   | 574-15-2   | 596-09-8   | 610-22-0   | 616-79-5   |
| 467-60-7   | 509-34-2   | 537-92-8   | 574-66-3   | 596-27-0   | 610-23-1   | 616-86-4   |
| 467-62-9   | 509-77-3   | 538-28-3   | 574-98-1   | 596-28-1   | 610-28-6   | 617-07-2   |
| 467-63-0   | 510-13-4   | 538-41-0   | 575-36-0   | 596-42-9   | 610-29-7   | 617-94-7   |
| 469-61-4   | 510-15-6   | 538-42-1   | 575-44-0   | 596-43-0   | 610-30-0   | 618-03-1   |
| 470-40-6   | 510-39-4   | 538-68-1   | 575-61-1   | 596-49-6   | 610-35-5   | 618-32-6   |
| 470-55-3   | 511-13-7   | 538-75-0   | 575-75-7   | 597-12-6   | 610-39-9   | 618-36-0   |
| 470-90-6   | 512-63-0   | 538-86-3   | 576-24-9   | 599-61-1   | 610-53-7   | 618-44-0   |
| 471-53-4   | 512-69-6   | 539-03-7   | 576-55-6   | 599-66-6   | 610-66-2   | 618-46-2   |
| 472-41-3   | 514-10-3   | 539-17-3   | 576-83-0   | 599-69-9   | 610-67-3   | 618-51-9   |
| 472-86-6   | 514-73-8   | 539-30-0   | 577-55-9   | 599-71-3   | 610-69-5   | 618-56-4   |
| 472-97-9   | 514-85-2   | 540-23-8   | 577-85-5   | 599-91-7   | 610-72-0   | 618-62-2   |
| 473-54-1   | 515-03-7   | 540-37-4   | 578-54-1   | 601-89-8   | 610-94-6   | 618-68-8   |
| 473-55-2   | 515-37-0   | 540-38-5   | 578-57-4   | 602-01-7   | 610-96-8   | 618-76-8   |
| 474-86-2   | 515-40-2   | 541-69-5   | 578-58-5   | 602-02-8   | 610-97-9   | 618-80-4   |
| 475-03-6   | 515-74-2   | 541-70-8   | 578-66-5   | 602-38-0   | 611-01-8   | 618-83-7   |
| 475-63-8   | 517-28-2   | 542-11-0   | 578-95-0   | 602-87-9   | 611-06-3   | 618-88-2   |
| 475-71-8   | 517-51-1   | 542-14-3   | 579-10-2   | 602-94-8   | 611-07-4   | 618-89-3   |
| 475-71-8   | 518-47-8   | 542-18-7   | 579-66-8   | 603-32-7   | 611-14-3   | 618-91-7   |
| 477-73-6   | 518-51-4   | 544-47-8   | 579-98-6   | 603-33-8   | 611-19-8   | 618-95-1   |
| 477-75-8   | 518-63-8   | 546-28-1   | 580-13-2   | 603-35-0   | 611-27-1   | 618-98-4   |
| 479-13-0   | 518-67-2   | 546-45-2   | 580-20-1   | 603-36-1   | 611-21-2   | 619-04-5   |
| 480-18-2   | 519-73-3   | 546-56-5   | 580-22-3   | 603-48-5   | 611-33-6   | 619-08-9   |
| 480-63-7   | 519-87-9   | 547-57-9   | 581-08-8   | 603-50-9   | 611-71-2   | 619-15-8   |
| 480-96-6   | 519-95-9   | 547-58-0   | 581-43-1   | 603-54-3   | 611-74-5   | 619-19-2   |
| 482-05-3   | 520-03-6   | 548-24-3   | 581-64-6   | 603-62-3   | 612-12-4   | 619-21-6   |
| 482-15-5   | 522-48-5   | 548-62-9   | 581-75-9   | 603-71-4   | 612-28-2   | 619-24-9   |

## ANNEX II

-43-

| CAS Number |
|------------|------------|------------|------------|------------|------------|------------|
| 619-25-0   | 626-02-8   | 696-28-6   | 778-28-9   | 879-18-5   | 989-77-5   | 1129-50-6  |
| 619-42-1   | 626-15-3   | 696-44-6   | 779-02-2   | 879-72-1   | 992-55-2   | 1129-62-0  |
| 619-44-3   | 626-16-4   | 696-62-8   | 780-11-0   | 880-52-4   | 992-59-6   | 1131-01-7  |
| 619-45-4   | 626-17-5   | 697-91-6   | 780-25-6   | 881-03-8   | 999-21-3   | 1131-16-4  |
| 619-50-1   | 626-39-1   | 699-02-5   | 780-69-8   | 882-36-0   | 1006-23-1  | 1131-61-9  |
| 619-55-6   | 626-48-2   | 699-12-7   | 785-30-8   | 883-62-5   | 1006-99-1  | 1131-62-0  |
| 619-58-9   | 628-13-7   | 700-87-8   | 786-19-6   | 883-99-8   | 1008-88-4  | 1132-39-4  |
| 619-65-8   | 630-88-6   | 701-35-9   | 787-70-2   | 884-89-9   | 1009-36-5  | 1134-36-7  |
| 619-66-9   | 632-02-0   | 701-82-6   | 788-17-0   | 885-81-4   | 1009-61-6  | 1134-47-0  |
| 619-72-7   | 632-25-7   | 701-99-5   | 789-25-3   | 886-06-6   | 1010-19-1  | 1135-66-6  |
| 619-75-3   | 632-51-9   | 704-01-8   | 791-28-6   | 886-65-7   | 1011-50-3  | 1136-45-4  |
| 619-84-1   | 632-58-6   | 705-29-3   | 791-31-1   | 886-66-8   | 1011-73-0  | 1138-15-4  |
| 619-86-3   | 632-68-8   | 707-17-3   | 792-74-5   | 886-74-8   | 1012-72-2  | 1138-80-3  |
| 619-89-6   | 632-79-1   | 707-61-9   | 793-24-8   | 887-76-3   | 1014-66-0  | 1141-59-0  |
| 619-90-9   | 632-80-4   | 708-64-5   | 802-93-7   | 894-86-0   | 1019-80-3  | 1141-88-4  |
| 619-91-0   | 632-99-5   | 709-09-1   | 807-28-3   | 897-55-2   | 1024-58-4  | 1142-19-4  |
| 620-05-3   | 633-03-4   | 709-98-8   | 822-06-0   | 900-77-6   | 1026-92-2  | 1145-01-3  |
| 620-13-3   | 633-96-5   | 711-79-5   | 823-40-5   | 907-95-8   | 1027-62-9  | 1147-56-4  |
| 620-20-2   | 634-20-8   | 711-82-0   | 823-78-9   | 901-44-0   | 1034-01-1  | 1149-16-2  |
| 620-22-4   | 634-21-9   | 713-36-0   | 823-87-0   | 905-96-4   | 1034-39-5  | 1151-11-7  |
| 620-40-6   | 634-35-5   | 713-68-8   | 824-39-5   | 911-77-3   | 1037-50-9  | 1151-14-0  |
| 620-55-3   | 634-60-6   | 716-39-2   | 824-45-3   | 915-67-3   | 1038-95-5  | 1151-97-9  |
| 621-71-3   | 634-66-2   | 716-79-0   | 824-69-1   | 917-23-7   | 1041-00-5  | 1152-61-0  |
| 620-73-5   | 634-93-5   | 717-74-8   | 824-72-6   | 925-21-3   | 1042-88-8  | 1153-05-5  |
| 620-81-5   | 635-21-2   | 718-64-9   | 824-79-3   | 930-69-8   | 1046-56-6  | 1154-59-2  |
| 620-84-8   | 635-46-1   | 719-22-2   | 824-94-2   | 932-69-4   | 1047-16-1  | 1154-84-3  |
| 620-87-1   | 635-51-8   | 719-32-4   | 825-51-4   | 932-90-1   | 1048-08-4  | 1155-00-6  |
| 620-88-2   | 635-53-0   | 719-59-5   | 825-52-5   | 933-75-5   | 1052-38-6  | 1155-62-0  |
| 621-03-4   | 635-78-9   | 719-64-2   | 825-94-5   | 933-88-0   | 1058-71-5  | 1156-19-0  |
| 621-07-8   | 635-84-7   | 720-75-2   | 826-81-3   | 933-98-2   | 1058-92-0  | 1159-53-1  |
| 621-09-1   | 636-09-9   | 721-00-6   | 827-19-0   | 934-34-9   | 1063-92-9  | 1160-28-7  |
| 621-10-3   | 636-13-5   | 721-91-5   | 827-21-4   | 934-74-7   | 1064-48-8  | 1163-19-5  |
| 621-14-7   | 636-21-5   | 723-46-6   | 827-27-0   | 934-80-5   | 1065-95-8  | 1170-02-1  |
| 621-29-4   | 636-26-0   | 723-62-6   | 827-52-1   | 935-56-8   | 1073-67-2  | 1172-02-7  |
| 621-32-9   | 636-28-2   | 724-98-1   | 827-94-1   | 937-10-0   | 1074-17-5  | 1172-42-5  |
| 621-33-0   | 636-98-6   | 728-90-5   | 827-95-2   | 937-30-4   | 1074-24-4  | 1172-76-5  |
| 621-35-2   | 637-01-4   | 729-43-1   | 828-01-3   | 937-41-7   | 1074-43-7  | 1176-08-5  |
| 621-42-1   | 637-03-6   | 730-23-4   | 828-86-4   | 938-73-8   | 1074-52-8  | 1176-74-5  |
| 621-59-0   | 637-07-0   | 730-40-5   | 830-03-5   | 939-23-1   | 1074-55-1  | 1178-79-6  |
| 621-66-9   | 637-27-4   | 733-44-8   | 830-09-1   | 939-48-0   | 1075-76-9  | 1179-69-7  |
| 621-79-4   | 637-44-5   | 733-51-7   | 830-81-9   | 940-31-8   | 1076-38-6  | 1182-06-5  |
| 621-82-9   | 637-53-6   | 736-30-1   | 830-96-6   | 940-41-0   | 1076-43-3  | 1182-65-6  |
| 621-87-4   | 637-54-7   | 737-31-5   | 831-52-7   | 941-55-9   | 1076-46-6  | 1184-43-6  |
| 621-88-5   | 637-55-8   | 741-58-2   | 831-59-4   | 941-69-5   | 1076-59-1  | 1193-24-4  |
| 621-95-4   | 637-56-9   | 744-45-6   | 832-49-5   | 943-15-7   | 1076-95-5  | 1196-13-0  |
| 622-03-7   | 637-59-2   | 747-36-4   | 833-43-2   | 944-22-9   | 1077-16-3  | 1196-57-2  |
| 622-04-8   | 637-87-6   | 748-30-1   | 833-50-1   | 946-30-5   | 1077-56-1  | 1197-01-9  |
| 622-08-2   | 638-16-4   | 766-08-5   | 833-66-9   | 946-80-5   | 1078-71-3  | 1197-21-3  |
| 622-15-1   | 639-58-7   | 766-51-8   | 834-28-6   | 947-42-2   | 1078-95-1  | 1197-37-1  |
| 622-16-2   | 640-57-3   | 766-77-8   | 835-64-3   | 948-03-8   | 1078-97-3  | 1197-55-3  |
| 622-24-2   | 640-61-9   | 766-85-8   | 835-71-2   | 951-78-0   | 1079-66-9  | 1198-27-2  |
| 622-25-3   | 642-31-9   | 767-00-0   | 836-30-6   | 951-97-3   | 1081-77-2  | 1198-37-4  |
| 622-29-7   | 643-43-6   | 767-92-0   | 840-58-4   | 953-26-4   | 1083-48-3  | 1198-63-6  |
| 622-50-4   | 643-53-8   | 768-32-1   | 840-65-3   | 953-91-3   | 1085-12-7  | 1198-64-7  |
| 622-56-0   | 643-93-6   | 768-33-2   | 841-32-7   | 955-03-3   | 1087-21-4  | 1199-01-5  |
| 622-57-1   | 644-06-4   | 768-52-5   | 842-07-9   | 955-83-9   | 1087-21-4  | 1199-03-7  |
| 622-60-6   | 644-33-7   | 769-06-2   | 842-15-9   | 957-51-7   | 1096-48-6  | 1199-20-8  |
| 622-61-7   | 644-97-3   | 769-68-6   | 842-17-1   | 958-93-0   | 1096-89-6  | 1201-38-3  |
| 622-62-8   | 645-00-1   | 770-09-2   | 842-18-2   | 959-22-8   | 1098-60-8  | 1203-17-4  |
| 622-80-0   | 645-09-0   | 770-10-5   | 842-19-3   | 959-26-2   | 1099-45-2  | 1203-86-7  |
| 622-85-5   | 645-13-6   | 770-35-4   | 845-10-3   | 959-36-4   | 1100-88-5  | 1204-28-0  |
| 622-96-8   | 645-45-4   | 771-51-7   | 845-46-5   | 959-55-7   | 1103-38-4  | 1205-02-3  |
| 622-97-9   | 645-59-0   | 771-56-2   | 846-63-9   | 960-71-4   | 1103-39-5  | 1205-17-0  |
| 623-08-5   | 645-96-5   | 771-60-8   | 846-70-8   | 961-68-2   | 1107-00-2  | 1205-91-0  |
| 623-12-1   | 653-14-5   | 771-61-9   | 847-51-8   | 961-69-3   | 1121-86-4  | 1207-69-8  |
| 623-24-5   | 654-42-2   | 772-00-9   | 852-38-0   | 963-14-4   | 1122-42-5  | 1207-72-3  |
| 623-25-6   | 655-32-3   | 772-03-2   | 855-38-9   | 963-39-3   | 1122-54-9  | 1208-52-2  |
| 623-26-7   | 657-84-1   | 772-33-8   | 860-22-0   | 967-80-6   | 1122-58-3  | 1208-67-9  |
| 624-18-0   | 658-78-6   | 772-65-6   | 860-39-9   | 968-81-0   | 1122-62-9  | 1209-84-3  |
| 624-19-1   | 660-53-7   | 773-76-2   | 873-32-5   | 969-33-5   | 1122-93-6  | 1210-12-4  |
| 624-31-7   | 670-24-6   | 773-82-1   | 873-74-5   | 975-17-7   | 1124-05-6  | 1210-56-6  |
| 624-38-4   | 670-80-4   | 774-44-7   | 874-41-9   | 977-96-8   | 1124-11-4  | 1212-72-2  |
| 624-48-6   | 672-04-8   | 775-12-2   | 874-60-2   | 980-26-7   | 1125-27-5  | 1214-39-7  |
| 625-95-6   | 672-65-1   | 775-56-4   | 874-90-8   | 980-71-2   | 1125-88-8  | 1214-47-7  |
| 625-98-9   | 673-48-3   | 776-74-9   | 875-51-4   | 981-18-0   | 1126-34-7  | 1215-57-2  |
| 625-99-0   | 694-53-1   | 776-76-1   | 875-74-1   | 985-16-0   | 1126-78-9  | 1217-45-4  |
| 626-00-6   | 694-80-4   | 777-37-7   | 877-43-0   | 988-93-2   | 1126-79-0  | 1218-35-5  |
| 626-01-7   | 695-12-5   | 778-25-6   | 878-00-2   | 989-38-8   | 1128-67-2  | 1227-94-6  |

## ANNEX II

-44-

| CAS Number |
|------------|------------|------------|------------|------------|------------|------------|
| 1221-56-3  | 1326-75-6  | 1466-67-7  | 1641-40-3  | 1796-92-5  | 1965-09-9  | 2122-70-5  |
| 1222-05-5  | 1326-82-5  | 1466-76-8  | 1646-26-0  | 1797-33-7  | 1973-05-3  | 2123-35-5  |
| 1225-20-3  | 1326-83-6  | 1477-19-6  | 1646-54-4  | 1797-74-6  | 1987-93-4  | 2131-19-2  |
| 1225-55-4  | 1326-85-8  | 1477-42-5  | 1653-75-4  | 1798-11-4  | 1981-58-4  | 2131-61-5  |
| 1228-53-1  | 1326-86-9  | 1477-55-0  | 1655-35-2  | 1802-34-2  | 1982-37-2  | 2136-99-2  |
| 1229-29-4  | 1326-96-1  | 1477-63-0  | 1655-43-2  | 1808-12-4  | 1982-49-6  | 2142-64-4  |
| 1229-55-6  | 1327-01-1  | 1478-61-1  | 1655-68-1  | 1810-62-4  | 1982-69-0  | 2142-73-6  |
| 1234-35-1  | 1327-11-3  | 1484-09-9  | 1655-74-9  | 1811-28-5  | 1984-58-3  | 2144-70-5  |
| 1235-82-1  | 1327-13-5  | 1484-53-7  | 1656-44-6  | 1816-96-2  | 1984-59-4  | 2146-36-3  |
| 1239-45-8  | 1327-14-6  | 1484-88-4  | 1657-16-5  | 1817-73-8  | 1985-84-8  | 2149-36-2  |
| 1245-13-2  | 1327-19-0  | 1485-92-3  | 1658-56-6  | 1817-74-9  | 1989-33-9  | 2157-44-9  |
| 1248-19-6  | 1327-56-6  | 1493-27-2  | 1660-93-1  | 1818-06-0  | 1989-53-3  | 2150-47-2  |
| 1249-97-4  | 1327-57-7  | 1495-72-3  | 1662-01-7  | 1820-50-4  | 1990-11-0  | 2150-48-3  |
| 1255-69-2  | 1327-65-7  | 1497-49-7  | 1664-40-0  | 1820-99-1  | 1990-34-7  | 2150-54-1  |
| 1257-78-9  | 1327-74-8  | 1498-88-0  | 1664-52-4  | 1821-12-1  | 2008-39-1  | 2150-60-9  |
| 1261-86-5  | 1327-75-9  | 1499-17-8  | 1665-59-4  | 1823-18-3  | 2008-46-7  | 2152-64-9  |
| 1262-78-8  | 1327-79-3  | 1499-33-8  | 1666-13-3  | 1824-74-4  | 2008-88-0  | 2153-98-2  |
| 1300-47-6  | 1327-85-1  | 1503-48-6  | 1667-01-2  | 1824-81-3  | 2010-61-9  | 2157-93-3  |
| 1307-92-1  | 1327-88-4  | 1504-55-8  | 1667-99-8  | 1825-30-5  | 2012-74-0  | 2158-76-1  |
| 1319-88-6  | 1328-01-4  | 1504-63-8  | 1670-14-0  | 1825-31-6  | 2012-81-9  | 2162-74-5  |
| 1320-07-6  | 1328-04-7  | 1504-74-1  | 1670-83-3  | 1825-58-7  | 2015-14-7  | 2164-38-1  |
| 1320-15-6  | 1328-19-4  | 1506-02-1  | 1674-18-6  | 1826-28-4  | 2025-40-3  | 2164-17-2  |
| 1320-79-2  | 1328-24-1  | 1508-65-2  | 1676-63-7  | 1829-00-1  | 2026-24-6  | 2172-33-0  |
| 1321-64-8  | 1328-25-2  | 1514-52-9  | 1676-73-9  | 1829-40-9  | 2027-17-0  | 2176-62-7  |
| 1321-65-9  | 1328-40-1  | 1515-72-6  | 1679-51-2  | 1831-69-2  | 2032-33-9  | 2179-89-7  |
| 1321-74-0  | 1328-51-4  | 1516-74-1  | 1679-64-7  | 1833-27-8  | 2033-89-8  | 2182-55-0  |
| 1322-93-6  | 1328-53-6  | 1516-80-9  | 1680-16-6  | 1833-31-4  | 2037-31-2  | 2185-86-6  |
| 1323-19-9  | 1328-54-7  | 1519-47-7  | 1681-60-3  | 1833-51-8  | 2039-46-5  | 2186-92-7  |
| 1324-74-5  | 1337-38-7  | 1520-21-4  | 1686-14-2  | 1836-22-2  | 2039-85-2  | 2189-60-8  |
| 1324-11-4  | 1330-39-8  | 1523-11-1  | 1688-71-7  | 1836-75-5  | 2044-72-6  | 2192-20-3  |
| 1324-21-6  | 1330-40-1  | 1527-12-4  | 1689-82-3  | 1843-75-6  | 2046-18-6  | 2197-71-5  |
| 1324-27-2  | 1330-69-4  | 1528-74-1  | 1689-99-2  | 1847-84-3  | 2049-95-8  | 2198-58-5  |
| 1324-28-3  | 1330-75-2  | 1529-17-5  | 1694-09-3  | 1859-39-8  | 2049-96-9  | 2198-75-6  |
| 1324-33-0  | 1330-96-7  | 1531-20-0  | 1694-92-4  | 1861-32-1  | 2050-08-0  | 2198-77-8  |
| 1324-35-2  | 1331-28-8  | 1533-45-5  | 1696-17-9  | 1861-40-1  | 2050-14-8  | 2200-44-4  |
| 1324-54-5  | 1331-81-3  | 1533-65-9  | 1696-60-2  | 1864-92-2  | 2050-47-7  | 2202-98-4  |
| 1324-55-6  | 1331-83-5  | 1533-77-3  | 1698-60-8  | 1865-01-6  | 2050-66-0  | 2203-01-2  |
| 1324-76-1  | 1332-88-3  | 1533-78-4  | 1706-12-3  | 1866-31-5  | 2050-69-3  | 2206-94-2  |
| 1324-87-4  | 1333-39-7  | 1552-42-7  | 1707-67-1  | 1867-66-9  | 2050-72-8  | 2208-05-1  |
| 1325-16-2  | 1333-47-7  | 1553-34-0  | 1707-68-2  | 1871-22-3  | 2050-73-9  | 2208-20-0  |
| 1325-19-5  | 1333-53-5  | 1555-66-4  | 1709-44-0  | 1877-75-4  | 2050-74-0  | 2211-98-5  |
| 1325-24-2  | 1333-58-0  | 1562-93-2  | 1709-59-7  | 1878-66-6  | 2050-75-1  | 2212-75-1  |
| 1325-24-2  | 1335-06-4  | 1562-94-3  | 1711-02-0  | 1878-84-8  | 2050-76-2  | 2212-81-9  |
| 1325-32-2  | 1335-42-8  | 1563-01-5  | 1711-06-4  | 1878-91-7  | 2051-18-5  | 2213-63-0  |
| 1325-35-5  | 1335-66-6  | 1563-38-8  | 1711-07-5  | 1885-14-9  | 2051-28-7  | 2213-82-3  |
| 1325-37-7  | 1335-87-1  | 1563-66-2  | 1711-09-7  | 1886-81-3  | 2051-79-8  | 2216-12-8  |
| 1325-38-8  | 1335-88-2  | 1565-17-9  | 1712-71-6  | 1887-02-1  | 2051-89-0  | 2216-15-1  |
| 1325-42-4  | 1337-89-9  | 1565-46-4  | 1713-15-1  | 1892-43-9  | 2051-90-3  | 2216-16-2  |
| 1325-53-7  | 1338-51-8  | 1571-64-5  | 1718-34-9  | 1897-52-5  | 2051-95-8  | 2216-45-7  |
| 1325-54-8  | 1344-32-7  | 1571-08-0  | 1720-32-7  | 1899-02-1  | 2051-97-0  | 2216-51-5  |
| 1325-62-8  | 1344-37-2  | 1571-20-6  | 1728-46-7  | 1907-65-9  | 2052-06-4  | 2216-68-4  |
| 1325-63-9  | 1344-38-3  | 1571-33-1  | 1730-48-9  | 1910-68-5  | 2052-07-5  | 2216-69-5  |
| 1325-74-2  | 1345-16-0  | 1573-51-9  | 1732-97-4  | 1916-07-0  | 2052-14-4  | 2216-92-4  |
| 1325-75-3  | 1345-24-0  | 1576-43-8  | 1733-12-6  | 1918-00-9  | 2052-25-7  | 2217-07-4  |
| 1325-80-0  | 1393-03-9  | 1579-40-4  | 1733-89-7  | 1918-02-1  | 2052-46-2  | 2217-55-2  |
| 1325-82-2  | 1405-86-3  | 1582-09-8  | 1733-96-6  | 1918-16-7  | 2057-47-8  | 2223-89-4  |
| 1325-82-2  | 1416-03-1  | 1582-27-0  | 1736-34-1  | 1919-91-1  | 2065-23-8  | 2224-00-2  |
| 1325-83-3  | 1421-49-4  | 1585-07-5  | 1740-19-8  | 1922-99-2  | 2065-70-5  | 2234-13-1  |
| 1325-85-5  | 1424-14-2  | 1586-91-0  | 1742-14-9  | 1928-43-4  | 2066-93-5  | 2234-16-4  |
| 1325-86-6  | 1424-79-9  | 1591-30-6  | 1742-90-1  | 1928-47-8  | 2077-13-6  | 2239-92-1  |
| 1325-87-7  | 1435-71-8  | 1591-31-7  | 1742-95-6  | 1929-73-3  | 2077-46-5  | 2243-35-8  |
| 1325-88-8  | 1444-94-6  | 1592-20-7  | 1745-32-0  | 1929-82-4  | 2082-79-3  | 2243-42-7  |
| 1325-93-5  | 1445-19-8  | 1592-31-0  | 1746-13-0  | 1931-62-0  | 2084-69-7  | 2243-76-7  |
| 1325-94-6  | 1446-61-3  | 1595-15-9  | 1746-81-2  | 1932-84-9  | 2090-05-3  | 2243-83-6  |
| 1326-03-0  | 1450-18-6  | 1603-79-8  | 1758-25-4  | 1934-20-9  | 2090-14-4  | 2245-53-6  |
| 1326-03-0  | 1450-23-3  | 1611-83-2  | 1758-64-1  | 1934-21-0  | 2090-82-6  | 2259-96-3  |
| 1326-74-1  | 1450-63-1  | 1620-21-9  | 1758-68-5  | 1936-15-8  | 2092-55-9  | 2276-90-6  |
| 1326-05-2  | 1450-72-2  | 1620-64-0  | 1758-88-9  | 1937-34-4  | 2092-56-0  | 2288-13-7  |
| 1326-11-0  | 1456-56-0  | 1623-95-6  | 1761-71-3  | 1937-35-5  | 2097-19-0  | 2299-73-2  |
| 1326-12-1  | 1457-46-1  | 1628-58-6  | 1761-12-0  | 1937-37-7  | 2100-42-7  | 2302-96-7  |
| 1326-37-0  | 1459-09-2  | 1630-08-6  | 1769-41-1  | 1938-32-5  | 2103-64-2  | 2303-01-7  |
| 1326-38-1  | 1459-10-5  | 1631-82-9  | 1777-84-0  | 1939-99-7  | 2103-88-0  | 2304-96-3  |
| 1326-40-5  | 1459-93-4  | 1631-83-0  | 1779-10-8  | 1942-61-6  | 2104-64-5  | 2312-35-8  |
| 1326-49-4  | 1461-15-0  | 1631-84-1  | 1779-11-9  | 1942-71-8  | 2113-51-1  | 2312-76-7  |
| 1326-51-8  | 1461-17-2  | 1633-22-3  | 1779-48-2  | 1945-78-4  | 2113-57-7  | 2313-87-3  |
| 1326-52-9  | 1462-73-3  | 1633-83-6  | 1784-04-9  | 1945-92-2  | 2113-68-0  | 2315-32-8  |
| 1326-55-2  | 1464-44-4  | 1638-12-6  | 1786-87-4  | 1955-21-1  | 2116-65-6  | 2315-68-6  |
| 1326-60-9  | 1465-25-4  | 1640-39-7  | 1787-61-7  | 1963-36-6  | 2116-84-9  | 2321-07-5  |

## ANNEX II

-45-

| CAS Number |
|------------|------------|------------|------------|------------|------------|------------|
| 2338-76-3  | 2476-37-1  | 2622-21-1  | 2835-99-6  | 3034-94-4  | 3271-76-9  | 3485-62-9  |
| 2345-34-8  | 2478-20-8  | 2623-45-2  | 2836-74-6  | 3046-94-4  | 3272-91-1  | 3485-82-3  |
| 2349-21-4  | 2478-67-3  | 2627-06-7  | 2851-09-4  | 3048-65-5  | 3283-05-4  | 3485-84-5  |
| 2351-37-3  | 2479-49-4  | 2627-86-3  | 2859-78-1  | 3051-11-4  | 3283-23-6  | 3486-30-4  |
| 2351-45-9  | 2481-94-9  | 2627-97-6  | 2865-71-5  | 3054-01-1  | 3284-07-9  | 3487-99-8  |
| 2359-09-3  | 2484-88-0  | 2631-40-5  | 2868-75-9  | 3056-93-7  | 3287-99-8  | 3497-00-5  |
| 2364-54-7  | 2488-71-9  | 2631-68-7  | 2869-83-2  | 3057-08-7  | 3288-99-1  | 3505-38-2  |
| 2367-19-3  | 2489-52-3  | 2635-26-9  | 2870-04-4  | 3058-38-6  | 3290-24-2  | 3506-09-0  |
| 2374-05-2  | 2490-60-3  | 2637-37-8  | 2870-32-8  | 3058-39-7  | 3291-07-7  | 3516-19-0  |
| 2378-95-2  | 2491-17-1  | 2641-01-2  | 2870-37-3  | 3065-79-0  | 3294-03-9  | 3511-16-8  |
| 2379-55-7  | 2491-71-6  | 2642-63-9  | 2870-38-4  | 3068-39-1  | 3301-79-9  | 3520-72-7  |
| 2379-74-0  | 2491-74-9  | 2646-15-3  | 2871-11-4  | 3068-76-6  | 3312-67-5  | 3521-76-0  |
| 2379-75-1  | 2492-26-4  | 2646-17-5  | 2872-48-2  | 3071-32-7  | 3312-83-2  | 3521-84-4  |
| 2379-77-3  | 2493-02-9  | 2650-18-2  | 2872-52-8  | 3071-70-3  | 3316-02-7  | 3529-11-9  |
| 2379-78-4  | 2493-84-7  | 2650-64-8  | 2881-81-6  | 3071-73-6  | 3316-13-0  | 3529-82-6  |
| 2379-79-5  | 2494-89-5  | 2653-64-7  | 2882-20-4  | 3076-05-9  | 3317-67-7  | 3530-19-6  |
| 2379-79-5  | 2494-93-1  | 2654-52-6  | 2883-80-3  | 3076-87-7  | 3318-43-2  | 3531-19-9  |
| 2379-81-9  | 2495-35-4  | 2654-58-2  | 2888-84-2  | 3077-12-1  | 3320-83-0  | 3535-50-0  |
| 2381-85-3  | 2496-26-6  | 2654-66-2  | 2902-64-9  | 3077-13-2  | 3320-86-3  | 3543-39-3  |
| 2382-96-9  | 2497-39-3  | 2657-00-3  | 2903-34-6  | 3078-09-9  | 3320-87-4  | 3546-41-6  |
| 2386-87-0  | 2498-02-4  | 2657-85-4  | 2904-60-1  | 3081-01-4  | 3321-10-6  | 3549-23-3  |
| 2389-45-9  | 2498-73-5  | 2664-63-3  | 2905-17-1  | 3081-14-9  | 3324-58-1  | 3555-11-1  |
| 2389-75-5  | 2498-66-0  | 2666-17-3  | 2905-54-6  | 3087-16-9  | 3326-32-7  | 3558-60-9  |
| 2390-56-9  | 2498-95-5  | 2669-94-5  | 2905-60-4  | 3089-16-5  | 3326-34-9  | 3562-84-3  |
| 2390-59-2  | 2503-55-1  | 2679-49-4  | 2905-62-6  | 3089-17-6  | 3326-35-0  | 3564-14-5  |
| 2390-60-5  | 2503-73-3  | 2682-45-3  | 2905-65-9  | 3108-15-4  | 3333-62-8  | 3564-15-6  |
| 2390-63-8  | 2510-95-4  | 2687-12-9  | 2905-69-3  | 3118-97-6  | 3337-62-0  | 3564-18-9  |
| 2391-03-9  | 2510-99-8  | 2687-25-4  | 2909-38-8  | 3119-93-5  | 3343-24-6  | 3564-21-4  |
| 2393-23-9  | 2512-29-0  | 2694-54-4  | 2915-53-9  | 3121-52-6  | 3343-28-1  | 3564-22-5  |
| 2398-81-4  | 2516-05-4  | 2695-37-6  | 2915-72-2  | 3121-70-8  | 3343-80-4  | 3564-26-9  |
| 2400-00-2  | 2516-96-3  | 2696-84-6  | 2918-80-1  | 3121-74-2  | 3349-63-1  | 3564-27-0  |
| 2401-85-6  | 2518-24-3  | 2698-41-1  | 2920-38-9  | 3129-91-7  | 3351-05-1  | 3564-70-3  |
| 2402-42-8  | 2519-28-0  | 2702-44-5  | 2921-88-2  | 3130-19-6  | 3352-54-3  | 3565-26-2  |
| 2402-78-0  | 2524-67-6  | 2702-72-9  | 2923-93-5  | 3131-63-3  | 3354-97-0  | 3566-95-8  |
| 2402-79-1  | 2525-21-5  | 2712-83-6  | 2926-45-6  | 3137-83-5  | 3368-04-5  | 3567-65-5  |
| 2402-95-1  | 2532-07-2  | 2718-78-7  | 2941-63-1  | 3142-42-5  | 3370-27-2  | 3567-66-6  |
| 2403-22-7  | 2536-05-2  | 2718-90-3  | 2941-69-7  | 3147-14-6  | 3370-28-3  | 3567-69-9  |
| 2411-89-4  | 2538-84-3  | 2719-08-6  | 2941-71-1  | 3147-45-3  | 3373-10-2  | 3568-88-5  |
| 2415-85-2  | 2538-85-4  | 2719-13-3  | 2941-72-2  | 3147-62-4  | 3375-25-5  | 3570-46-5  |
| 2415-87-4  | 2539-21-1  | 2719-15-5  | 2944-19-6  | 3147-75-9  | 3376-24-7  | 3570-80-7  |
| 2420-97-5  | 2540-09-2  | 2719-32-6  | 2944-26-5  | 3158-91-6  | 3378-72-1  | 3575-31-3  |
| 2421-11-6  | 2545-59-7  | 2733-41-7  | 2944-27-6  | 3159-28-2  | 3379-38-2  | 3575-32-4  |
| 2421-28-5  | 2549-99-7  | 2734-52-3  | 2944-28-7  | 3160-35-8  | 3383-96-8  | 3582-72-7  |
| 2422-91-5  | 2550-26-7  | 2735-05-9  | 2944-30-1  | 3160-37-0  | 3385-21-5  | 3586-12-7  |
| 2425-17-7  | 2550-73-4  | 2735-62-8  | 2945-96-2  | 3160-86-9  | 3385-41-9  | 3586-14-9  |
| 2425-85-6  | 2553-19-7  | 2739-04-0  | 2946-17-0  | 3166-00-5  | 3388-01-0  | 3588-63-4  |
| 2429-70-1  | 2556-10-7  | 2743-38-6  | 2955-38-6  | 3172-33-6  | 3388-03-2  | 3590-52-1  |
| 2429-71-2  | 2565-07-3  | 2754-32-7  | 2958-60-3  | 3172-34-7  | 3388-04-3  | 3594-55-6  |
| 2429-73-4  | 2568-25-4  | 2757-92-8  | 2958-87-4  | 3173-53-3  | 3390-61-2  | 3598-16-1  |
| 2429-74-5  | 2579-20-6  | 2760-98-7  | 2963-66-8  | 3174-30-9  | 3391-10-4  | 3598-37-6  |
| 2429-76-7  | 2580-56-5  | 2768-90-3  | 2971-22-4  | 3176-77-0  | 3393-72-4  | 3599-32-4  |
| 2429-79-0  | 2580-78-1  | 2770-11-8  | 2971-36-0  | 3177-22-8  | 3399-73-3  | 3599-58-4  |
| 2429-80-3  | 2581-69-3  | 2771-67-7  | 2977-69-7  | 3179-56-4  | 3401-26-1  | 3605-31-0  |
| 2429-81-4  | 2586-57-4  | 2783-94-0  | 2977-70-0  | 3179-89-3  | 3401-80-7  | 3606-21-1  |
| 2429-82-5  | 2586-58-5  | 2784-64-7  | 2978-11-2  | 3179-90-6  | 3403-23-4  | 3608-11-5  |
| 2429-83-6  | 2586-60-9  | 2784-89-6  | 2980-33-8  | 3180-81-2  | 3406-84-6  | 3614-69-5  |
| 2429-84-7  | 2587-42-0  | 2784-94-3  | 2987-66-8  | 3181-86-0  | 3407-93-3  | 3618-58-4  |
| 2432-12-4  | 2589-71-1  | 2786-31-4  | 2996-92-1  | 3182-02-3  | 3411-95-8  | 3618-60-8  |
| 2432-90-8  | 2589-73-3  | 2786-71-2  | 3002-78-6  | 3184-65-4  | 3419-18-9  | 3618-62-0  |
| 2438-32-6  | 2596-47-6  | 2786-76-7  | 3002-81-1  | 3188-83-8  | 3425-89-6  | 3618-63-1  |
| 2439-00-1  | 2602-46-2  | 2786-85-8  | 3004-42-0  | 3204-68-0  | 3426-28-6  | 3618-72-2  |
| 2445-83-2  | 2605-67-6  | 2788-23-0  | 3007-43-3  | 3209-22-1  | 3426-43-5  | 3622-84-2  |
| 2449-05-0  | 2609-88-3  | 2801-29-8  | 3007-75-8  | 3214-47-9  | 3433-80-5  | 3624-68-8  |
| 2450-55-7  | 2609-99-6  | 2801-68-5  | 3008-87-5  | 3215-30-3  | 3435-51-6  | 3624-90-6  |
| 2455-71-2  | 2610-05-1  | 2809-47-4  | 3009-13-0  | 3215-65-4  | 3441-14-3  | 3626-28-6  |
| 2457-76-3  | 2610-10-8  | 2814-77-9  | 3010-45-5  | 3221-64-5  | 3443-45-6  | 3626-30-0  |
| 2459-09-8  | 2610-11-9  | 2818-66-8  | 3010-82-0  | 3223-94-7  | 3457-46-3  | 3626-36-6  |
| 2459-10-1  | 2610-86-8  | 2818-69-1  | 3011-61-8  | 3224-15-5  | 3457-98-5  | 3626-40-2  |
| 2465-27-2  | 2611-82-7  | 2818-76-0  | 3015-66-5  | 3230-39-5  | 3457-99-6  | 3627-48-3  |
| 2465-27-2  | 2612-02-4  | 2818-88-4  | 3016-76-0  | 3232-84-6  | 3459-92-5  | 3627-62-1  |
| 2465-29-4  | 2613-89-0  | 2829-42-7  | 3022-16-0  | 3237-62-5  | 3468-11-9  | 3635-74-3  |
| 2475-31-2  | 2615-05-6  | 2829-43-8  | 3024-56-4  | 3240-34-4  | 3468-53-9  | 3637-01-2  |
| 2475-33-4  | 2618-26-0  | 2831-60-9  | 3025-41-0  | 3247-34-5  | 3468-63-1  | 3645-00-9  |
| 2475-43-6  | 2618-77-1  | 2832-40-8  | 3025-77-2  | 3248-05-3  | 3470-17-5  | 3648-21-3  |
| 2475-44-7  | 2618-96-4  | 2834-92-6  | 3026-22-0  | 3248-93-9  | 3473-75-4  | 3651-62-5  |
| 2475-44-7  | 2620-44-2  | 2835-06-5  | 3027-21-2  | 3256-88-0  | 3476-88-9  | 3663-23-8  |
| 2475-45-8  | 2621-46-7  | 2835-68-9  | 3030-80-6  | 3260-63-7  | 3476-90-2  | 3663-99-8  |
| 2475-46-9  | 2621-62-7  | 2835-96-3  | 3032-81-3  | 3263-79-4  | 3483-82-7  | 3665-51-8  |

## ANNEX II

-46-

| CAS Number |
|------------|------------|------------|------------|------------|------------|------------|
| 3676-85-9  | 3943-82-6  | 4237-40-5  | 4499-01-8  | 4988-30-1  | 5332-24-1  | 5471-09-9  |
| 3678-72-6  | 3947-58-8  | 4251-01-8  | 4510-76-3  | 4998-82-7  | 5332-25-2  | 5471-51-2  |
| 3679-63-8  | 3952-78-1  | 4255-94-1  | 4513-19-3  | 5001-72-9  | 5332-26-3  | 5471-82-0  |
| 3682-15-3  | 3955-26-8  | 4253-38-1  | 4518-10-9  | 5007-67-0  | 5333-86-8  | 5486-84-0  |
| 3682-32-4  | 3956-73-8  | 4264-83-9  | 4525-46-6  | 5115-75-8  | 5337-19-9  | 5489-77-0  |
| 3692-35-7  | 3958-57-4  | 4272-77-9  | 4525-75-1  | 5018-47-1  | 5339-85-5  | 5496-71-9  |
| 3683-12-3  | 3972-56-3  | 4273-88-5  | 4531-49-1  | 5022-29-7  | 5341-58-2  | 5512-88-5  |
| 3687-67-1  | 3982-82-9  | 4274-03-7  | 4540-00-5  | 5026-74-4  | 5344-90-1  | 5505-16-8  |
| 3687-80-7  | 3989-75-1  | 4275-05-2  | 4543-33-3  | 5029-61-8  | 5345-53-9  | 5521-31-3  |
| 3691-68-7  | 3993-43-9  | 4285-42-1  | 4548-53-2  | 5136-02-2  | 5349-67-2  | 5529-38-4  |
| 3691-93-8  | 3993-45-1  | 4297-95-4  | 4550-36-1  | 5042-54-6  | 5350-57-2  | 5534-95-2  |
| 3694-93-5  | 3993-46-2  | 4304-40-9  | 4563-33-1  | 5042-55-7  | 5355-37-3  | 5538-41-0  |
| 3695-17-9  | 4011-61-1  | 4310-35-4  | 4572-95-6  | 5045-23-9  | 5382-10-5  | 5567-15-7  |
| 3696-28-4  | 4016-85-7  | 4314-14-1  | 4584-57-0  | 5045-43-2  | 5382-23-0  | 5570-77-4  |
| 3698-10-0  | 4025-64-3  | 4316-23-8  | 4587-33-1  | 5048-82-8  | 5388-62-5  | 5579-85-1  |
| 3698-83-7  | 4028-32-4  | 4316-35-2  | 4607-38-9  | 5068-28-0  | 5392-28-0  | 5590-57-4  |
| 3701-40-4  | 4032-80-8  | 4317-65-1  | 4608-12-2  | 5081-42-5  | 5392-67-6  | 5580-58-5  |
| 3715-62-2  | 4044-65-9  | 4321-69-1  | 4615-78-5  | 5084-12-8  | 5392-82-5  | 5585-88-6  |
| 3709-43-1  | 4047-75-0  | 4325-96-6  | 4625-07-2  | 5084-13-9  | 5393-41-9  | 5586-15-2  |
| 3717-28-0  | 4052-92-0  | 4327-84-8  | 4654-29-9  | 5086-74-8  | 5393-46-4  | 5588-17-3  |
| 3717-88-2  | 4058-30-4  | 4329-91-3  | 4657-12-9  | 5096-13-9  | 5393-59-9  | 5599-34-8  |
| 3724-36-5  | 4065-45-6  | 4329-95-7  | 4674-50-4  | 5098-94-2  | 5395-70-0  | 5599-39-3  |
| 3724-52-5  | 4067-14-5  | 4335-09-5  | 4677-09-2  | 5099-06-9  | 5395-71-1  | 5601-29-6  |
| 3731-52-0  | 4068-78-4  | 4338-98-1  | 4680-78-8  | 5099-13-8  | 5397-34-2  | 5609-80-3  |
| 3734-67-6  | 4072-67-7  | 4342-30-7  | 4682-03-5  | 5102-83-0  | 5399-63-3  | 5610-64-0  |
| 3735-33-9  | 4075-79-0  | 4342-36-4  | 4682-36-4  | 5105-78-2  | 5401-14-9  | 5610-94-6  |
| 3737-09-5  | 4081-35-0  | 4344-55-2  | 4693-01-0  | 5109-95-5  | 5401-86-5  | 5623-14-1  |
| 3738-70-9  | 4083-64-1  | 4346-48-9  | 4693-02-1  | 5117-07-7  | 5401-94-5  | 5634-40-2  |
| 3739-67-1  | 4085-18-1  | 4346-51-4  | 4693-19-0  | 5123-63-7  | 5402-73-3  | 5634-42-4  |
| 3740-52-1  | 4091-99-0  | 4348-19-0  | 4698-29-7  | 5124-25-4  | 5406-58-6  | 5657-44-2  |
| 3746-46-1  | 4093-31-6  | 4351-01-9  | 4698-30-0  | 5128-28-9  | 5409-54-1  | 5656-10-0  |
| 3746-67-6  | 4096-20-2  | 4358-87-6  | 4702-90-3  | 5137-52-0  | 5410-29-7  | 5656-90-6  |
| 3747-76-6  | 4097-47-6  | 4360-47-8  | 4707-47-5  | 5138-90-9  | 5410-93-5  | 5660-60-6  |
| 3748-70-7  | 4099-65-4  | 4360-60-5  | 4711-67-5  | 5141-20-8  | 5411-22-3  | 5667-46-9  |
| 3751-46-0  | 4105-90-2  | 4361-84-6  | 4711-68-6  | 5149-85-9  | 5413-75-2  | 5676-58-4  |
| 3753-05-7  | 4106-67-6  | 4362-20-1  | 4726-14-1  | 5150-50-5  | 5415-80-5  | 5680-61-5  |
| 3754-60-7  | 4106-76-7  | 4364-06-1  | 4732-13-2  | 5160-02-1  | 5416-80-8  | 5694-72-4  |
| 3759-61-3  | 4108-61-6  | 4368-56-3  | 4733-39-5  | 5165-79-7  | 5416-93-3  | 5697-00-7  |
| 3761-53-3  | 4112-89-4  | 4370-59-6  | 4736-60-1  | 5165-82-2  | 5418-63-3  | 5714-00-1  |
| 3766-27-6  | 4115-76-8  | 4378-61-4  | 4747-15-3  | 5175-83-7  | 5418-93-9  | 5714-73-8  |
| 3768-55-6  | 4121-67-9  | 4395-53-3  | 4751-23-9  | 5184-75-8  | 5420-98-4  | 5714-90-9  |
| 3769-57-1  | 4124-42-9  | 4399-55-7  | 4760-34-3  | 5190-63-6  | 5421-00-1  | 5739-83-3  |
| 3769-61-7  | 4126-81-2  | 4403-90-1  | 4769-73-7  | 5192-03-0  | 5421-17-0  | 5743-97-5  |
| 3770-97-6  | 4129-84-4  | 4404-43-7  | 4771-08-8  | 5197-80-8  | 5421-66-9  | 5764-85-2  |
| 3771-14-0  | 4130-42-1  | 4413-31-4  | 4774-14-5  | 5205-11-8  | 5421-92-1  | 5789-37-0  |
| 3771-31-1  | 4143-74-2  | 4414-88-4  | 4774-75-8  | 5217-54-9  | 5422-17-3  | 5791-64-0  |
| 3779-03-1  | 4152-09-4  | 4422-95-1  | 4776-06-1  | 5219-07-8  | 5422-72-0  | 5798-75-4  |
| 3780-50-5  | 4152-90-3  | 4423-49-8  | 4792-37-7  | 5227-71-4  | 5423-77-4  | 5804-73-9  |
| 3784-03-0  | 4154-63-6  | 4424-87-7  | 4792-78-3  | 5246-57-1  | 5427-30-5  | 5805-27-6  |
| 3785-01-1  | 4162-43-0  | 4430-18-6  | 4792-83-0  | 5253-02-3  | 5427-46-3  | 5805-76-5  |
| 3808-86-4  | 4162-45-2  | 4430-20-0  | 4800-53-7  | 5254-41-1  | 5428-54-6  | 5809-23-4  |
| 3810-39-7  | 4167-05-9  | 4430-25-5  | 4800-94-6  | 5254-41-1  | 5428-95-5  | 5811-87-0  |
| 3810-51-3  | 4169-04-4  | 4431-31-3  | 4822-44-0  | 5258-64-0  | 5434-29-8  | 5825-87-6  |
| 3811-25-4  | 4173-73-3  | 4431-00-9  | 4834-28-0  | 5260-37-7  | 5434-21-9  | 5833-18-1  |
| 3811-71-0  | 4175-38-6  | 4433-79-8  | 4840-75-9  | 5261-31-4  | 5437-11-6  | 5833-47-6  |
| 3811-73-2  | 4177-31-5  | 4433-80-1  | 4845-49-2  | 5263-87-6  | 5437-88-7  | 5850-12-4  |
| 3813-08-9  | 4178-93-2  | 4436-30-0  | 4845-58-3  | 5264-47-1  | 5441-06-5  | 5850-16-8  |
| 3813-13-6  | 4181-23-8  | 4438-16-8  | 4846-34-8  | 5280-66-0  | 5442-40-0  | 5850-34-0  |
| 3819-12-3  | 4182-80-3  | 4443-99-6  | 4849-46-1  | 5280-78-4  | 5444-02-0  | 5850-35-1  |
| 3819-14-5  | 4185-69-7  | 4444-23-9  | 4857-06-1  | 5281-04-9  | 5444-75-7  | 5850-37-3  |
| 3829-86-5  | 4193-55-9  | 4445-07-2  | 4857-81-2  | 5284-73-1  | 5445-26-1  | 5850-39-5  |
| 3841-14-3  | 4194-00-7  | 4445-76-5  | 4858-85-9  | 5284-75-3  | 5445-86-3  | 5850-41-9  |
| 3844-45-9  | 4196-86-5  | 4450-68-4  | 4867-31-0  | 5284-79-7  | 5451-76-3  | 5851-73-7  |
| 3861-73-2  | 4196-87-6  | 4462-55-9  | 4867-02-1  | 5285-60-9  | 5455-98-1  | 5850-80-6  |
| 3867-55-8  | 4196-89-8  | 4465-58-1  | 4890-85-1  | 5290-62-0  | 5459-85-8  | 5850-87-6  |
| 3875-72-7  | 4196-99-0  | 4468-48-8  | 4898-56-0  | 5292-21-7  | 5459-93-8  | 5850-81-7  |
| 3886-69-9  | 4199-88-6  | 4469-80-1  | 4898-57-1  | 5292-45-5  | 5462-06-6  | 5850-86-2  |
| 3886-70-2  | 4199-89-7  | 4471-37-8  | 4913-13-7  | 5304-18-7  | 5462-29-3  | 5852-33-5  |
| 3887-48-7  | 4203-50-3  | 4471-41-4  | 4913-28-4  | 5307-14-2  | 5462-71-5  | 5858-07-1  |
| 3891-07-4  | 4203-77-4  | 4474-24-2  | 4919-33-9  | 5310-17-8  | 5463-64-9  | 5858-18-4  |
| 3896-11-5  | 4217-56-1  | 4477-28-5  | 4937-86-4  | 5310-18-9  | 5466-57-9  | 5858-33-3  |
| 3898-08-6  | 4213-45-0  | 4477-79-6  | 4940-11-8  | 5314-37-4  | 5466-84-2  | 5858-39-9  |
| 3900-93-4  | 4214-28-2  | 4478-76-6  | 4948-15-6  | 5316-74-5  | 5466-97-1  | 5858-53-7  |
| 3901-30-2  | 4216-01-7  | 4482-25-1  | 4948-28-1  | 5321-31-3  | 5468-00-8  | 5858-81-1  |
| 3902-71-4  | 4221-80-1  | 4482-70-6  | 4948-29-2  | 5321-32-4  | 5468-05-3  | 5858-82-2  |
| 3910-35-8  | 4228-17-6  | 4486-13-9  | 4979-32-2  | 5321-48-2  | 5468-75-7  | 5858-87-7  |
| 3922-40-5  | 4232-27-3  | 4497-58-9  | 4980-54-5  | 5327-44-6  | 5469-69-2  | 5858-88-8  |
| 3942-54-9  | 4234-72-4  | 4497-58-9  | 4986-70-3  | 5327-72-0  | 5471-75-7  | 5858-89-9  |

## ANNEX II

-47-

| CAS Number |
|------------|------------|------------|------------|------------|------------|------------|
| 5858-93-5  | 6219-77-8  | 6357-85-3  | 6387-34-3  | 6426-62-6  | 6652-28-4  | 6994-46-3  |
| 5359-00-7  | 6219-99-2  | 6358-07-2  | 6380-63-8  | 6426-67-1  | 6655-84-1  | 6994-53-2  |
| 5862-38-4  | 6222-35-1  | 6358-09-4  | 6382-07-6  | 6428-19-9  | 6656-71-4  | 7015-72-3  |
| 5863-44-5  | 6222-63-5  | 6358-22-1  | 6382-14-5  | 6428-31-5  | 6656-03-7  | 7006-60-2  |
| 5863-46-7  | 6224-63-1  | 6358-26-5  | 6383-73-9  | 6428-60-0  | 6657-33-6  | 7021-09-2  |
| 5863-51-4  | 6226-78-4  | 6358-29-8  | 6386-38-5  | 6434-57-7  | 6658-48-6  | 7023-61-2  |
| 5863-53-6  | 6226-80-8  | 6358-30-1  | 6386-73-8  | 6439-53-8  | 6661-54-7  | 7044-91-9  |
| 5873-54-1  | 6226-87-5  | 6358-31-2  | 6387-27-5  | 6441-77-6  | 6671-49-4  | 7057-57-7  |
| 5874-97-5  | 6227-02-7  | 6358-36-7  | 6388-26-7  | 6441-82-3  | 6671-52-9  | 7058-55-1  |
| 5882-44-0  | 6227-10-7  | 6358-37-8  | 6391-21-5  | 6441-91-4  | 6675-28-1  | 7065-22-7  |
| 5892-09-1  | 6227-14-1  | 6358-49-2  | 6391-27-1  | 6441-93-6  | 6683-19-8  | 7073-93-0  |
| 5893-32-3  | 6227-20-9  | 6358-53-8  | 6396-90-3  | 6442-08-6  | 6683-19-8  | 7082-31-7  |
| 5894-79-1  | 6232-49-1  | 6358-63-0  | 6401-98-5  | 6442-10-0  | 6701-56-7  | 7116-96-3  |
| 5917-54-9  | 6232-51-5  | 6358-69-6  | 6402-06-8  | 6443-85-2  | 6706-75-8  | 7120-73-2  |
| 5900-59-4  | 6232-56-0  | 6358-83-4  | 6402-09-1  | 6448-95-9  | 6706-82-7  | 7128-64-5  |
| 5902-51-2  | 6232-57-1  | 6358-85-6  | 6405-94-3  | 6448-96-7  | 6707-11-3  | 7147-42-4  |
| 5905-22-6  | 6232-88-8  | 6358-87-8  | 6406-32-2  | 6449-35-0  | 6711-46-2  | 7147-83-9  |
| 5928-63-2  | 6243-71-6  | 6358-88-9  | 6406-56-0  | 6449-79-2  | 6722-15-2  | 7148-73-0  |
| 5928-84-7  | 6247-34-3  | 6359-45-1  | 6416-74-2  | 6451-09-8  | 6737-68-4  | 7148-50-7  |
| 5930-28-9  | 6247-37-6  | 6359-62-2  | 6407-59-6  | 6459-69-4  | 6739-48-6  | 7149-23-7  |
| 5938-85-2  | 6250-23-3  | 6359-82-6  | 6407-74-5  | 6459-94-5  | 6742-54-7  | 7149-26-7  |
| 5947-36-4  | 6252-57-9  | 6359-83-7  | 6407-75-6  | 6460-01-1  | 6764-27-8  | 7149-79-3  |
| 5950-69-6  | 6252-62-6  | 6359-85-9  | 6407-78-9  | 6460-05-5  | 6764-43-8  | 7152-24-1  |
| 5959-56-8  | 6256-31-1  | 6359-86-0  | 6408-02-2  | 6469-85-8  | 6764-45-0  | 7152-24-1  |
| 5979-28-2  | 6257-64-3  | 6359-88-2  | 6408-22-6  | 6470-20-8  | 6768-23-6  | 7159-96-8  |
| 5979-28-2  | 6258-06-6  | 6359-91-6  | 6408-27-1  | 6470-23-1  | 6780-49-7  | 7166-19-0  |
| 5979-31-7  | 6258-73-7  | 6359-91-7  | 6408-29-3  | 6471-07-4  | 6786-83-0  | 7187-55-5  |
| 5981-09-9  | 6259-40-1  | 6359-95-1  | 6408-31-7  | 6471-09-6  | 6786-84-1  | 7195-45-1  |
| 5982-87-6  | 6259-42-3  | 6359-96-2  | 6408-34-0  | 6471-46-1  | 6789-88-4  | 7218-44-2  |
| 5985-41-1  | 6259-76-3  | 6359-97-3  | 6408-39-5  | 6471-49-4  | 6792-71-8  | 7218-46-4  |
| 5987-95-1  | 6262-21-1  | 6359-98-4  | 6408-51-1  | 6471-51-8  | 6798-03-4  | 7225-61-8  |
| 5994-45-6  | 6263-37-2  | 6359-98-4  | 6408-57-7  | 6471-79-9  | 6798-76-1  | 7246-14-2  |
| 5995-98-2  | 6267-02-3  | 6360-10-7  | 6408-72-6  | 6472-50-0  | 6830-82-6  | 7246-21-1  |
| 6014-68-2  | 6270-03-7  | 6361-14-1  | 6408-78-2  | 6472-58-8  | 6837-24-7  | 7248-45-5  |
| 6022-22-6  | 6270-04-8  | 6360-26-5  | 6408-80-6  | 6473-02-5  | 6837-37-2  | 7257-44-5  |
| 6023-29-6  | 6270-07-1  | 6360-29-8  | 6408-90-8  | 6473-13-8  | 6837-45-2  | 7259-89-4  |
| 6023-44-5  | 6270-81-1  | 6360-54-9  | 6408-99-7  | 6473-30-9  | 6837-46-3  | 7296-20-0  |
| 6035-94-5  | 6272-27-1  | 6360-57-2  | 6409-10-5  | 6480-68-8  | 6838-01-3  | 7298-65-9  |
| 6041-94-7  | 6274-20-0  | 6361-49-5  | 6409-44-5  | 6486-21-1  | 6838-85-3  | 7300-59-6  |
| 6044-61-7  | 6274-83-5  | 6362-79-4  | 6409-83-2  | 6486-23-3  | 6843-66-9  | 7306-12-9  |
| 6050-13-1  | 6280-80-4  | 6362-80-7  | 6410-79-9  | 6486-26-6  | 6844-74-2  | 7311-27-5  |
| 6051-03-2  | 6284-83-9  | 6364-36-9  | 6410-10-2  | 6486-55-1  | 6846-21-5  | 7324-87-0  |
| 6054-48-4  | 6285-57-0  | 6365-50-0  | 6410-10-2  | 6486-92-6  | 6848-13-1  | 7334-33-0  |
| 6054-80-4  | 6290-37-5  | 6365-83-9  | 6410-13-5  | 6487-07-6  | 6852-54-6  | 7335-26-4  |
| 6054-86-0  | 6293-52-3  | 6369-32-0  | 6410-26-0  | 6492-73-5  | 6852-56-8  | 7335-27-5  |
| 6054-97-3  | 6295-57-4  | 6369-35-3  | 6410-29-3  | 6500-50-1  | 6854-81-5  | 7336-27-1  |
| 6054-98-4  | 6298-72-2  | 6369-65-9  | 6410-30-6  | 6505-28-8  | 6860-97-5  | 7342-13-4  |
| 6068-28-6  | 6300-07-8  | 6370-08-7  | 6410-33-9  | 6505-29-9  | 6864-37-5  | 7347-19-5  |
| 6073-20-7  | 6300-22-7  | 6370-23-6  | 6410-35-1  | 6505-30-2  | 6876-13-7  | 7355-22-8  |
| 6087-58-7  | 6300-25-8  | 6370-25-8  | 6410-39-5  | 6508-04-9  | 6882-44-6  | 7356-11-8  |
| 6087-59-8  | 6300-24-9  | 6370-62-3  | 6410-40-8  | 6521-30-8  | 6893-02-3  | 7357-71-3  |
| 6098-53-9  | 6300-37-4  | 6370-89-4  | 6410-41-9  | 6522-74-3  | 6905-61-9  | 7364-25-2  |
| 6099-57-6  | 6300-50-1  | 6370-93-0  | 6410-42-0  | 6528-34-3  | 6908-41-4  | 7376-52-5  |
| 6104-53-6  | 6307-82-0  | 6371-11-5  | 6413-26-9  | 6528-53-6  | 6915-15-7  | 7383-98-4  |
| 6104-56-9  | 6310-59-4  | 6371-23-9  | 6417-36-3  | 6535-41-7  | 6921-64-8  | 7385-67-3  |
| 6106-18-9  | 6313-17-3  | 6371-42-2  | 6417-44-3  | 6535-42-8  | 6925-69-5  | 7385-99-1  |
| 6112-39-6  | 6313-37-7  | 6371-55-7  | 6417-51-2  | 6535-47-3  | 6928-67-2  | 7397-06-0  |
| 6130-01-4  | 6313-88-8  | 6371-67-1  | 6417-83-0  | 6537-66-2  | 6931-54-0  | 7402-29-1  |
| 6130-64-9  | 6315-32-8  | 6371-76-2  | 6420-29-7  | 6548-12-5  | 6935-27-9  | 7411-49-6  |
| 6130-75-2  | 6315-89-5  | 6371-84-2  | 6420-29-7  | 6548-24-9  | 6939-89-5  | 7415-86-3  |
| 6138-56-3  | 6318-16-7  | 6371-96-6  | 6420-33-3  | 6560-83-4  | 6940-50-7  | 7423-31-6  |
| 6144-04-3  | 6320-02-1  | 6372-69-6  | 6420-36-6  | 6578-06-9  | 6940-53-0  | 7424-00-2  |
| 6152-67-6  | 6320-03-2  | 6372-96-9  | 6420-38-8  | 6582-52-1  | 6946-22-1  | 7425-81-2  |
| 6153-89-5  | 6320-14-5  | 6373-07-5  | 6420-39-9  | 6591-72-6  | 6949-09-3  | 7438-18-8  |
| 6153-92-0  | 6321-11-5  | 6373-10-0  | 6420-40-2  | 6596-35-6  | 6950-88-5  | 7440-84-8  |
| 6158-45-8  | 6324-78-3  | 6373-20-2  | 6420-41-3  | 6598-63-6  | 6957-25-1  | 7442-07-1  |
| 6163-58-2  | 6324-98-7  | 6373-31-5  | 6420-43-5  | 6613-44-1  | 6960-45-8  | 7443-25-6  |
| 6175-45-7  | 6325-91-3  | 6373-76-8  | 6420-44-6  | 6623-41-2  | 6961-89-3  | 7452-51-9  |
| 6178-32-1  | 6325-93-5  | 6373-95-1  | 6420-46-8  | 6625-46-3  | 6965-56-0  | 7459-95-2  |
| 6192-52-5  | 6328-48-9  | 6374-96-5  | 6420-47-9  | 6627-59-4  | 6965-01-1  | 7463-22-1  |
| 6197-30-4  | 6329-01-7  | 6375-16-2  | 6421-04-1  | 6628-28-0  | 6971-33-1  | 7474-78-4  |
| 6201-64-5  | 6330-82-1  | 6375-17-3  | 6421-30-3  | 6634-82-8  | 6972-71-0  | 7475-57-2  |
| 6202-23-9  | 6330-95-6  | 6375-46-8  | 6421-64-3  | 6636-71-1  | 6973-13-3  | 7476-91-7  |
| 6211-24-1  | 6333-15-9  | 6375-47-9  | 6422-86-2  | 6637-88-3  | 6974-32-9  | 7477-67-0  |
| 6213-19-0  | 6334-30-1  | 6375-54-8  | 6424-75-5  | 6639-30-1  | 6974-47-6  | 7478-69-5  |
| 6214-20-6  | 6334-97-0  | 6375-55-9  | 6424-76-6  | 6639-79-8  | 6975-29-7  | 7493-57-4  |
| 6217-19-2  | 6341-28-2  | 6378-88-7  | 6424-77-7  | 6640-27-3  | 6992-73-0  | 7493-63-2  |
| 6219-66-5  | 6349-98-0  | 6380-23-0  | 6424-85-7  | 6642-29-1  | 6993-66-4  | 7493-74-5  |

## ANNEX II

-48-

| CAS Number |
|------------|------------|------------|------------|------------|------------|------------|
| 7493-78-9  | 8012-00-9  | 10381-75-6 | 12218-95-0 | 12223-42-5 | 12234-67-2 | 12240-15-2 |
| 7504-66-7  | 8014-91-3  | 10387-13-0 | 12218-96-1 | 12223-43-7 | 12234-73-0 | 12262-17-8 |
| 7528-30-3  | 8048-07-5  | 10389-51-2 | 12219-04-4 | 12223-47-1 | 12234-92-3 | 12262-26-9 |
| 7536-58-5  | 8064-60-6  | 10401-50-0 | 12219-25-9 | 12223-61-9 | 12234-93-4 | 12262-27-0 |
| 7538-59-2  | 9011-72-1  | 10402-33-2 | 12219-33-9 | 12223-67-5 | 12234-94-5 | 12262-28-1 |
| 7549-33-9  | 9004-38-0  | 10402-52-5 | 12219-38-4 | 12223-70-0 | 12235-00-6 | 12262-32-7 |
| 7560-83-0  | 9012-25-3  | 10411-85-5 | 12219-46-4 | 12223-71-1 | 12235-01-7 | 12262-33-8 |
| 7564-51-4  | 9016-87-9  | 10416-67-8 | 12219-53-3 | 12223-72-2 | 12235-20-0 | 12262-36-1 |
| 7566-41-8  | 9019-85-6  | 10420-33-4 | 12219-54-4 | 12223-78-8 | 12235-21-1 | 12262-38-3 |
| 7568-93-0  | 9036-22-1  | 10420-89-0 | 12219-66-8 | 12223-79-9 | 12235-22-2 | 12262-39-4 |
| 7570-41-4  | 10021-55-3 | 10422-66-9 | 12220-10-9 | 12223-80-2 | 12235-28-8 | 12262-58-7 |
| 7575-45-3  | 10026-99-1 | 10453-86-8 | 12220-20-1 | 12223-81-3 | 12235-34-6 | 12262-66-7 |
| 7576-65-0  | 10029-31-9 | 10479-30-8 | 12220-25-6 | 12223-82-4 | 12235-39-1 | 12269-82-8 |
| 7585-41-3  | 10031-71-7 | 10482-43-6 | 12220-26-7 | 12223-84-6 | 12235-47-1 | 12269-83-9 |
| 7597-18-4  | 10031-82-1 | 10482-79-8 | 12220-28-9 | 12223-85-7 | 12235-53-9 | 12269-88-4 |
| 7606-87-3  | 10075-85-1 | 10484-09-0 | 12220-29-0 | 12223-87-9 | 12235-80-2 | 12269-94-2 |
| 7620-46-4  | 10081-67-1 | 10484-13-6 | 12220-38-1 | 12223-88-0 | 12235-83-5 | 12269-96-4 |
| 7620-71-5  | 10099-93-7 | 10484-56-7 | 12220-52-9 | 12223-89-1 | 12235-84-6 | 12269-97-5 |
| 7631-46-1  | 10094-34-5 | 10486-47-2 | 12220-56-3 | 12223-91-5 | 12235-96-6 | 12270-02-9 |
| 7631-93-8  | 10108-61-9 | 10496-54-5 | 12220-64-3 | 12223-94-8 | 12236-01-0 | 12270-05-2 |
| 7643-08-5  | 10109-95-2 | 10510-77-7 | 12220-70-1 | 12223-96-0 | 12236-02-1 | 12270-06-3 |
| 7652-64-4  | 10114-24-6 | 10519-36-9 | 12220-73-4 | 12223-97-1 | 12236-07-6 | 12270-07-4 |
| 7673-07-6  | 10114-58-6 | 10519-12-7 | 12220-76-7 | 12223-98-2 | 12236-10-1 | 12270-14-3 |
| 7687-09-4  | 10114-86-0 | 10519-88-0 | 12220-77-8 | 12223-99-3 | 12236-11-2 | 12270-15-4 |
| 7696-12-7  | 10126-87-1 | 10521-96-7 | 12220-88-1 | 12224-00-9 | 12236-14-5 | 12270-18-7 |
| 7696-69-7  | 10126-90-6 | 10522-41-5 | 12220-95-0 | 12224-22-5 | 12236-15-6 | 12270-19-8 |
| 7710-20-5  | 10126-97-3 | 10526-17-5 | 12220-99-4 | 12224-23-6 | 12236-17-8 | 12270-20-1 |
| 7713-58-8  | 10127-03-4 | 10526-80-4 | 12221-16-8 | 12224-53-2 | 12236-18-9 | 12270-23-4 |
| 7719-02-0  | 10127-05-6 | 10534-92-6 | 12221-17-9 | 12224-54-3 | 12236-22-5 | 12270-25-6 |
| 7719-13-1  | 10127-27-2 | 10535-52-1 | 12221-18-0 | 12224-56-5 | 12236-25-8 | 12270-26-7 |
| 7722-73-8  | 10127-28-3 | 10540-29-1 | 12221-31-7 | 12224-77-0 | 12236-27-0 | 12270-28-9 |
| 7724-15-4  | 10130-29-7 | 10541-29-4 | 12221-34-0 | 12224-78-1 | 12236-29-2 | 12270-30-3 |
| 7756-87-8  | 10130-89-9 | 10541-56-7 | 12221-41-9 | 12225-02-4 | 12236-30-5 | 12270-31-4 |
| 7756-96-9  | 10132-80-6 | 10541-83-0 | 12221-43-1 | 12225-05-7 | 12236-33-8 | 12270-32-5 |
| 7773-34-4  | 10134-35-7 | 10551-21-0 | 12221-46-4 | 12225-08-0 | 12236-49-6 | 12270-35-8 |
| 7775-39-5  | 10143-03-0 | 10580-80-0 | 12221-52-2 | 12225-19-3 | 12236-50-9 | 12270-36-9 |
| 7778-70-3  | 10155-47-2 | 10594-03-3 | 12221-70-4 | 12225-21-7 | 12236-51-0 | 12270-37-0 |
| 7778-73-6  | 10157-76-3 | 11070-44-3 | 12221-79-3 | 12225-23-9 | 12236-52-1 | 12270-39-2 |
| 7778-83-8  | 10169-02-5 | 11075-16-4 | 12222-00-3 | 12225-27-3 | 12236-86-1 | 12270-40-5 |
| 7779-65-9  | 10187-52-7 | 11075-28-8 | 12222-04-7 | 12225-64-8 | 12236-87-2 | 12270-42-7 |
| 7779-77-3  | 10190-68-8 | 11075-30-2 | 12222-20-7 | 12225-64-8 | 12236-90-7 | 12270-43-8 |
| 7779-78-4  | 10196-68-6 | 11097-74-8 | 12222-32-1 | 12225-66-0 | 12237-00-2 | 12270-44-9 |
| 7780-06-5  | 10199-89-0 | 11099-03-9 | 12222-37-6 | 12225-67-1 | 12237-01-3 | 12270-45-0 |
| 7784-67-0  | 10201-29-3 | 11099-97-1 | 12222-40-1 | 12225-72-8 | 12237-02-4 | 12270-61-0 |
| 7786-17-6  | 10212-25-6 | 11119-73-6 | 12222-45-6 | 12225-82-0 | 12237-09-1 | 12271-01-1 |
| 7786-61-0  | 10214-07-0 | 11119-73-6 | 12222-60-5 | 12225-84-2 | 12237-14-8 | 12271-03-3 |
| 7797-81-1  | 10215-25-5 | 11145-39-4 | 12222-62-7 | 12225-85-3 | 12237-16-0 | 12643-06-0 |
| 8000-95-1  | 10220-34-5 | 12001-99-9 | 12222-63-8 | 12225-86-4 | 12237-17-1 | 12656-57-4 |
| 8001-54-5  | 10241-21-1 | 12002-22-1 | 12222-65-0 | 12225-88-6 | 12237-21-7 | 12656-85-8 |
| 8012-90-2  | 10241-27-7 | 12012-53-8 | 12222-68-3 | 12226-08-3 | 12237-24-0 | 12677-15-5 |
| 8003-22-3  | 10246-75-0 | 12068-08-5 | 12222-69-4 | 12226-16-3 | 12237-31-9 | 12677-19-9 |
| 8003-57-4  | 10248-55-2 | 12068-19-8 | 12222-72-9 | 12226-18-5 | 12237-35-3 | 12692-98-7 |
| 8003-62-1  | 10249-13-5 | 12110-39-3 | 12222-75-2 | 12226-20-9 | 12238-31-2 | 12707-27-6 |
| 8003-69-8  | 10254-86-1 | 12213-69-3 | 12222-77-4 | 12226-21-0 | 12238-63-0 | 12715-61-6 |
| 8003-79-0  | 10265-69-7 | 12213-69-3 | 12222-79-6 | 12226-22-1 | 12238-65-2 | 12715-61-6 |
| 8003-87-0  | 10278-71-4 | 12217-04-8 | 12222-80-9 | 12226-27-6 | 12238-84-5 | 12715-61-6 |
| 8003-88-1  | 10279-43-3 | 12217-05-9 | 12222-83-2 | 12226-32-3 | 12238-89-0 | 12731-53-2 |
| 8004-41-9  | 10284-44-3 | 12217-14-0 | 12222-85-4 | 12226-38-9 | 12238-94-7 | 12731-54-3 |
| 8004-87-3  | 10290-07-0 | 12217-17-3 | 12222-97-8 | 12226-46-9 | 12239-02-0 | 12731-63-4 |
| 8004-88-4  | 10291-28-8 | 12217-22-1 | 12223-04-0 | 12226-48-1 | 12239-15-5 | 12738-64-6 |
| 8004-91-9  | 10302-15-5 | 12217-37-7 | 12223-07-3 | 12226-49-2 | 12239-21-3 | 12764-81-7 |
| 8004-92-0  | 10304-39-9 | 12217-38-8 | 12223-08-4 | 12226-51-6 | 12239-31-5 | 12768-78-4 |
| 8008-98-6  | 10311-84-9 | 12217-41-3 | 12223-10-8 | 12226-63-0 | 12239-36-0 | 12769-04-9 |
| 8004-99-7  | 10318-38-4 | 12217-43-5 | 12223-13-1 | 12226-74-3 | 12239-37-1 | 12769-08-3 |
| 8005-02-5  | 10319-14-9 | 12217-48-1 | 12223-14-2 | 12226-85-6 | 12239-44-0 | 12769-09-8 |
| 8005-03-6  | 10319-80-9 | 12217-49-1 | 12223-19-7 | 12226-91-4 | 12239-45-1 | 12769-14-1 |
| 8005-06-9  | 10321-42-3 | 12217-64-0 | 12223-20-0 | 12226-96-9 | 12239-48-4 | 12769-17-4 |
| 8005-40-1  | 10328-92-4 | 12217-73-1 | 12223-23-3 | 12227-04-2 | 12239-54-2 | 12769-22-1 |
| 8005-53-6  | 10343-55-2 | 12217-74-2 | 12223-25-5 | 12227-06-4 | 12239-56-4 | 12772-21-3 |
| 8005-56-9  | 10343-58-5 | 12217-75-3 | 12223-26-6 | 12227-13-3 | 12239-65-5 | 13005-36-2 |
| 8005-64-9  | 10349-57-2 | 12217-77-5 | 12223-27-7 | 12227-27-9 | 12239-69-9 | 13009-99-9 |
| 8005-79-6  | 10351-19-6 | 12217-80-0 | 12223-31-3 | 12227-50-8 | 12239-75-7 | 13014-18-1 |
| 8006-02-8  | 10352-27-9 | 12217-83-3 | 12223-32-4 | 12227-55-3 | 12239-78-0 | 13014-24-9 |
| 8006-04-0  | 10359-69-0 | 12217-86-6 | 12223-33-5 | 12227-62-2 | 12239-83-7 | 13024-90-3 |
| 8006-05-1  | 10359-95-2 | 12217-91-3 | 12223-35-7 | 12227-67-7 | 12239-84-8 | 13027-28-6 |
| 8007-18-9  | 10360-31-3 | 12217-92-4 | 12223-36-8 | 12227-78-0 | 12239-85-9 | 13033-91-5 |
| 8007-22-5  | 10361-39-4 | 12217-95-7 | 12223-38-0 | 12228-61-6 | 12239-87-1 | 13036-02-7 |
| 8011-87-8  | 10377-95-4 | 12218-94-9 | 12223-41-5 | 12234-62-7 | 12240-09-4 | 13036-19-6 |

## ANNEX II

-49-

| CAS Number |
|------------|------------|------------|------------|------------|------------|------------|
| 13037-96-0 | 13680-35-8 | 14459-33-7 | 15475-84-0 | 16423-68-0 | 17202-49-2 | 18189-07-6 |
| 13047-13-7 | 13686-87-8 | 14464-10-9 | 15486-19-8 | 16427-65-9 | 17205-68-4 | 18226-17-0 |
| 13076-29-4 | 13698-55-7 | 14516-71-3 | 15541-61-3 | 16430-93-6 | 17215-44-0 | 18244-73-6 |
| 13076-44-3 | 13732-62-2 | 14534-87-3 | 15546-43-7 | 16432-36-3 | 17233-65-7 | 18247-80-8 |
| 13080-86-9 | 13746-54-8 | 14548-46-0 | 15555-71-2 | 16432-37-4 | 17260-11-6 | 18266-52-9 |
| 13192-47-9 | 13746-56-7 | 14562-04-0 | 15589-64-7 | 16432-45-4 | 17261-28-8 | 18282-59-2 |
| 13198-53-1 | 13746-57-1 | 14564-35-3 | 15619-48-4 | 16432-91-8 | 17264-53-8 | 18319-92-1 |
| 13191-81-7 | 13746-58-2 | 14564-74-0 | 15656-86-7 | 16436-29-6 | 17265-34-8 | 18347-33-2 |
| 13103-75-8 | 13746-60-6 | 14569-54-1 | 15715-19-2 | 16452-06-5 | 17306-05-7 | 18360-24-2 |
| 13109-68-7 | 13746-62-3 | 14569-71-2 | 15717-40-5 | 16471-24-9 | 17345-68-5 | 18371-33-7 |
| 13114-87-9 | 13781-53-8 | 14580-22-4 | 15721-78-5 | 16470-41-0 | 17354-14-2 | 18403-59-3 |
| 13120-77-9 | 13795-24-9 | 14618-10-1 | 15733-22-9 | 16470-42-1 | 17354-79-9 | 18418-79-6 |
| 13138-53-9 | 13796-22-7 | 14637-78-2 | 15757-54-7 | 16470-45-4 | 17357-14-1 | 18419-53-9 |
| 13161-28-9 | 13816-33-6 | 14667-54-0 | 15763-57-2 | 16490-80-5 | 17368-48-8 | 18420-49-0 |
| 13209-15-9 | 13826-35-2 | 14667-59-5 | 15772-26-6 | 16494-24-9 | 17369-54-8 | 18420-56-9 |
| 13217-74-8 | 13836-37-8 | 14694-95-2 | 15782-03-3 | 16494-25-0 | 17372-87-1 | 18426-55-6 |
| 13242-16-5 | 13863-31-5 | 14698-29-4 | 15782-04-4 | 16494-27-2 | 17376-04-4 | 18426-56-7 |
| 13244-33-2 | 13871-68-6 | 14716-41-3 | 15782-35-5 | 16508-74-0 | 17389-14-9 | 18434-12-3 |
| 13244-35-4 | 13895-38-0 | 14709-71-8 | 15782-06-6 | 16517-70-7 | 17394-77-3 | 18462-64-1 |
| 13255-27-1 | 13921-32-9 | 14722-38-4 | 15790-07-5 | 16518-26-6 | 17418-58-5 | 18467-77-1 |
| 13279-58-8 | 13940-94-8 | 14726-19-3 | 15791-78-3 | 16521-36-1 | 17418-59-6 | 18472-51-0 |
| 13280-61-0 | 13949-67-2 | 14726-22-8 | 15792-20-8 | 16521-38-3 | 17472-73-5 | 18472-87-2 |
| 13281-14-6 | 13954-62-6 | 14726-58-0 | 15792-50-4 | 16532-79-9 | 17467-15-1 | 18522-93-5 |
| 13287-76-8 | 13978-85-3 | 14737-86-1 | 15792-67-3 | 16534-12-6 | 17481-27-5 | 18530-56-8 |
| 13290-16-9 | 14002-51-8 | 14751-97-4 | 15793-77-8 | 16545-54-3 | 17518-43-3 | 18586-22-6 |
| 13290-74-9 | 14034-57-2 | 14752-75-1 | 15804-19-0 | 16546-01-3 | 17526-94-2 | 18586-39-5 |
| 13290-96-5 | 14055-02-8 | 14762-38-0 | 15805-42-2 | 16571-39-4 | 17557-67-4 | 18622-13-4 |
| 13301-33-2 | 14070-48-5 | 14767-37-4 | 15814-45-6 | 16574-43-9 | 17564-64-6 | 18643-47-5 |
| 13301-61-6 | 14070-49-6 | 14769-73-4 | 15826-91-2 | 16586-42-8 | 17574-08-2 | 18666-65-4 |
| 13303-10-1 | 14074-80-7 | 14779-78-3 | 15843-27-3 | 16586-43-9 | 17574-09-3 | 18666-68-7 |
| 13331-27-6 | 14097-03-1 | 14806-50-9 | 15864-32-1 | 16588-06-0 | 17577-28-5 | 18708-70-8 |
| 13331-93-6 | 14106-38-8 | 14832-14-5 | 15872-73-8 | 16588-67-3 | 17618-85-8 | 18714-16-4 |
| 13347-42-7 | 14118-16-2 | 14838-15-4 | 15876-51-4 | 16595-80-5 | 17625-03-5 | 18733-06-7 |
| 13350-41-9 | 14124-47-1 | 14861-17-7 | 15883-59-7 | 16616-82-3 | 17635-21-1 | 18740-59-5 |
| 13356-08-6 | 14126-32-0 | 14868-03-2 | 15886-56-3 | 16623-25-9 | 17658-06-9 | 18770-76-8 |
| 13390-47-1 | 14128-84-8 | 14933-76-7 | 15905-32-5 | 16623-47-5 | 17665-72-4 | 18777-54-3 |
| 13393-93-6 | 14186-60-8 | 14934-37-3 | 15909-94-1 | 16679-58-6 | 17681-50-4 | 18790-57-3 |
| 13402-96-5 | 14187-31-6 | 14954-75-7 | 15945-77-0 | 16698-16-1 | 17683-09-9 | 18799-97-1 |
| 13414-54-5 | 14187-32-7 | 14960-63-5 | 15958-68-6 | 16698-35-4 | 17688-68-5 | 18800-51-6 |
| 13414-55-6 | 14199-15-6 | 14995-38-1 | 15964-79-1 | 16707-41-8 | 17695-46-4 | 18800-53-8 |
| 13414-58-9 | 14200-84-1 | 14999-97-4 | 15968-02-2 | 16712-64-4 | 17700-55-9 | 18824-74-3 |
| 13414-95-4 | 14205-65-3 | 15000-59-6 | 15972-60-8 | 16722-32-0 | 17722-17-7 | 18824-79-8 |
| 13416-17-6 | 14206-62-3 | 15008-36-3 | 15979-19-8 | 16766-09-9 | 17736-40-2 | 18826-29-4 |
| 13416-35-8 | 14210-25-4 | 15015-84-6 | 15988-11-1 | 16781-08-1 | 17741-62-7 | 18908-07-1 |
| 13418-50-3 | 14221-00-2 | 15017-02-4 | 15990-43-9 | 16823-51-1 | 17754-91-5 | 18912-01-1 |
| 13429-10-2 | 14221-01-3 | 15020-57-2 | 16013-44-8 | 16836-95-6 | 17772-51-9 | 18924-46-6 |
| 13432-32-1 | 14221-02-4 | 15038-67-2 | 16014-23-6 | 16883-16-2 | 17784-12-2 | 18979-50-5 |
| 13435-09-1 | 14231-52-5 | 15052-19-4 | 16034-77-8 | 16883-83-3 | 17796-82-6 | 18979-53-8 |
| 13435-46-6 | 14233-37-5 | 15086-94-9 | 16044-24-9 | 16893-48-4 | 17804-49-8 | 18979-55-0 |
| 13438-45-4 | 14234-82-3 | 15087-68-0 | 16055-33-7 | 16894-34-1 | 17814-20-9 | 19003-87-3 |
| 13458-81-6 | 14235-45-1 | 15096-02-3 | 16056-11-4 | 16909-22-1 | 17832-16-5 | 19013-11-7 |
| 13463-41-7 | 14239-23-7 | 15108-51-7 | 16066-35-6 | 16909-78-7 | 17852-98-1 | 19040-62-1 |
| 13463-98-4 | 14239-24-8 | 15110-84-6 | 16069-36-6 | 16915-70-1 | 17852-99-2 | 19044-88-3 |
| 13466-78-9 | 14245-97-7 | 15111-96-3 | 16071-86-6 | 16926-70-8 | 17869-10-2 | 19077-97-5 |
| 13473-26-2 | 14254-76-3 | 15121-84-3 | 16089-42-2 | 16960-49-9 | 17874-34-9 | 19077-98-6 |
| 13481-09-9 | 14263-89-9 | 15149-10-7 | 16089-43-3 | 16965-08-5 | 17888-39-6 | 19089-55-5 |
| 13486-13-0 | 14263-94-6 | 15151-00-5 | 16090-02-1 | 17011-51-7 | 17887-41-1 | 19159-68-3 |
| 13486-43-6 | 14264-16-5 | 15185-43-0 | 16091-26-2 | 17016-43-2 | 17887-60-4 | 19163-98-5 |
| 13492-01-8 | 14268-66-7 | 15206-55-0 | 16093-66-6 | 17018-66-5 | 17895-40-8 | 19219-98-8 |
| 13515-40-7 | 14295-43-3 | 15217-42-2 | 16099-54-0 | 17026-81-2 | 17903-05-8 | 19219-99-9 |
| 13524-04-4 | 14297-39-3 | 15220-11-8 | 16106-44-8 | 17040-79-8 | 17918-11-5 | 19224-26-1 |
| 13532-96-2 | 14297-59-7 | 15233-47-3 | 16110-89-7 | 17051-01-3 | 17924-92-4 | 19237-84-4 |
| 13552-44-8 | 14302-13-7 | 15245-44-7 | 16143-79-6 | 17066-96-5 | 17933-85-6 | 19248-13-6 |
| 13556-84-8 | 14309-25-2 | 15270-08-3 | 16153-75-6 | 17088-28-7 | 17964-30-6 | 19277-56-6 |
| 13558-31-1 | 14309-42-3 | 15280-31-6 | 16195-23-6 | 17091-45-1 | 17976-43-1 | 19286-75-0 |
| 13562-21-5 | 14319-01-8 | 15284-70-5 | 16201-96-0 | 17095-24-8 | 17998-91-3 | 19303-34-5 |
| 13574-13-5 | 14321-27-8 | 15356-60-2 | 16214-98-5 | 17096-15-0 | 18004-57-4 | 19343-78-3 |
| 13581-52-7 | 14323-17-2 | 15356-70-4 | 16214-99-6 | 17138-28-2 | 18015-76-4 | 19351-91-8 |
| 13616-82-5 | 14323-18-3 | 15371-06-9 | 16245-77-5 | 17146-08-6 | 18018-33-2 | 19361-62-7 |
| 13616-83-6 | 14351-66-7 | 15387-45-8 | 16249-87-9 | 17146-09-7 | 18018-34-3 | 19372-80-6 |
| 13617-28-2 | 14356-38-8 | 15404-00-9 | 16279-54-2 | 17151-27-8 | 18037-63-3 | 19374-99-3 |
| 13624-14-1 | 14359-20-7 | 15414-98-9 | 16357-59-8 | 17162-39-9 | 18038-99-8 | 19379-90-9 |
| 13631-64-6 | 14371-84-7 | 15418-16-3 | 16365-27-8 | 17174-98-0 | 18039-42-4 | 19381-50-1 |
| 13639-21-9 | 14414-32-5 | 15440-98-9 | 16372-99-9 | 17178-10-8 | 18042-54-1 | 19387-83-8 |
| 13654-74-5 | 14426-25-6 | 15446-39-6 | 16375-90-9 | 17185-29-4 | 18066-68-7 | 19398-61-9 |
| 13659-98-8 | 14437-41-3 | 15452-89-8 | 16388-74-2 | 17192-79-9 | 18108-68-4 | 19402-64-3 |
| 13663-23-5 | 14437-46-8 | 15457-05-3 | 16389-59-6 | 17199-24-5 | 18126-02-8 | 19402-71-2 |
| 13676-54-5 | 14452-30-3 | 15471-17-7 | 16473-84-2 | 17201-43-3 | 18181-80-1 | 19406-86-1 |

## ANNEX II

-50-

| CAS Number |
|------------|------------|------------|------------|------------|------------|------------|
| 19433-94-4 | 20651-69-8 | 22198-72-7 | 23691-27-2 | 25070-22-8 | 25743-04-6 | 26684-96-7 |
| 19437-42-4 | 20651-71-2 | 22232-25-3 | 23725-15-7 | 25078-74-4 | 25746-37-6 | 26692-46-6 |
| 19439-61-0 | 20653-04-7 | 22236-61-9 | 23729-34-2 | 25080-14-2 | 25747-08-4 | 26692-47-7 |
| 19473-15-3 | 21662-97-2 | 22248-79-9 | 23778-59-9 | 25080-15-3 | 25771-65-7 | 26705-27-4 |
| 19470-43-4 | 20665-95-4 | 22257-44-9 | 23822-43-7 | 25088-69-1 | 25790-73-2 | 26741-53-7 |
| 19482-05-4 | 20685-65-1 | 22276-63-7 | 23826-72-4 | 25108-36-5 | 25797-78-8 | 26748-47-7 |
| 19493-25-5 | 20691-52-5 | 22298-29-9 | 23838-12-2 | 25124-87-2 | 25834-80-4 | 26762-03-6 |
| 19520-98-8 | 20707-70-4 | 22304-65-4 | 23838-74-6 | 25134-08-1 | 25837-05-2 | 26763-69-9 |
| 19525-59-8 | 21721-51-7 | 22314-57-0 | 23840-43-9 | 25140-86-7 | 25849-26-7 | 26780-06-1 |
| 19532-03-7 | 20730-67-0 | 22308-77-6 | 23857-69-4 | 25148-68-9 | 25855-46-3 | 26787-78-0 |
| 19666-30-9 | 20746-54-7 | 22313-62-8 | 23873-81-6 | 25155-15-1 | 25857-75-0 | 26834-28-6 |
| 19692-45-6 | 20762-71-4 | 22326-11-4 | 23890-27-9 | 25155-30-0 | 25875-50-7 | 26834-32-2 |
| 19694-10-1 | 20776-01-8 | 22346-43-6 | 23894-07-7 | 25167-32-2 | 25910-37-6 | 26838-77-7 |
| 19715-19-6 | 20851-03-5 | 22381-54-0 | 23950-58-5 | 25167-81-1 | 25910-85-4 | 26841-74-4 |
| 19720-42-4 | 20898-44-6 | 22440-93-3 | 23976-66-1 | 25168-05-2 | 25956-17-6 | 26845-91-0 |
| 19759-89-8 | 20904-74-9 | 22499-12-3 | 24057-28-1 | 25168-10-9 | 25959-70-0 | 26854-88-8 |
| 19764-96-6 | 20934-81-0 | 22509-74-6 | 24059-71-0 | 25168-15-4 | 25962-03-2 | 26863-15-0 |
| 19794-03-7 | 20936-32-7 | 22525-43-5 | 24072-75-1 | 25168-26-7 | 25962-05-4 | 26868-32-6 |
| 19798-94-8 | 21036-73-5 | 22527-63-5 | 24192-48-6 | 25177-16-6 | 25962-09-7 | 26869-99-8 |
| 19800-42-1 | 21016-19-3 | 22578-86-5 | 24108-89-2 | 25185-95-9 | 25962-16-7 | 26878-11-5 |
| 19840-99-4 | 21016-22-8 | 22617-04-5 | 24133-65-1 | 25186-43-0 | 25963-47-7 | 26889-86-1 |
| 19841-73-7 | 21016-37-5 | 22633-33-6 | 24133-73-1 | 25243-36-1 | 25971-15-7 | 26903-94-6 |
| 19853-79-3 | 21054-07-9 | 22636-29-9 | 24136-83-2 | 25264-32-8 | 25980-22-7 | 26941-42-4 |
| 19870-74-7 | 21055-88-9 | 22662-39-1 | 24138-34-9 | 25279-63-4 | 25980-23-8 | 26950-07-2 |
| 19900-69-7 | 21083-47-6 | 22690-27-3 | 24140-30-5 | 25282-76-2 | 25981-82-2 | 26968-58-1 |
| 19931-87-4 | 21086-87-3 | 22818-40-2 | 24140-33-8 | 25289-77-3 | 25982-89-2 | 27059-78-1 |
| 19952-47-7 | 21112-37-8 | 22832-87-7 | 24141-90-0 | 25305-87-7 | 25983-11-3 | 27070-59-3 |
| 20018-09-1 | 21124-13-0 | 22873-89-8 | 24147-49-7 | 25310-97-8 | 25985-63-1 | 27072-85-3 |
| 20034-71-3 | 21157-12-7 | 22916-47-8 | 24147-50-0 | 25317-34-4 | 26021-20-5 | 27072-64-6 |
| 20048-92-4 | 21213-89-9 | 22919-26-2 | 24157-79-7 | 25317-42-4 | 26021-21-6 | 27080-90-6 |
| 20062-22-0 | 21214-39-1 | 22919-58-0 | 24157-81-1 | 25319-73-9 | 26021-99-9 | 27116-62-7 |
| 20082-71-7 | 21236-74-8 | 22948-06-7 | 24169-02-6 | 25321-14-6 | 26040-51-7 | 27137-85-5 |
| 20109-39-1 | 21245-02-3 | 23001-29-8 | 24170-48-7 | 25321-43-1 | 26049-94-5 | 27138-31-4 |
| 20116-65-8 | 21288-28-8 | 23034-56-2 | 24171-60-3 | 25322-17-2 | 26078-23-9 | 27151-54-8 |
| 20170-32-5 | 21354-01-8 | 23038-61-1 | 24173-36-2 | 25338-55-0 | 26078-25-1 | 27152-80-3 |
| 20174-68-9 | 21364-46-5 | 23042-75-3 | 24192-58-3 | 25340-18-5 | 26093-31-2 | 27157-94-4 |
| 20182-56-3 | 21416-46-6 | 23060-42-6 | 24207-41-8 | 25351-57-9 | 26110-32-7 | 27159-90-6 |
| 20198-87-2 | 21465-51-0 | 23104-75-8 | 24231-46-7 | 25357-79-3 | 26138-98-7 | 27176-87-0 |
| 20200-22-7 | 21493-74-9 | 23128-51-9 | 24260-42-2 | 25374-11-1 | 26164-08-9 | 27176-93-8 |
| 20201-60-9 | 21528-31-4 | 23159-76-4 | 24261-19-6 | 25374-11-2 | 26171-78-8 | 27177-05-5 |
| 20201-72-3 | 21532-74-1 | 23178-67-8 | 24263-92-1 | 25376-38-9 | 26189-88-8 | 27177-98-8 |
| 20201-75-6 | 21535-47-7 | 23184-66-9 | 24273-19-6 | 25395-13-5 | 26227-73-6 | 27177-37-3 |
| 20237-98-3 | 21538-06-7 | 23216-67-3 | 24293-73-0 | 25417-20-3 | 26249-12-7 | 27193-93-7 |
| 20241-68-3 | 21545-54-0 | 23218-62-4 | 24310-41-6 | 25442-86-8 | 26264-09-5 | 27216-28-0 |
| 20241-74-1 | 21609-90-5 | 23236-18-2 | 24351-11-9 | 25448-05-9 | 26264-58-4 | 27230-51-9 |
| 20241-76-3 | 21615-29-2 | 23239-51-2 | 24351-12-0 | 25464-95-3 | 26266-63-7 | 27240-79-5 |
| 20241-77-4 | 21615-34-9 | 23250-44-4 | 24387-68-6 | 25470-94-4 | 26271-97-6 | 27241-31-2 |
| 20249-05-2 | 21615-36-1 | 23250-48-8 | 24402-80-0 | 25485-34-1 | 26311-44-4 | 27280-72-4 |
| 20262-58-2 | 21643-38-9 | 23282-55-5 | 24413-94-5 | 25492-67-5 | 26311-45-5 | 27287-91-8 |
| 20265-97-8 | 21646-20-8 | 23287-26-5 | 24447-78-7 | 25492-69-7 | 26339-42-4 | 27310-25-4 |
| 20322-78-5 | 21678-63-7 | 23292-93-5 | 24458-48-8 | 25492-74-4 | 26399-36-0 | 27312-17-0 |
| 20324-87-2 | 21700-74-3 | 23295-00-3 | 24460-06-8 | 25495-99-2 | 26401-27-4 | 27312-18-1 |
| 20325-40-0 | 21731-56-6 | 23307-72-4 | 24520-19-2 | 25510-81-0 | 26408-28-6 | 27322-34-5 |
| 20354-26-1 | 21734-43-7 | 23308-53-4 | 24530-53-8 | 25539-14-4 | 26412-87-3 | 27341-33-9 |
| 20364-09-4 | 21784-69-0 | 23315-55-1 | 24530-67-4 | 25539-16-6 | 26413-18-3 | 27344-06-5 |
| 20367-32-2 | 21799-87-1 | 23327-57-3 | 24549-06-2 | 25550-14-5 | 26444-69-9 | 27351-96-8 |
| 20387-34-2 | 21811-92-7 | 23341-13-1 | 24556-64-7 | 25550-51-0 | 26444-72-4 | 27354-18-3 |
| 20389-01-9 | 21811-94-9 | 23350-56-3 | 24564-52-1 | 25567-10-6 | 26446-38-8 | 27375-52-6 |
| 20389-38-2 | 21812-61-3 | 23351-91-9 | 24599-58-4 | 25567-11-7 | 26447-09-6 | 27419-90-5 |
| 20393-06-0 | 21850-44-2 | 23355-64-8 | 24679-02-5 | 25583-37-3 | 26447-40-5 | 27425-55-4 |
| 20416-08-4 | 21889-25-8 | 23368-55-0 | 24681-18-3 | 25586-43-0 | 26479-97-0 | 27457-28-9 |
| 20416-09-5 | 21889-28-1 | 23374-15-4 | 24687-31-8 | 25619-56-1 | 26486-93-1 | 27476-27-3 |
| 20416-12-0 | 21894-06-4 | 23383-59-7 | 24700-20-7 | 25619-63-0 | 26488-93-7 | 27478-24-6 |
| 20416-14-2 | 21934-68-9 | 23421-22-9 | 24704-54-9 | 25620-59-1 | 26523-78-4 | 27479-28-3 |
| 20440-93-1 | 21951-32-6 | 23422-12-0 | 24742-30-1 | 25628-84-6 | 26529-14-6 | 27496-82-8 |
| 20440-95-3 | 21951-33-7 | 23427-51-2 | 24789-99-9 | 25629-50-9 | 26544-27-7 | 27550-64-7 |
| 20442-79-9 | 22016-13-1 | 23453-39-6 | 24796-94-9 | 25639-42-3 | 26545-51-7 | 27569-09-1 |
| 20452-51-1 | 22025-44-1 | 23469-93-4 | 24817-51-4 | 25640-78-2 | 26545-58-4 | 27569-10-4 |
| 20492-50-6 | 22031-33-0 | 23495-12-7 | 24828-38-4 | 25641-18-3 | 26545-62-0 | 27583-81-1 |
| 20544-37-0 | 22042-71-3 | 23500-79-0 | 24858-54-6 | 25641-99-0 | 26570-87-6 | 27599-04-8 |
| 20555-91-3 | 22042-79-1 | 23545-77-9 | 24922-77-8 | 25646-71-3 | 26571-11-9 | 27611-14-5 |
| 20556-89-2 | 22047-25-2 | 23563-26-0 | 24925-59-5 | 25646-77-9 | 26583-60-8 | 27613-72-5 |
| 20566-35-2 | 22091-92-5 | 23593-75-1 | 24939-64-8 | 25687-72-3 | 26603-40-7 | 27618-25-3 |
| 20568-89-3 | 22117-79-9 | 23598-72-3 | 24954-60-7 | 25687-77-8 | 26604-41-1 | 27676-62-6 |
| 20571-42-0 | 22134-75-4 | 23642-01-5 | 25013-16-5 | 25709-80-2 | 26604-41-1 | 27692-91-7 |
| 20587-61-5 | 22136-09-0 | 23659-80-5 | 25024-53-7 | 25711-77-7 | 26615-69-6 | 27749-47-2 |
| 20591-23-5 | 22185-47-3 | 23680-31-1 | 25047-90-9 | 25717-11-7 | 26619-69-2 | 27753-52-2 |
| 20597-89-1 | 22190-12-1 | 23681-60-9 | 25059-14-7 | 25738-24-3 | 26639-29-2 | 27757-79-5 |

## ANNEX II

-51-

| CAS<br>Number |
|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| 27822-99-4    | 28950-61-0    | 30273-11-1    | 31775-20-9    | 33347-85-2    | 34722-90-2    | 36525-74-3    |
| 27831-63-6    | 28983-56-4    | 31273-14-4    | 31820-78-7    | 33374-34-4    | 34725-61-6    | 36528-81-0    |
| 27858-97-7    | 28984-20-5    | 30348-72-2    | 31820-70-3    | 33394-50-1    | 34791-88-3    | 36536-22-8    |
| 27876-55-7    | 28984-89-6    | 30366-97-1    | 31844-92-5    | 33399-48-3    | 34824-61-7    | 36545-21-8    |
| 27896-44-7    | 28985-56-0    | 30367-05-6    | 31904-18-4    | 33401-49-9    | 34832-88-7    | 36563-79-8    |
| 27919-45-3    | 28986-55-4    | 30377-62-2    | 31906-04-4    | 33402-03-8    | 34851-48-4    | 36576-70-2    |
| 27934-49-2    | 29161-61-4    | 30377-63-1    | 31994-53-3    | 33402-67-4    | 34871-88-7    | 36616-60-1    |
| 27969-53-5    | 29061-66-3    | 30377-69-5    | 32014-19-0    | 33434-63-8    | 34879-70-4    | 36626-52-5    |
| 27969-56-8    | 29086-67-7    | 30377-70-9    | 32014-22-5    | 33448-68-9    | 34901-26-3    | 36755-19-8    |
| 27982-34-9    | 29141-75-2    | 30378-58-6    | 32041-58-0    | 33562-89-9    | 34935-28-1    | 36775-31-2    |
| 27982-36-1    | 29091-09-6    | 30397-70-3    | 32089-69-3    | 33617-59-3    | 34937-01-3    | 36783-03-6    |
| 27984-36-3    | 29091-21-2    | 30411-66-6    | 32089-70-6    | 33625-43-3    | 35047-04-2    | 36823-84-4    |
| 27990-92-7    | 29103-26-2    | 30415-45-3    | 32093-35-9    | 33628-03-4    | 35092-67-2    | 36876-13-8    |
| 28005-74-5    | 29103-58-0    | 30431-53-9    | 32112-30-4    | 33628-07-8    | 35092-73-0    | 36877-69-7    |
| 28023-55-4    | 29113-59-1    | 30431-54-7    | 32153-96-1    | 33628-30-7    | 35118-50-4    | 36882-17-4    |
| 28049-33-1    | 29103-60-4    | 30436-87-4    | 32178-39-5    | 33629-47-9    | 35170-70-8    | 36888-99-0    |
| 28061-11-2    | 29128-55-0    | 30449-81-1    | 32181-75-9    | 33632-27-8    | 35171-26-7    | 36889-43-7    |
| 28061-21-4    | 29136-19-4    | 30457-67-1    | 32190-77-1    | 33637-20-6    | 35239-30-6    | 36897-88-8    |
| 28080-90-2    | 29184-39-2    | 30496-13-0    | 32185-10-7    | 33663-51-2    | 35263-47-9    | 36904-62-8    |
| 28106-31-1    | 29188-28-1    | 30501-29-2    | 32210-23-4    | 33667-47-9    | 35271-67-9    | 36936-37-5    |
| 28118-10-7    | 29190-28-1    | 30540-34-2    | 32241-08-0    | 33667-49-1    | 35280-78-5    | 36968-27-1    |
| 28118-15-2    | 29191-52-4    | 30563-77-3    | 32315-15-2    | 33678-73-8    | 35294-62-3    | 37021-14-0    |
| 28140-60-5    | 29197-94-2    | 30583-33-6    | 32324-48-4    | 33687-03-5    | 35298-13-6    | 37067-30-4    |
| 28161-39-9    | 29225-91-0    | 30693-53-9    | 32332-65-3    | 33704-59-5    | 35342-16-6    | 37178-97-0    |
| 28169-46-2    | 29246-97-7    | 30697-40-6    | 32357-46-3    | 33704-60-8    | 35355-77-2    | 37086-84-3    |
| 28183-41-2    | 29253-36-9    | 30700-96-0    | 32388-55-9    | 33704-61-9    | 35367-38-5    | 37138-23-1    |
| 28213-80-1    | 29329-88-2    | 30707-77-9    | 32388-56-0    | 33719-44-7    | 35379-58-9    | 37139-99-4    |
| 28214-91-7    | 29329-99-5    | 30707-78-9    | 32407-67-3    | 33721-54-9    | 35400-43-2    | 37187-45-4    |
| 28217-92-7    | 29330-49-2    | 30707-78-9    | 32432-45-4    | 33752-16-8    | 35465-66-8    | 37213-61-9    |
| 28259-80-5    | 29349-67-5    | 30752-19-3    | 32449-36-8    | 33770-60-4    | 35471-49-9    | 37219-71-9    |
| 28259-88-3    | 29350-73-0    | 30776-59-1    | 32459-62-4    | 33798-02-6    | 35473-23-5    | 37220-20-5    |
| 28262-03-5    | 29385-11-3    | 30787-41-8    | 32510-27-3    | 33817-09-3    | 35473-24-6    | 37224-61-6    |
| 28279-27-8    | 29385-30-6    | 30812-87-4    | 32527-15-4    | 33820-53-0    | 35556-70-8    | 37226-48-5    |
| 28279-36-9    | 29385-43-1    | 30818-17-8    | 32534-81-9    | 33864-12-9    | 35586-40-4    | 37279-47-3    |
| 28279-41-6    | 29426-52-6    | 30818-18-9    | 32534-95-5    | 33864-17-4    | 35589-32-3    | 37279-54-2    |
| 28286-88-6    | 29431-45-6    | 30830-55-8    | 32536-52-0    | 33864-99-2    | 35674-56-7    | 37293-46-2    |
| 28324-52-9    | 29512-49-9    | 30845-78-4    | 32588-54-8    | 33893-36-6    | 35677-29-3    | 37300-23-5    |
| 28334-99-8    | 29633-64-5    | 30897-76-8    | 32588-76-4    | 33955-42-9    | 35684-23-2    | 37303-88-7    |
| 28348-53-0    | 29633-66-7    | 30926-22-8    | 32634-37-0    | 33956-01-3    | 35703-14-1    | 37360-80-8    |
| 28348-61-1    | 29637-13-6    | 30995-65-4    | 32638-88-3    | 33979-43-0    | 35745-23-4    | 37370-49-3    |
| 28361-43-5    | 29637-14-7    | 31001-73-7    | 32647-67-9    | 33984-50-8    | 35773-42-3    | 37395-76-9    |
| 28387-62-4    | 29637-18-1    | 31012-87-6    | 32647-68-7    | 34090-76-1    | 35778-58-6    | 37405-99-5    |
| 28443-50-7    | 29637-20-5    | 31037-84-0    | 32651-66-4    | 34114-36-8    | 35835-94-0    | 37439-34-2    |
| 28470-82-8    | 29637-28-3    | 31148-95-5    | 32657-12-8    | 34122-40-2    | 35840-23-4    | 37460-43-8    |
| 28480-77-5    | 29637-29-4    | 31188-91-7    | 32658-60-9    | 34126-16-4    | 35860-37-8    | 37475-84-6    |
| 28491-95-4    | 29637-52-3    | 31195-17-2    | 32685-16-8    | 34131-96-9    | 35884-66-3    | 37526-88-8    |
| 28543-87-5    | 29649-48-7    | 31207-65-5    | 32694-95-4    | 34131-98-1    | 35915-19-6    | 37551-43-2    |
| 28631-63-2    | 29656-52-8    | 31215-08-0    | 32718-50-6    | 34131-99-2    | 35945-15-4    | 37558-01-3    |
| 28633-58-1    | 29680-54-4    | 31225-17-9    | 32741-83-6    | 34137-09-2    | 35945-16-5    | 37589-10-9    |
| 28652-72-4    | 29775-38-2    | 31252-85-4    | 32741-92-7    | 34142-26-2    | 35976-88-8    | 37592-72-6    |
| 28655-62-1    | 29743-08-6    | 31265-39-1    | 32762-51-9    | 34169-62-5    | 36018-09-4    | 37593-02-5    |
| 28655-63-2    | 29759-49-7    | 31274-42-7    | 32768-54-0    | 34201-53-8    | 36059-21-9    | 37593-73-6    |
| 28655-69-8    | 29765-00-2    | 31288-44-5    | 32829-81-5    | 34236-97-0    | 36073-00-4    | 37599-83-0    |
| 28675-17-4    | 29770-14-7    | 31301-28-7    | 32832-01-2    | 34255-45-3    | 36148-59-1    | 37672-83-6    |
| 28680-67-3    | 29771-19-2    | 31303-42-1    | 32852-92-9    | 34262-88-9    | 36226-32-1    | 37677-09-1    |
| 28705-46-6    | 29777-36-4    | 31307-59-2    | 32857-63-9    | 34276-89-6    | 36236-67-6    | 37677-10-4    |
| 28706-21-0    | 29777-42-2    | 31352-31-5    | 32862-97-8    | 34359-90-5    | 36268-59-4    | 37682-29-4    |
| 28706-22-1    | 29779-09-7    | 31383-81-0    | 32863-55-1    | 34362-37-3    | 36268-65-2    | 37686-98-9    |
| 28706-25-4    | 29797-40-8    | 31426-72-9    | 32866-11-8    | 34367-95-8    | 36294-21-0    | 37717-68-3    |
| 28716-33-4    | 29798-60-5    | 31431-39-7    | 32915-71-2    | 34372-72-0    | 36294-24-3    | 37778-99-7    |
| 28716-14-5    | 29811-04-9    | 31464-38-7    | 32915-77-8    | 34375-33-2    | 36323-28-1    | 37795-71-4    |
| 28749-63-5    | 29842-22-6    | 31482-56-1    | 32953-14-3    | 34383-51-2    | 36339-04-5    | 37828-71-6    |
| 28789-62-7    | 29849-82-9    | 31501-01-6    | 32974-92-8    | 34395-10-3    | 36352-49-5    | 37832-42-1    |
| 28804-46-8    | 29878-91-9    | 31506-87-3    | 33006-24-5    | 34408-25-8    | 36355-01-8    | 37832-65-8    |
| 28804-88-8    | 29878-91-9    | 31519-22-9    | 33076-61-0    | 34413-35-9    | 36357-38-7    | 37843-12-2    |
| 28807-97-8    | 29887-08-9    | 31529-29-0    | 33006-80-3    | 34446-26-9    | 36380-97-9    | 37847-87-3    |
| 28809-04-3    | 29895-73-6    | 31529-83-6    | 33032-12-1    | 34487-61-1    | 36388-36-0    | 37853-59-1    |
| 28821-18-3    | 29900-31-0    | 31565-26-1    | 33067-78-6    | 34531-26-5    | 36393-56-3    | 37853-61-5    |
| 28832-64-6    | 29939-35-3    | 31574-44-4    | 33079-11-7    | 34562-31-7    | 36426-17-1    | 37860-62-1    |
| 28836-03-5    | 29963-76-6    | 31580-45-7    | 33096-54-7    | 34571-16-9    | 36409-70-8    | 37871-12-8    |
| 28860-95-9    | 29994-44-3    | 31599-32-3    | 33150-87-7    | 34586-49-7    | 36411-52-6    | 37920-25-5    |
| 28879-19-8    | 30030-25-2    | 31611-41-9    | 33175-34-7    | 34586-50-0    | 36422-95-4    | 37924-13-3    |
| 28882-58-8    | 30074-79-4    | 31620-80-1    | 33204-74-9    | 34613-03-1    | 36437-36-2    | 37936-41-7    |
| 28904-29-2    | 30085-34-8    | 31626-19-4    | 33228-44-3    | 34633-46-4    | 36437-64-6    | 37953-05-2    |
| 28906-38-9    | 30112-70-0    | 31643-49-9    | 33245-39-5    | 34662-32-3    | 36438-51-4    | 37973-51-6    |
| 28908-00-1    | 30124-94-8    | 31681-98-8    | 33270-70-1    | 34664-47-6    | 36451-09-9    | 37973-52-7    |
| 28912-93-8    | 30179-49-8    | 31701-23-2    | 33273-26-6    | 34684-43-0    | 36452-23-0    | 38020-69-8    |
| 28924-21-2    | 30211-77-9    | 31701-42-5    | 33332-28-4    | 34685-93-3    | 36483-60-0    | 38049-29-5    |

## ANNEX II

-52-

| CAS Number |
|------------|------------|------------|------------|------------|------------|------------|
| 39173-05-8 | 39542-83-1 | 41175-45-5 | 42487-09-2 | 50262-55-0 | 51235-04-2 | 52184-29-9 |
| 3811-06-9  | 39549-27-4 | 41175-50-2 | 42530-53-0 | 50262-56-1 | 51274-01-1 | 52191-11-2 |
| 38113-17-3 | 39549-31-3 | 41184-20-7 | 42576-02-3 | 50262-57-2 | 51282-49-6 | 52196-74-4 |
| 38113-08-3 | 39614-78-3 | 41199-19-3 | 42612-21-5 | 50262-58-3 | 51312-03-9 | 52202-90-1 |
| 39125-00-7 | 39635-79-5 | 41214-67-5 | 42712-64-1 | 50292-91-6 | 51317-78-3 | 52233-01-9 |
| 38134-93-0 | 39642-65-4 | 41240-77-1 | 42739-64-0 | 50314-37-9 | 51325-91-8 | 52235-55-9 |
| 38134-94-0 | 39735-13-2 | 41253-36-5 | 42825-73-0 | 50328-50-2 | 51331-32-9 | 52236-73-4 |
| 38157-11-6 | 39750-11-3 | 41267-76-9 | 42835-92-7 | 50337-75-2 | 51349-86-1 | 52237-05-5 |
| 38177-07-3 | 39777-05-4 | 41272-40-6 | 42861-47-2 | 50375-15-0 | 51363-80-5 | 52243-33-1 |
| 38185-16-7 | 39781-55-7 | 41295-98-1 | 42861-95-7 | 50378-83-1 | 51365-70-9 | 52256-37-8 |
| 38209-58-4 | 39853-28-6 | 41319-88-4 | 42874-03-3 | 50380-74-0 | 51389-84-5 | 52256-37-8 |
| 38215-33-7 | 39878-87-0 | 41333-49-7 | 42874-63-5 | 50433-83-5 | 51418-97-7 | 52256-38-9 |
| 38215-36-1 | 39915-45-9 | 41335-35-7 | 42880-17-1 | 50498-74-3 | 51418-91-8 | 52277-26-6 |
| 38219-91-9 | 39905-50-5 | 41352-82-7 | 42887-24-1 | 50539-65-6 | 51449-18-4 | 52279-66-0 |
| 38237-74-0 | 39905-57-2 | 41363-16-3 | 42887-26-3 | 50542-97-3 | 51461-11-1 | 52286-56-3 |
| 38250-16-7 | 39923-17-6 | 41378-27-2 | 42887-27-4 | 50543-78-7 | 51501-27-0 | 52298-44-9 |
| 38253-26-3 | 39923-22-3 | 41382-37-0 | 42903-59-3 | 50556-36-0 | 51517-45-4 | 52299-73-7 |
| 38279-27-8 | 39951-80-9 | 41426-11-3 | 42905-20-4 | 50563-36-5 | 51550-25-5 | 52301-21-0 |
| 38350-87-7 | 39970-42-8 | 41427-13-8 | 42906-19-4 | 50563-55-8 | 51550-64-2 | 52320-66-8 |
| 38353-81-0 | 40000-20-2 | 41439-97-8 | 42933-52-8 | 50594-44-2 | 51583-69-8 | 52322-16-4 |
| 38353-82-1 | 40038-00-4 | 41450-77-5 | 42951-35-9 | 50594-66-6 | 51596-04-4 | 52337-77-6 |
| 38360-81-5 | 40082-68-6 | 41450-78-6 | 42952-29-4 | 50594-77-9 | 51599-32-7 | 52337-78-7 |
| 38419-63-1 | 41111-17-5 | 41450-85-5 | 42965-91-3 | 50598-29-3 | 51632-16-7 | 52345-47-8 |
| 38411-17-5 | 40101-29-9 | 41453-50-3 | 42967-55-5 | 50606-95-6 | 51656-57-6 | 52398-83-1 |
| 38412-17-8 | 41131-25-4 | 41458-65-5 | 42978-77-8 | 50606-96-7 | 51706-34-4 | 52476-01-6 |
| 38444-08-5 | 40139-96-6 | 41494-34-2 | 42986-15-2 | 50606-97-8 | 51706-34-4 | 52411-33-3 |
| 38452-47-0 | 40172-65-4 | 41494-35-3 | 42994-94-5 | 50610-40-7 | 51732-34-4 | 52418-31-2 |
| 38454-28-3 | 40184-38-1 | 41494-71-7 | 43000-19-7 | 50622-42-9 | 51750-32-4 | 52435-04-8 |
| 38456-45-0 | 40188-83-8 | 41503-58-6 | 43036-07-3 | 50626-02-3 | 51760-21-5 | 52435-14-0 |
| 38465-55-3 | 40233-98-5 | 41503-61-1 | 43042-18-6 | 50649-67-0 | 51767-45-4 | 52435-87-7 |
| 38489-19-9 | 40298-71-3 | 41504-19-2 | 43047-20-7 | 50649-73-5 | 51772-35-1 | 52483-84-8 |
| 38521-49-2 | 40369-18-7 | 41532-84-7 | 43051-43-0 | 50651-39-3 | 51811-42-8 | 52509-83-8 |
| 38565-48-9 | 40386-51-4 | 41543-92-4 | 43051-46-3 | 50662-99-2 | 51838-10-9 | 52509-84-9 |
| 38577-97-8 | 40397-98-6 | 41554-11-4 | 43052-65-9 | 50687-70-2 | 51839-16-8 | 52513-03-8 |
| 38615-38-2 | 40401-39-6 | 41570-56-3 | 43061-75-2 | 50696-42-9 | 51848-29-4 | 52513-11-8 |
| 38615-39-3 | 40438-48-0 | 41573-36-8 | 43095-70-1 | 50696-68-9 | 51864-09-6 | 52543-24-5 |
| 38640-62-9 | 40465-45-0 | 41576-40-3 | 43096-12-4 | 50714-97-1 | 51889-17-9 | 52562-19-3 |
| 38641-16-6 | 40487-42-1 | 41614-14-6 | 43099-94-1 | 50745-64-7 | 51897-36-0 | 52584-47-1 |
| 38656-58-5 | 40495-69-0 | 41614-16-8 | 43165-51-1 | 50764-79-9 | 51897-37-1 | 52593-56-3 |
| 38668-48-3 | 40497-16-3 | 41638-55-5 | 43217-67-9 | 50777-19-9 | 51897-39-3 | 52623-68-4 |
| 38690-76-5 | 40529-66-6 | 41642-95-9 | 43222-48-6 | 50777-35-5 | 51897-40-6 | 52625-25-9 |
| 38690-77-6 | 40537-72-2 | 41663-84-7 | 46427-20-7 | 50774-65-7 | 51923-16-1 | 52645-53-1 |
| 38697-78-7 | 40538-23-6 | 41672-54-2 | 46596-88-1 | 50789-44-1 | 51923-17-2 | 52677-44-8 |
| 38690-79-8 | 40552-84-9 | 41680-76-6 | 46728-75-0 | 50793-85-6 | 51923-18-3 | 52686-09-6 |
| 38721-71-0 | 40560-30-3 | 41681-29-2 | 46814-61-3 | 50793-86-7 | 51923-19-4 | 52697-38-8 |
| 38727-56-9 | 40567-16-6 | 41682-04-6 | 46815-10-5 | 50802-52-3 | 51923-20-7 | 52698-84-7 |
| 38780-90-4 | 40567-18-8 | 41687-30-3 | 46843-54-3 | 50814-25-0 | 51931-46-5 | 52710-27-7 |
| 38833-70-0 | 40567-23-5 | 41709-76-6 | 46874-41-3 | 50818-84-3 | 51943-58-9 | 52716-30-0 |
| 38850-01-0 | 40601-76-1 | 41710-89-8 | 46917-07-1 | 50849-47-3 | 51943-99-8 | 52716-31-1 |
| 38861-78-8 | 40677-44-9 | 41729-43-5 | 46921-92-0 | 50850-92-5 | 51947-52-5 | 52722-53-9 |
| 38888-98-1 | 40677-64-3 | 41772-23-0 | 47163-83-7 | 50861-58-0 | 51955-66-9 | 52723-96-3 |
| 38897-60-8 | 40690-89-9 | 41830-80-2 | 47310-94-1 | 50868-72-9 | 51955-67-0 | 52735-88-3 |
| 38951-97-2 | 40703-79-5 | 41837-81-3 | 47377-16-2 | 50880-65-4 | 51959-14-9 | 52746-49-3 |
| 38954-40-4 | 40817-08-1 | 41906-71-2 | 47743-68-0 | 50884-30-5 | 51963-82-7 | 52749-23-2 |
| 38970-76-2 | 40828-00-0 | 41909-89-1 | 47747-56-8 | 50922-60-6 | 51971-64-3 | 52821-24-6 |
| 38974-68-4 | 40836-01-9 | 41934-47-8 | 47834-75-3 | 50922-61-7 | 51980-70-2 | 52829-07-9 |
| 38978-80-2 | 40837-23-8 | 42056-95-1 | 48145-04-6 | 50928-80-8 | 51981-33-0 | 52830-65-6 |
| 39050-26-5 | 40842-68-3 | 42165-79-7 | 49539-88-0 | 50930-41-1 | 51981-34-1 | 52830-71-4 |
| 39106-10-0 | 40843-73-0 | 42175-41-7 | 49583-83-7 | 50930-79-5 | 51988-24-0 | 52830-74-7 |
| 39163-92-3 | 40876-94-6 | 42228-16-0 | 49630-05-9 | 50963-62-7 | 52005-81-9 | 52830-80-5 |
| 39182-88-2 | 40880-51-1 | 42228-65-9 | 49650-84-2 | 50976-17-5 | 52018-28-7 | 52840-38-7 |
| 39191-07-6 | 40906-82-9 | 42245-42-1 | 49650-88-6 | 50976-35-7 | 52018-82-3 | 52868-49-2 |
| 39201-42-8 | 40915-55-7 | 42293-27-6 | 49651-10-7 | 51023-76-8 | 52022-77-2 | 52913-45-8 |
| 39273-52-4 | 40932-60-3 | 42344-05-8 | 49723-69-5 | 51032-47-4 | 52033-73-5 | 52941-80-7 |
| 39279-59-9 | 40941-53-5 | 42372-00-9 | 49742-56-5 | 51053-43-1 | 52078-66-7 | 52994-11-1 |
| 39279-68-0 | 40947-69-1 | 42372-33-8 | 49744-28-7 | 51053-44-2 | 52080-58-7 | 52998-13-7 |
| 39309-98-3 | 40948-32-1 | 42372-37-2 | 49759-21-9 | 51072-66-3 | 52085-52-6 | 53027-60-4 |
| 39327-11-2 | 40948-38-7 | 42379-67-9 | 49763-60-2 | 51084-32-3 | 52093-42-2 | 53054-77-6 |
| 39347-18-7 | 40948-42-3 | 42379-68-0 | 49763-64-6 | 51085-07-5 | 52123-15-6 | 53059-76-0 |
| 39362-41-9 | 40948-95-6 | 42389-30-0 | 49763-65-7 | 51085-52-7 | 52125-43-6 | 53061-07-7 |
| 39379-11-8 | 41011-48-7 | 42413-23-0 | 49831-05-2 | 51115-63-0 | 52126-51-9 | 53101-68-1 |
| 39393-38-9 | 41044-12-6 | 42419-94-3 | 50261-16-0 | 51115-89-9 | 52129-61-0 | 53101-69-2 |
| 39393-39-0 | 41066-78-4 | 42423-89-2 | 50261-59-1 | 51126-65-9 | 52129-70-1 | 53151-84-1 |
| 39394-48-4 | 41105-35-5 | 42436-07-7 | 50261-99-9 | 51142-36-0 | 52129-71-2 | 53179-11-6 |
| 39404-52-9 | 41122-71-8 | 42452-55-1 | 50262-49-2 | 51143-35-2 | 52135-26-9 | 53219-24-8 |
| 39479-71-5 | 41161-53-9 | 42481-10-7 | 50262-50-5 | 51160-59-9 | 52166-72-0 | 53213-82-4 |
| 39508-27-5 | 41161-54-0 | 42481-11-8 | 50262-51-6 | 51176-98-8 | 52181-07-4 | 53288-83-8 |
| 39515-47-4 | 41161-57-3 | 42486-53-3 | 50262-54-9 | 51219-00-2 | 52184-19-7 | 53304-43-1 |

## ANNEX II

-53-

| CAS Number |
|------------|------------|------------|------------|------------|------------|------------|
| 53347-16-2 | 54322-31-5 | 55676-76-1 | 56961-56-9 | 58502-84-4 | 60388-36-5 | 61725-26-6 |
| 53350-33-7 | 54323-26-1 | 55676-77-2 | 56961-84-3 | 58513-59-0 | 60388-37-6 | 61725-27-7 |
| 53370-57-3 | 54326-11-3 | 55719-85-2 | 56961-90-1 | 58516-12-4 | 60453-87-4 | 61725-28-8 |
| 53414-31-2 | 54381-08-7 | 55719-88-5 | 56962-08-4 | 58521-43-0 | 60453-89-6 | 61725-32-4 |
| 53404-76-5 | 54381-16-7 | 55719-89-6 | 56968-08-2 | 58556-60-8 | 60485-76-9 | 61725-34-6 |
| 53411-33-9 | 54385-47-6 | 55751-54-7 | 57139-61-9 | 58566-44-2 | 60487-81-2 | 61725-40-4 |
| 53423-65-7 | 54392-15-3 | 55771-81-8 | 57082-24-3 | 58569-23-6 | 60569-85-9 | 61725-47-1 |
| 53452-65-6 | 54392-42-6 | 55772-67-3 | 57094-40-3 | 58573-87-8 | 60593-92-4 | 61725-50-6 |
| 53467-11-1 | 54395-52-7 | 55775-26-3 | 57109-90-7 | 58591-14-3 | 60687-77-6 | 61725-50-6 |
| 53506-00-6 | 54443-90-2 | 55777-68-9 | 57119-69-4 | 58591-15-4 | 60711-74-2 | 61725-51-7 |
| 53510-49-9 | 54443-97-9 | 55777-80-5 | 57119-83-2 | 58591-21-2 | 60732-52-7 | 61725-69-7 |
| 53518-14-2 | 54449-74-0 | 55792-63-7 | 57119-91-2 | 58596-05-7 | 60760-42-1 | 61725-74-4 |
| 53518-15-3 | 54464-57-2 | 55804-65-4 | 57216-44-7 | 58596-76-8 | 60763-41-9 | 61725-98-2 |
| 53518-16-4 | 54464-50-4 | 55804-66-5 | 57218-68-5 | 58596-07-9 | 60781-83-1 | 61788-42-9 |
| 53518-18-6 | 54466-36-3 | 55804-67-6 | 57248-90-5 | 58596-09-1 | 60813-12-9 | 61789-64-8 |
| 53518-19-7 | 54491-17-7 | 55814-68-7 | 57248-95-1 | 58632-48-7 | 60842-34-4 | 61791-73-9 |
| 53523-90-3 | 54554-39-1 | 55804-70-1 | 57272-87-4 | 58672-61-0 | 60869-68-3 | 61791-75-1 |
| 53524-27-9 | 54579-28-1 | 55812-59-4 | 57283-72-4 | 58694-33-0 | 60869-70-7 | 61791-76-2 |
| 53554-75-9 | 54581-50-9 | 55850-01-6 | 57303-71-6 | 58698-34-3 | 60871-86-5 | 61791-77-3 |
| 53558-25-1 | 54600-85-0 | 55868-93-4 | 57322-42-6 | 58721-74-7 | 60878-87-7 | 61791-80-8 |
| 53611-17-9 | 54634-94-5 | 55881-96-4 | 57339-57-8 | 58767-50-3 | 60899-29-4 | 61791-81-9 |
| 53622-16-5 | 54648-07-6 | 55909-76-7 | 57352-34-8 | 58795-54-3 | 60911-92-4 | 61791-83-1 |
| 53655-17-7 | 54650-40-7 | 55910-01-5 | 57356-18-0 | 58965-11-0 | 60932-58-3 | 61791-85-3 |
| 53700-79-1 | 54687-44-4 | 55911-06-3 | 57359-00-9 | 58967-91-2 | 61036-28-0 | 61791-86-4 |
| 53743-11-6 | 54750-10-6 | 55940-73-3 | 57360-63-1 | 59160-29-1 | 61109-39-5 | 61791-92-2 |
| 53744-42-6 | 54762-86-6 | 55952-56-2 | 57414-42-3 | 59191-99-0 | 61172-67-3 | 61792-02-7 |
| 53761-45-8 | 54804-85-2 | 55973-86-9 | 57444-70-9 | 59192-05-1 | 61168-62-5 | 61792-07-2 |
| 53761-50-5 | 54824-37-2 | 55990-91-5 | 57456-25-4 | 59230-57-8 | 61215-89-2 | 61792-17-4 |
| 53781-33-9 | 54831-47-6 | 55994-13-3 | 57515-95-4 | 59261-10-8 | 61224-41-7 | 61792-21-0 |
| 53802-03-2 | 54849-69-3 | 56014-69-8 | 57532-26-0 | 59262-64-5 | 61262-53-1 | 61792-22-1 |
| 53815-85-3 | 54888-15-2 | 56014-87-0 | 57532-29-3 | 59286-62-2 | 61286-62-2 | 61792-24-3 |
| 53817-43-9 | 54939-53-6 | 56046-61-8 | 57532-33-9 | 59379-70-3 | 61286-65-5 | 61792-25-4 |
| 53817-44-0 | 54946-60-0 | 56046-62-9 | 57542-56-0 | 59388-58-8 | 61290-31-1 | 61792-42-5 |
| 53817-54-2 | 54951-54-1 | 56047-23-5 | 57563-07-2 | 59411-71-1 | 61354-93-6 | 61792-43-6 |
| 53817-61-1 | 54983-54-9 | 56149-12-3 | 57564-13-3 | 59413-34-2 | 61354-99-2 | 61792-44-7 |
| 53863-23-3 | 54996-03-1 | 56207-93-3 | 57564-96-2 | 59413-58-0 | 61373-58-0 | 61792-45-8 |
| 53874-67-2 | 55035-43-3 | 56222-83-4 | 57583-69-4 | 59431-98-0 | 61377-19-3 | 61792-46-9 |
| 53918-03-9 | 55036-57-2 | 56240-38-1 | 57589-85-2 | 59504-34-6 | 61417-50-8 | 61792-48-1 |
| 53918-53-9 | 55044-52-5 | 56243-25-5 | 57609-64-0 | 59514-43-1 | 61417-55-8 | 61813-38-5 |
| 53934-41-1 | 55048-24-3 | 56273-48-4 | 57609-72-0 | 59519-55-0 | 61417-56-9 | 61813-42-1 |
| 53950-28-0 | 55066-56-3 | 56275-23-1 | 57610-10-3 | 59558-23-5 | 61433-43-1 | 61813-46-5 |
| 53950-33-7 | 55067-15-7 | 56275-24-2 | 57764-54-2 | 59567-49-6 | 61433-54-3 | 61813-49-8 |
| 53956-04-0 | 55150-29-3 | 56275-25-3 | 57855-77-3 | 59572-10-0 | 61461-73-2 | 61813-59-0 |
| 53957-34-9 | 55197-82-5 | 56280-59-2 | 57913-35-6 | 59639-91-7 | 61461-74-3 | 61813-60-3 |
| 53987-32-9 | 55197-83-6 | 56288-95-0 | 57971-98-9 | 59642-74-9 | 61467-64-9 | 61813-61-4 |
| 53988-10-6 | 55203-51-5 | 56315-29-8 | 57998-25-1 | 59642-75-0 | 61479-70-0 | 61813-62-5 |
| 53989-05-2 | 55203-59-3 | 56362-01-7 | 58051-95-9 | 59662-32-7 | 61480-14-6 | 61813-63-6 |
| 54002-45-8 | 55203-60-6 | 56363-84-9 | 58051-96-0 | 59666-16-9 | 61488-78-6 | 61813-64-7 |
| 54012-92-9 | 55203-66-2 | 56392-17-7 | 58051-97-1 | 59680-40-9 | 61512-63-8 | 61813-65-8 |
| 54023-75-5 | 55203-76-4 | 56396-10-2 | 58051-98-2 | 59736-98-0 | 61550-72-9 | 61813-66-9 |
| 54023-77-7 | 55281-26-7 | 56405-32-4 | 58051-99-3 | 59737-31-4 | 61594-49-8 | 61813-67-0 |
| 54057-95-3 | 55283-68-6 | 56405-37-9 | 58066-96-9 | 59748-37-7 | 61600-13-3 | 61813-68-1 |
| 54060-30-9 | 55290-05-6 | 56423-40-6 | 58067-05-3 | 59756-60-4 | 61617-00-3 | 61813-69-2 |
| 54060-31-0 | 55310-46-8 | 56431-61-9 | 58089-99-9 | 59787-79-0 | 61621-35-0 | 61813-70-5 |
| 54077-16-6 | 55334-51-5 | 56445-00-2 | 58109-40-3 | 59800-33-8 | 61679-29-6 | 61813-71-6 |
| 54079-53-7 | 55398-87-3 | 56451-38-8 | 58161-93-6 | 59895-79-3 | 61683-99-6 | 61813-72-7 |
| 54110-21-3 | 55403-91-3 | 56504-94-0 | 58169-99-6 | 59916-30-2 | 61702-41-8 | 61813-74-9 |
| 54112-23-1 | 55418-52-5 | 56507-10-9 | 58196-33-1 | 59948-52-6 | 61702-42-9 | 61813-75-0 |
| 54119-35-6 | 55425-38-2 | 56509-55-8 | 58214-96-3 | 59970-88-6 | 61702-43-0 | 61813-76-1 |
| 54119-36-7 | 55435-71-7 | 56509-56-9 | 58240-57-6 | 59986-55-9 | 61702-44-1 | 61813-77-2 |
| 54119-37-8 | 55470-66-1 | 56512-49-3 | 58244-29-4 | 59986-59-3 | 61702-47-4 | 61813-78-3 |
| 54151-74-5 | 55479-14-6 | 56548-64-2 | 58249-73-3 | 59994-21-7 | 61702-67-8 | 61813-80-7 |
| 54178-94-8 | 55482-31-0 | 56585-48-9 | 58276-69-0 | 60006-10-2 | 61702-91-8 | 61813-83-0 |
| 54179-01-0 | 55484-55-4 | 56731-19-2 | 58306-86-8 | 60033-00-3 | 61703-11-5 | 61813-85-2 |
| 54179-19-0 | 55490-03-4 | 56731-19-2 | 58336-35-9 | 60044-33-9 | 61711-30-6 | 61813-86-3 |
| 54200-50-9 | 55491-44-6 | 56765-79-8 | 58339-34-7 | 60093-93-8 | 61711-31-7 | 61813-87-4 |
| 54237-83-1 | 55511-33-6 | 56773-61-6 | 58353-63-2 | 60126-36-5 | 61723-88-4 | 61813-89-6 |
| 54241-45-1 | 55514-14-2 | 56797-10-5 | 58359-53-8 | 60160-07-0 | 61724-01-4 | 61813-91-9 |
| 54243-60-6 | 55526-73-3 | 56843-30-2 | 58376-56-0 | 60168-88-9 | 61724-02-5 | 61813-91-0 |
| 54245-33-9 | 55526-94-8 | 56878-25-2 | 58405-98-4 | 60181-78-4 | 61724-25-2 | 61813-93-2 |
| 54256-43-8 | 55526-95-9 | 56890-89-2 | 58468-55-6 | 60202-35-9 | 61724-39-8 | 61813-95-4 |
| 54256-51-8 | 55569-68-1 | 56912-29-9 | 58470-10-3 | 60202-39-3 | 61724-51-4 | 61813-96-5 |
| 54268-69-8 | 55567-85-1 | 56912-33-5 | 58470-12-5 | 60223-95-2 | 61724-57-0 | 61813-97-6 |
| 54268-71-2 | 55569-76-2 | 56932-43-5 | 58471-77-5 | 61246-14-2 | 61724-64-9 | 61813-98-7 |
| 54268-90-5 | 55569-17-5 | 56932-44-6 | 58473-78-2 | 60268-12-4 | 61724-89-8 | 61813-99-8 |
| 54288-95-8 | 55569-18-6 | 56935-95-6 | 58474-16-1 | 60311-02-6 | 61724-97-8 | 61814-00-4 |
| 54288-96-9 | 55645-40-4 | 56961-42-3 | 58479-61-1 | 60316-43-0 | 61724-98-9 | 61814-01-5 |
| 54291-12-2 | 55664-78-3 | 56961-50-3 | 58480-17-4 | 60388-20-7 | 61725-02-8 | 61814-02-6 |

## ANNEX II

-54-

| CAS Number |
|------------|------------|------------|------------|------------|------------|------------|
| 61814-03-7 | 61867-93-4 | 61902-38-3 | 61968-58-9 | 62637-98-3 | 63059-58-5 | 63148-79-8 |
| 61814-16-1 | 61867-94-5 | 61902-39-4 | 61968-59-0 | 62638-01-1 | 63059-59-6 | 63148-80-1 |
| 61814-07-1 | 61867-96-7 | 61902-40-7 | 61968-63-6 | 62654-07-3 | 63059-61-0 | 63148-81-2 |
| 61814-08-2 | 61867-97-8 | 61902-41-8 | 61968-64-7 | 62654-08-4 | 63059-62-1 | 63148-83-4 |
| 61814-09-3 | 61867-99-1 | 61902-44-5 | 61968-66-9 | 62654-09-5 | 63059-64-3 | 63148-84-5 |
| 61814-11-7 | 61868-00-6 | 61902-49-6 | 61968-85-2 | 62654-10-8 | 63059-65-4 | 63148-85-6 |
| 61814-12-8 | 61886-17-7 | 61907-30-1 | 61968-92-1 | 62654-11-9 | 63081-22-1 | 63148-86-7 |
| 61814-14-0 | 61886-18-8 | 61919-18-4 | 61968-93-2 | 62654-12-0 | 63084-98-0 | 63148-87-8 |
| 61814-15-1 | 61886-23-5 | 61931-04-2 | 61968-94-3 | 62654-17-5 | 63089-83-8 | 63148-88-9 |
| 61814-16-2 | 61886-35-9 | 61931-06-4 | 61968-98-7 | 62654-19-7 | 63105-52-2 | 63148-89-0 |
| 61814-18-4 | 61886-39-3 | 61931-09-7 | 61968-99-8 | 62669-60-7 | 63105-53-3 | 63148-90-3 |
| 61814-42-4 | 61886-43-6 | 61931-23-5 | 61969-12-6 | 62669-62-9 | 63105-54-4 | 63148-91-4 |
| 61814-43-5 | 61886-41-7 | 61931-26-8 | 61969-11-7 | 62669-63-0 | 63105-60-2 | 63148-94-7 |
| 61814-44-6 | 61886-43-9 | 61931-34-8 | 61969-23-1 | 62669-66-3 | 63105-61-3 | 63148-95-8 |
| 61814-45-7 | 61886-51-9 | 61931-37-1 | 61969-29-7 | 62669-69-6 | 63123-17-1 | 63148-97-0 |
| 61814-47-9 | 61886-54-2 | 61931-41-7 | 61969-46-8 | 62669-70-9 | 63123-18-2 | 63148-98-1 |
| 61814-59-3 | 61889-11-3 | 61931-49-5 | 61969-47-9 | 62669-72-1 | 63123-20-6 | 63148-99-2 |
| 61814-61-7 | 61890-96-8 | 61931-49-5 | 62106-17-6 | 62669-73-2 | 63123-22-8 | 63149-00-8 |
| 61814-62-8 | 61891-20-1 | 61931-52-7 | 62106-21-2 | 62669-74-3 | 63123-23-9 | 63149-01-9 |
| 61814-63-9 | 61900-97-8 | 61931-53-1 | 62133-79-3 | 62669-75-4 | 63123-24-0 | 63149-02-0 |
| 61814-64-0 | 61901-03-9 | 61931-55-3 | 62133-80-6 | 62669-77-6 | 63123-25-1 | 63149-03-1 |
| 61814-65-1 | 61901-05-1 | 61931-57-5 | 62134-44-5 | 62697-11-4 | 63123-26-2 | 63149-04-2 |
| 61814-66-2 | 61901-07-3 | 61931-65-5 | 62143-18-4 | 62697-12-5 | 63123-27-3 | 63149-06-4 |
| 61814-67-3 | 61901-08-4 | 61931-68-9 | 62158-73-1 | 62698-50-4 | 63123-28-4 | 63149-07-5 |
| 61814-68-4 | 61901-11-9 | 61931-69-9 | 62210-73-5 | 62698-53-7 | 63123-29-5 | 63149-09-7 |
| 61814-69-5 | 61901-14-2 | 61931-71-3 | 62256-00-2 | 62698-54-8 | 63123-34-2 | 63149-10-0 |
| 61814-70-6 | 61901-16-4 | 61931-72-4 | 62257-17-4 | 62698-55-9 | 63123-35-3 | 63149-11-1 |
| 61814-71-9 | 61901-17-5 | 61931-77-9 | 62265-99-0 | 62698-56-0 | 63123-36-4 | 63149-14-4 |
| 61814-73-1 | 61901-18-6 | 61931-82-6 | 62306-04-1 | 62698-58-2 | 63123-38-6 | 63149-16-6 |
| 61814-75-3 | 61901-20-0 | 61931-85-9 | 62314-89-0 | 62707-55-5 | 63123-39-7 | 63149-18-8 |
| 61814-76-4 | 61901-21-1 | 61931-87-1 | 62331-46-8 | 62708-54-7 | 63123-41-1 | 63149-21-3 |
| 61814-77-5 | 61901-23-3 | 61949-88-0 | 62346-96-7 | 62708-58-1 | 63123-42-2 | 63149-22-4 |
| 61814-79-7 | 61901-24-4 | 61951-34-6 | 62353-80-4 | 62742-50-1 | 63123-44-4 | 63149-23-5 |
| 61814-81-1 | 61901-25-5 | 61951-39-1 | 62476-15-7 | 62742-51-2 | 63123-45-5 | 63149-24-6 |
| 61814-82-2 | 61901-31-3 | 61951-40-4 | 62476-57-7 | 62748-01-0 | 63133-73-3 | 63149-25-7 |
| 61814-84-4 | 61901-34-6 | 61951-41-5 | 62476-59-9 | 62758-12-7 | 63133-74-4 | 63149-26-8 |
| 61814-85-5 | 61901-38-0 | 61951-43-7 | 62476-60-2 | 62758-13-8 | 63133-76-6 | 63149-27-9 |
| 61814-87-7 | 61901-40-4 | 61951-46-0 | 62501-39-7 | 62758-14-9 | 63133-78-8 | 63149-29-1 |
| 61814-88-8 | 61901-41-5 | 61951-47-1 | 62509-87-9 | 62763-89-7 | 63133-80-2 | 63149-31-4 |
| 61814-90-2 | 61901-42-6 | 61951-50-6 | 62554-36-3 | 62778-12-5 | 63133-82-4 | 63149-31-5 |
| 61814-91-3 | 61901-43-7 | 61951-52-8 | 62563-16-0 | 62778-15-8 | 63133-84-6 | 63149-33-7 |
| 61814-92-4 | 61901-46-7 | 61951-53-9 | 62568-43-8 | 62778-17-0 | 63133-86-8 | 63149-36-0 |
| 61814-93-5 | 61901-47-1 | 61951-55-1 | 62570-47-2 | 62778-18-1 | 63133-89-1 | 63149-38-2 |
| 61814-97-9 | 61901-48-2 | 61951-58-4 | 62570-50-7 | 62778-19-2 | 63133-91-5 | 63149-40-6 |
| 61814-99-1 | 61901-51-7 | 61951-59-5 | 62587-74-0 | 62778-21-6 | 63133-92-6 | 63149-42-8 |
| 61815-01-8 | 61901-56-2 | 61951-60-8 | 62592-39-6 | 62778-22-7 | 63133-94-8 | 63149-45-1 |
| 61815-02-9 | 61901-57-3 | 61951-61-9 | 62592-55-6 | 62778-24-9 | 63133-95-9 | 63149-46-2 |
| 61815-03-0 | 61901-59-5 | 61951-62-0 | 62592-57-8 | 62780-67-0 | 63133-96-0 | 63150-14-1 |
| 61815-04-1 | 61901-60-8 | 61951-63-1 | 62592-60-3 | 62796-23-0 | 63133-97-1 | 63163-95-1 |
| 61815-05-2 | 61901-64-1 | 61951-64-2 | 62604-62-0 | 62796-24-1 | 63133-98-2 | 63163-96-2 |
| 61815-08-5 | 61901-62-0 | 61951-65-3 | 62604-63-1 | 62796-25-2 | 63133-99-3 | 63163-97-3 |
| 61815-13-2 | 61901-64-2 | 61951-66-4 | 62609-83-0 | 62796-27-4 | 63134-02-1 | 63165-89-9 |
| 61827-59-6 | 61901-66-4 | 61951-67-5 | 62609-84-1 | 62796-28-5 | 63134-03-2 | 63165-90-2 |
| 61827-66-5 | 61901-70-0 | 61951-72-2 | 62609-85-2 | 62796-29-6 | 63134-04-3 | 63165-91-3 |
| 61827-68-7 | 61901-71-1 | 61951-76-6 | 62609-86-3 | 62796-32-1 | 63134-08-7 | 63165-92-4 |
| 61827-70-1 | 61901-72-2 | 61951-79-9 | 62609-87-4 | 62816-35-7 | 63134-09-8 | 63175-24-6 |
| 61827-70-1 | 61901-75-5 | 61951-82-4 | 62609-88-5 | 62973-79-9 | 63134-10-1 | 63175-96-2 |
| 61827-71-2 | 61901-76-6 | 61951-86-8 | 62609-89-6 | 63021-88-5 | 63134-11-2 | 63175-99-5 |
| 61827-72-3 | 61901-77-7 | 61951-88-0 | 62609-90-9 | 63022-06-0 | 63134-12-3 | 63179-62-4 |
| 61827-73-4 | 61901-82-4 | 61951-89-1 | 62609-93-2 | 63022-07-1 | 63134-14-5 | 63181-82-8 |
| 61827-75-6 | 61901-87-9 | 61951-90-4 | 62609-94-3 | 63022-08-2 | 63134-15-6 | 63181-83-9 |
| 61827-76-7 | 61901-89-1 | 61967-93-9 | 62609-95-4 | 63022-09-3 | 63134-16-7 | 63182-18-3 |
| 61827-77-8 | 61901-90-4 | 61967-94-0 | 62613-15-4 | 63022-10-6 | 63134-17-8 | 63182-22-9 |
| 61827-78-9 | 61901-91-5 | 61968-06-7 | 62625-15-4 | 63059-32-5 | 63134-19-9 | 63182-23-0 |
| 61827-80-3 | 61901-92-6 | 61968-11-4 | 62625-16-5 | 63059-34-7 | 63134-20-3 | 63182-24-1 |
| 61842-44-2 | 61901-95-9 | 61968-25-0 | 62625-17-6 | 63059-39-2 | 63134-21-4 | 63192-51-8 |
| 61847-52-7 | 61901-98-2 | 61968-26-1 | 62625-21-2 | 63059-42-7 | 63134-23-6 | 63216-83-1 |
| 61847-60-7 | 61902-01-0 | 61968-27-2 | 62625-22-3 | 63059-43-8 | 63134-25-8 | 63216-84-2 |
| 61847-68-5 | 61902-05-4 | 61968-29-4 | 62625-24-5 | 63059-44-9 | 63134-26-9 | 63216-86-4 |
| 61847-71-0 | 61902-07-6 | 61968-30-7 | 62625-28-9 | 63059-47-2 | 63134-27-0 | 63216-89-7 |
| 61847-75-4 | 61902-08-7 | 61968-41-0 | 62625-29-0 | 63059-48-3 | 63134-28-1 | 63216-90-0 |
| 61847-76-5 | 61902-10-1 | 61968-42-1 | 62625-30-3 | 63059-49-4 | 63134-29-2 | 63216-93-3 |
| 61847-77-6 | 61902-11-2 | 61968-43-2 | 62625-31-4 | 63059-50-7 | 63134-32-7 | 63216-94-4 |
| 61852-40-2 | 61902-13-4 | 61968-49-8 | 62625-32-5 | 63059-51-8 | 63134-33-8 | 63216-95-5 |
| 61852-41-3 | 61902-15-6 | 61968-51-2 | 62630-92-6 | 63059-53-0 | 63134-34-9 | 63216-98-8 |
| 61867-79-6 | 61902-16-7 | 61968-52-3 | 62637-89-2 | 63059-54-1 | 63147-42-2 | 63216-99-9 |
| 61867-83-2 | 61902-31-6 | 61968-53-4 | 62637-91-6 | 63059-55-2 | 63148-73-2 | 63217-01-5 |
| 61867-90-1 | 61902-33-8 | 61968-57-8 | 62637-92-7 | 63059-56-3 | 63148-76-5 | 63217-11-8 |

## ANNEX II

-55-

| CAS Number |
|------------|------------|------------|------------|------------|------------|------------|
| 63217-24-3 | 63467-59-4 | 63815-65-6 | 64063-37-2 | 65059-37-2 | 65121-93-9 | 65294-08-8 |
| 63217-25-4 | 63467-70-9 | 63815-66-7 | 64070-98-0 | 65059-41-8 | 65121-97-3 | 65294-11-5 |
| 63217-26-5 | 63467-92-5 | 63815-67-8 | 64123-46-2 | 65059-45-2 | 65121-98-4 | 65294-14-6 |
| 63217-29-9 | 63467-99-2 | 63815-68-9 | 64123-64-4 | 65059-52-1 | 65122-05-6 | 65294-15-7 |
| 63217-32-3 | 63468-44-0 | 63815-69-0 | 64135-71-9 | 65059-63-4 | 65122-16-7 | 65294-17-9 |
| 63217-33-4 | 63468-52-0 | 63815-72-5 | 64147-45-1 | 65059-64-5 | 65122-07-8 | 65294-20-4 |
| 63217-34-5 | 63468-54-2 | 63815-75-8 | 64164-99-4 | 65059-82-7 | 65122-08-9 | 65307-72-4 |
| 63217-35-6 | 63468-57-5 | 63815-76-9 | 64285-34-3 | 65059-83-8 | 65122-11-4 | 65339-11-9 |
| 63217-38-9 | 63468-58-6 | 63815-77-0 | 64346-07-2 | 65059-84-9 | 65122-12-5 | 65366-87-2 |
| 63217-39-0 | 63468-90-6 | 63815-78-1 | 64346-09-4 | 65059-88-3 | 65122-23-8 | 65369-95-1 |
| 63217-46-9 | 63468-95-1 | 63815-79-2 | 64346-10-7 | 65059-89-4 | 65122-39-6 | 65379-23-9 |
| 63251-40-1 | 63468-98-4 | 63815-80-5 | 64346-26-5 | 65059-90-7 | 65122-41-0 | 65383-61-1 |
| 63251-41-2 | 63469-13-6 | 63815-81-6 | 64346-28-7 | 65059-91-8 | 65122-43-2 | 65390-99-9 |
| 63251-43-4 | 63469-15-8 | 63815-82-7 | 64346-29-8 | 65059-92-9 | 65122-44-3 | 65392-81-6 |
| 63251-44-5 | 63482-67-0 | 63815-83-8 | 64346-37-1 | 65059-93-0 | 65122-45-4 | 65405-67-6 |
| 63279-33-1 | 63493-77-6 | 63815-84-9 | 64346-35-6 | 65059-94-1 | 65122-46-5 | 65405-76-7 |
| 63284-71-9 | 63494-13-3 | 63815-85-0 | 64346-37-8 | 65059-95-2 | 65138-69-4 | 65415-77-8 |
| 63351-73-5 | 63494-56-4 | 63815-86-1 | 64346-38-9 | 65059-99-6 | 65138-72-9 | 65416-14-0 |
| 63368-36-5 | 63494-59-7 | 63815-89-4 | 64346-40-3 | 65072-22-2 | 65138-79-6 | 65416-15-1 |
| 63400-64-6 | 63494-80-4 | 63815-97-7 | 64346-41-4 | 65072-26-6 | 65138-87-9 | 65416-19-5 |
| 63405-85-6 | 63503-96-8 | 63815-92-9 | 64346-43-6 | 65072-27-7 | 65150-80-3 | 65442-31-1 |
| 63425-46-7 | 63512-20-9 | 63815-93-0 | 64346-55-0 | 65072-31-3 | 65072-31-3 | 65451-61-8 |
| 63428-97-7 | 63512-41-4 | 63815-94-1 | 64346-56-1 | 65072-34-6 | 65150-86-9 | 65605-47-2 |
| 63428-99-9 | 63512-52-7 | 63815-95-2 | 64346-57-2 | 65072-36-8 | 65150-87-0 | 65605-48-3 |
| 63439-92-9 | 63512-55-0 | 63815-96-3 | 64346-67-7 | 65072-39-1 | 65151-98-3 | 65652-29-1 |
| 63449-48-9 | 63512-57-2 | 63815-97-4 | 64346-61-8 | 65072-40-4 | 65151-24-8 | 65652-42-8 |
| 63449-52-5 | 63512-58-3 | 63815-98-5 | 64346-68-5 | 65072-41-5 | 65151-26-0 | 65652-43-9 |
| 63449-55-8 | 63512-59-4 | 63815-99-6 | 64346-71-0 | 65072-43-7 | 65151-27-1 | 65665-49-8 |
| 63449-68-3 | 63512-61-8 | 63816-00-2 | 64346-72-1 | 65072-44-8 | 65151-29-3 | 65665-50-1 |
| 63450-30-6 | 63512-64-1 | 63816-01-3 | 64346-74-3 | 65072-45-9 | 65151-32-8 | 65694-11-2 |
| 63450-44-2 | 63512-66-3 | 63816-02-4 | 64346-75-4 | 65072-48-2 | 65151-33-9 | 65701-06-6 |
| 63450-46-4 | 63526-71-6 | 63816-04-6 | 64365-65-7 | 65072-49-3 | 65151-34-0 | 65701-07-7 |
| 63450-47-5 | 63534-59-8 | 63816-06-8 | 64381-97-1 | 65072-51-7 | 65151-40-8 | 65719-14-4 |
| 63450-48-6 | 63549-10-0 | 63816-07-9 | 64381-99-3 | 65072-53-9 | 65151-41-9 | 65733-64-4 |
| 63450-54-4 | 63549-13-3 | 63816-08-0 | 64394-19-0 | 65072-54-0 | 65151-42-0 | 65776-60-5 |
| 63450-59-9 | 63549-18-8 | 63816-09-1 | 64426-36-4 | 65072-59-5 | 65151-45-3 | 65776-61-6 |
| 63450-61-3 | 63549-41-7 | 63816-10-4 | 64485-10-5 | 65072-61-9 | 65151-46-4 | 65776-63-8 |
| 63450-66-8 | 63549-42-8 | 63816-11-5 | 64490-84-2 | 65086-47-7 | 65151-47-5 | 65776-64-9 |
| 63450-67-9 | 63549-43-9 | 63816-12-6 | 64601-03-2 | 65086-89-7 | 65151-48-6 | 65776-65-0 |
| 63450-78-2 | 63549-46-2 | 63816-13-7 | 64601-04-3 | 65086-93-3 | 65151-49-7 | 65776-66-1 |
| 63450-84-0 | 63549-48-4 | 63816-15-9 | 64641-84-5 | 65086-95-5 | 65151-59-9 | 65816-20-8 |
| 63450-87-3 | 63549-51-9 | 63816-16-0 | 64653-59-4 | 65086-99-9 | 65151-60-2 | 65850-52-4 |
| 63450-88-4 | 63568-27-4 | 63816-17-1 | 64653-97-0 | 65087-00-5 | 65151-61-3 | 65850-54-6 |
| 63450-94-2 | 63568-29-6 | 63816-18-2 | 64654-05-3 | 65087-03-8 | 65151-66-8 | 65859-40-7 |
| 63450-99-7 | 63568-30-9 | 63816-19-3 | 64665-57-2 | 65087-04-9 | 65151-68-0 | 65859-45-2 |
| 63451-30-9 | 63568-31-0 | 63816-20-6 | 64683-38-1 | 65087-05-0 | 65151-69-1 | 65879-43-8 |
| 63451-31-0 | 63568-32-1 | 63834-91-3 | 64683-39-2 | 65087-06-1 | 65152-14-9 | 65907-69-9 |
| 63451-32-1 | 63568-33-2 | 63870-18-8 | 64683-41-6 | 65087-12-9 | 65152-15-0 | 65916-12-3 |
| 63451-34-3 | 63568-36-5 | 63870-29-1 | 64683-43-8 | 65087-13-0 | 65152-16-1 | 65916-13-4 |
| 63451-35-4 | 63568-37-6 | 63870-30-4 | 64716-00-3 | 65087-14-1 | 65152-17-2 | 65916-14-5 |
| 63451-49-0 | 63573-38-6 | 63870-31-5 | 64716-02-5 | 65087-15-2 | 65152-19-4 | 65916-16-7 |
| 63466-99-9 | 63573-57-9 | 63870-32-6 | 64722-50-5 | 65087-16-3 | 65152-20-7 | 66027-80-3 |
| 63467-01-6 | 63589-10-6 | 63870-33-7 | 64743-14-2 | 65087-17-4 | 65152-25-2 | 66027-97-2 |
| 63467-02-7 | 63589-29-7 | 63870-34-8 | 64743-15-3 | 65087-24-3 | 65168-09-4 | 66027-99-4 |
| 63467-05-0 | 63589-45-7 | 63870-36-0 | 64800-83-5 | 65104-05-4 | 65168-11-8 | 66028-00-0 |
| 63467-06-1 | 63617-06-0 | 63870-37-1 | 64835-62-7 | 65104-20-3 | 65168-14-1 | 66028-01-1 |
| 63467-07-2 | 63641-88-3 | 63870-40-6 | 64909-33-7 | 65104-21-4 | 65168-18-5 | 66037-55-6 |
| 63467-08-3 | 63661-65-4 | 63870-43-9 | 64988-06-3 | 65104-24-7 | 65168-20-9 | 66037-56-7 |
| 63467-09-4 | 63665-72-5 | 63870-44-0 | 64992-16-1 | 65104-25-8 | 65186-16-5 | 66037-57-8 |
| 63467-10-7 | 63665-75-8 | 63870-45-1 | 65000-29-5 | 65104-29-2 | 65208-16-4 | 66037-58-9 |
| 63467-11-8 | 63665-80-5 | 63870-47-3 | 65000-30-8 | 65104-30-5 | 65208-17-5 | 66037-59-0 |
| 63467-13-0 | 63665-81-6 | 63870-48-4 | 65000-33-1 | 65104-31-6 | 65208-23-3 | 66068-84-6 |
| 63467-14-1 | 63665-89-4 | 63870-49-5 | 65000-34-2 | 65104-32-7 | 65208-24-4 | 66085-66-3 |
| 63467-15-2 | 63665-90-7 | 63870-50-8 | 65000-36-4 | 65104-33-8 | 65208-25-5 | 66085-67-4 |
| 63467-16-3 | 63665-91-8 | 63870-51-9 | 65036-45-5 | 65104-34-9 | 65208-37-2 | 66085-68-5 |
| 63467-18-5 | 63665-92-9 | 63870-52-0 | 65036-53-5 | 65104-35-0 | 65208-31-3 | 66085-69-6 |
| 63467-19-6 | 63665-95-2 | 63870-54-2 | 65036-54-6 | 65104-41-8 | 65208-32-4 | 66085-70-9 |
| 63467-23-2 | 63666-07-9 | 63870-55-3 | 65036-60-4 | 65104-43-3 | 65208-33-5 | 66085-71-0 |
| 63467-24-3 | 63666-09-1 | 63870-56-4 | 65036-62-6 | 65104-93-0 | 65208-34-6 | 66085-76-5 |
| 63467-25-4 | 63701-23-5 | 63907-44-8 | 65036-63-7 | 65104-99-6 | 65235-64-5 | 66104-32-3 |
| 63467-26-5 | 63701-24-6 | 63907-45-9 | 65036-64-8 | 65105-00-2 | 65237-05-0 | 66104-34-5 |
| 63467-27-6 | 63713-70-6 | 63936-56-1 | 65036-65-9 | 65105-01-3 | 65287-01-6 | 66104-35-6 |
| 63467-28-7 | 63713-75-7 | 63957-60-8 | 65036-67-1 | 65105-02-4 | 65293-86-9 | 66104-36-7 |
| 63467-32-3 | 63713-77-9 | 63957-61-9 | 65036-69-3 | 65121-70-2 | 65293-90-5 | 66104-37-8 |
| 63467-34-5 | 63713-86-0 | 64036-72-2 | 65045-84-3 | 65121-73-5 | 65294-00-0 | 66104-40-3 |
| 63467-36-7 | 63734-62-3 | 64051-35-0 | 65045-85-4 | 65121-76-8 | 65294-03-3 | 66104-41-4 |
| 63467-37-8 | 63741-10-6 | 64051-37-2 | 65045-86-5 | 65121-77-9 | 65294-06-6 | 66104-44-7 |
| 63467-44-7 | 63815-64-5 | 64051-40-7 | 65045-87-6 | 65121-84-8 | 65294-07-7 | 66104-46-9 |

## ANNEX II

-56-

| CAS Number |
|------------|------------|------------|------------|------------|------------|------------|
| 66104-49-2 | 67055-68-9 | 67763-24-1 | 67828-21-1 | 67874-56-7 | 67893-49-6 | 67924-18-9 |
| 66104-53-9 | 67162-11-2 | 67763-26-2 | 67828-22-2 | 67874-57-1 | 67905-10-6 | 67924-20-3 |
| 66104-54-9 | 67169-27-1 | 67785-34-6 | 67828-23-3 | 67874-58-2 | 67905-11-7 | 67924-22-5 |
| 66104-55-7 | 67169-91-9 | 67785-69-7 | 67828-24-4 | 67874-59-3 | 67905-12-8 | 67935-06-0 |
| 66104-56-1 | 67210-66-6 | 67795-70-0 | 67828-25-5 | 67874-60-6 | 67905-14-0 | 67939-05-3 |
| 66104-53-3 | 67273-43-2 | 67785-71-1 | 67828-26-6 | 67874-64-0 | 67905-15-1 | 67939-24-6 |
| 66104-59-4 | 67338-57-2 | 67785-72-2 | 67828-27-7 | 67874-69-4 | 67905-16-2 | 67939-25-7 |
| 66104-70-9 | 67338-58-3 | 67785-76-6 | 67828-28-8 | 67874-69-5 | 67905-17-3 | 67939-43-9 |
| 66174-71-7 | 67338-59-4 | 67785-77-7 | 67828-29-9 | 67874-84-4 | 67905-18-4 | 67939-51-1 |
| 66104-72-1 | 67338-61-8 | 67785-88-0 | 67828-30-2 | 67874-86-6 | 67905-34-4 | 67939-65-5 |
| 66104-73-2 | 67338-62-9 | 67785-89-1 | 67828-31-3 | 67875-71-7 | 67905-35-5 | 67939-84-8 |
| 66104-81-2 | 67339-75-7 | 67786-00-9 | 67828-32-4 | 67875-01-8 | 67905-36-6 | 67939-85-9 |
| 66104-82-3 | 67364-88-9 | 67786-07-6 | 67828-33-5 | 67875-02-9 | 67905-37-7 | 67940-00-5 |
| 66174-83-4 | 67433-96-9 | 67786-18-7 | 67828-34-6 | 67875-03-0 | 67905-38-8 | 67940-01-6 |
| 66142-15-2 | 67491-98-7 | 67786-12-3 | 67828-35-7 | 67875-04-1 | 67905-40-2 | 67952-27-6 |
| 66142-16-3 | 67577-84-8 | 67786-13-4 | 67828-37-9 | 67875-05-2 | 67905-52-6 | 67952-38-9 |
| 66142-19-6 | 67599-06-8 | 67786-14-5 | 67828-38-0 | 67875-06-3 | 67905-54-8 | 67952-39-0 |
| 66142-20-9 | 67599-07-9 | 67786-15-6 | 67828-39-1 | 67875-07-4 | 67905-55-9 | 67952-45-8 |
| 66142-21-7 | 67599-18-0 | 67786-16-7 | 67828-40-4 | 67875-08-5 | 67905-56-0 | 67952-50-5 |
| 66142-22-1 | 67599-09-1 | 67786-17-8 | 67828-41-5 | 67875-09-6 | 67905-57-1 | 67952-51-6 |
| 66142-94-7 | 67599-10-4 | 67786-18-9 | 67828-42-6 | 67875-10-9 | 67905-59-3 | 67952-64-1 |
| 66142-95-8 | 67599-11-5 | 67786-19-0 | 67828-43-7 | 67875-11-0 | 67905-60-6 | 67952-66-3 |
| 66142-99-2 | 67599-12-6 | 67786-20-3 | 67828-44-8 | 67875-12-1 | 67905-62-8 | 67952-81-2 |
| 66172-78-9 | 67599-13-7 | 67786-21-4 | 67828-45-9 | 67875-13-2 | 67905-63-9 | 67952-93-6 |
| 66172-79-0 | 67599-14-8 | 67786-22-5 | 67828-46-0 | 67875-14-3 | 67905-64-0 | 67952-94-7 |
| 66172-80-3 | 67599-15-9 | 67786-23-6 | 67828-47-1 | 67875-15-4 | 67905-65-1 | 67952-97-0 |
| 66172-81-4 | 67599-16-0 | 67786-24-7 | 67828-49-3 | 67875-16-5 | 67905-66-2 | 67953-06-4 |
| 66172-82-5 | 67599-17-1 | 67786-25-8 | 67828-50-6 | 67875-17-6 | 67905-67-3 | 67951-78-6 |
| 66172-83-6 | 67599-18-2 | 67786-26-9 | 67828-51-7 | 67875-18-7 | 67906-22-3 | 67953-09-7 |
| 66172-84-7 | 67599-19-3 | 67800-88-8 | 67828-52-8 | 67875-19-8 | 67906-23-4 | 67953-13-3 |
| 66172-85-8 | 67599-20-6 | 67800-90-2 | 67828-54-0 | 67875-20-1 | 67906-31-3 | 67953-14-4 |
| 66181-84-8 | 67599-21-7 | 67800-91-3 | 67828-55-1 | 67875-21-2 | 67906-33-6 | 67953-30-4 |
| 66182-97-6 | 67599-22-8 | 67800-93-5 | 67828-56-2 | 67875-22-3 | 67906-34-7 | 67953-39-3 |
| 66182-98-7 | 67613-13-2 | 67801-97-9 | 67828-57-3 | 67875-23-4 | 67906-35-8 | 67953-75-7 |
| 66197-78-2 | 67614-42-0 | 67800-98-0 | 67828-58-4 | 67875-24-5 | 67906-41-8 | 67966-88-5 |
| 66214-40-2 | 67633-58-3 | 67801-01-8 | 67828-59-5 | 67875-25-6 | 67906-44-9 | 67969-66-8 |
| 66214-41-3 | 67633-59-4 | 67801-02-9 | 67828-60-8 | 67875-26-7 | 67906-45-0 | 67969-73-7 |
| 66214-42-4 | 67633-85-6 | 67801-03-0 | 67828-61-9 | 67875-27-8 | 67906-46-1 | 67969-74-8 |
| 66214-43-5 | 67633-94-7 | 67801-04-1 | 67828-62-0 | 67875-28-9 | 67906-47-2 | 67969-79-3 |
| 66214-44-6 | 67634-02-0 | 67801-05-2 | 67828-63-1 | 67875-29-0 | 67906-48-3 | 67969-87-3 |
| 66214-45-7 | 67634-04-2 | 67811-06-3 | 67828-64-2 | 67875-30-3 | 67906-49-4 | 67969-88-4 |
| 66214-46-8 | 67634-06-4 | 67801-08-5 | 67828-65-3 | 67875-31-4 | 67906-50-7 | 67969-89-5 |
| 66214-47-9 | 67634-12-2 | 67801-09-6 | 67828-66-4 | 67875-32-5 | 67906-51-8 | 67969-90-8 |
| 66214-48-0 | 67634-21-3 | 67801-10-9 | 67828-67-5 | 67875-33-6 | 67906-52-9 | 67969-91-9 |
| 66214-49-1 | 67634-23-5 | 67801-16-5 | 67828-68-6 | 67883-77-6 | 67906-53-0 | 67969-92-0 |
| 66214-50-4 | 67674-20-8 | 67801-18-7 | 67828-69-7 | 67889-94-5 | 67906-54-1 | 67969-93-1 |
| 66214-51-5 | 67674-21-9 | 67801-26-7 | 67828-70-0 | 67889-95-6 | 67906-55-2 | 67969-94-2 |
| 66214-52-6 | 67674-22-0 | 67801-36-9 | 67828-72-2 | 67890-05-5 | 67906-56-3 | 67969-95-3 |
| 66214-53-7 | 67674-23-1 | 67801-37-7 | 67828-73-3 | 67892-13-1 | 67906-57-4 | 67969-96-4 |
| 66214-54-8 | 67674-24-2 | 67801-42-7 | 67845-40-3 | 67892-30-2 | 67906-58-5 | 67970-27-8 |
| 66214-55-9 | 67674-25-3 | 67801-43-8 | 67845-41-4 | 67892-38-7 | 67906-59-6 | 67970-28-9 |
| 66225-56-7 | 67674-26-4 | 67801-44-9 | 67845-42-5 | 67892-39-1 | 67906-60-9 | 67970-29-0 |
| 66225-60-3 | 67674-27-5 | 67801-47-2 | 67845-60-7 | 67892-40-4 | 67906-61-0 | 67970-31-4 |
| 66225-62-5 | 67674-28-6 | 67801-52-9 | 67845-79-8 | 67892-41-5 | 67907-22-6 | 67989-22-4 |
| 66225-64-7 | 67674-29-7 | 67801-53-0 | 67845-80-1 | 67892-42-6 | 67907-24-8 | 67989-23-5 |
| 66225-65-8 | 67674-30-0 | 67801-54-1 | 67845-81-2 | 67892-44-8 | 67907-25-9 | 67989-84-8 |
| 66241-11-0 | 67674-31-1 | 67801-55-2 | 67845-84-5 | 67892-45-9 | 67920-93-8 | 67989-98-4 |
| 66241-12-1 | 67674-32-2 | 67801-56-3 | 67845-85-6 | 67892-46-0 | 67923-41-5 | 67989-99-5 |
| 66256-71-1 | 67674-48-7 | 67801-57-4 | 67845-88-9 | 67892-47-1 | 67923-42-6 | 67990-05-0 |
| 66256-72-2 | 67674-53-7 | 67801-58-5 | 67845-91-4 | 67892-48-2 | 67923-43-7 | 67990-06-1 |
| 66256-74-4 | 67674-55-9 | 67801-59-6 | 67845-93-6 | 67892-49-3 | 67923-44-8 | 67990-07-2 |
| 66256-76-6 | 67674-60-6 | 67801-60-9 | 67845-96-9 | 67892-50-6 | 67923-46-0 | 67990-09-4 |
| 66274-26-8 | 67689-48-9 | 67815-66-1 | 67845-97-0 | 67892-53-9 | 67923-47-1 | 67990-10-7 |
| 66276-83-3 | 67697-31-8 | 67815-73-7 | 67845-98-1 | 67892-54-0 | 67923-49-3 | 67990-11-8 |
| 66304-04-9 | 67697-32-9 | 67815-95-6 | 67845-99-2 | 67892-55-1 | 67923-52-8 | 67990-12-9 |
| 66304-05-0 | 67697-46-5 | 67816-10-8 | 67846-01-9 | 67892-57-3 | 67923-57-3 | 67990-19-6 |
| 66304-06-1 | 67697-49-8 | 67827-69-4 | 67846-02-0 | 67892-65-3 | 67923-59-5 | 67990-22-1 |
| 66304-07-2 | 67697-69-2 | 67827-70-7 | 67846-10-0 | 67892-67-5 | 67923-60-8 | 67990-23-2 |
| 66304-08-3 | 67697-75-7 | 67827-71-8 | 67846-42-8 | 67893-09-8 | 67923-62-0 | 67990-24-3 |
| 66327-55-7 | 67701-35-3 | 67827-72-9 | 67846-44-0 | 67893-10-1 | 67923-63-1 | 67990-25-4 |
| 66327-56-8 | 67701-36-4 | 67827-86-5 | 67856-55-7 | 67893-12-3 | 67923-64-2 | 67990-26-5 |
| 66375-36-8 | 67710-71-8 | 67827-87-6 | 67859-77-2 | 67893-41-8 | 67923-65-3 | 67990-27-6 |
| 66375-39-1 | 67712-20-3 | 67827-88-7 | 67860-00-8 | 67893-43-0 | 67923-78-8 | 67990-28-7 |
| 66375-40-4 | 67746-24-1 | 67827-89-8 | 67873-85-2 | 67893-44-1 | 67923-87-9 | 67990-30-1 |
| 66422-95-5 | 67748-63-4 | 67828-01-7 | 67874-23-1 | 67893-45-2 | 67923-89-1 | 67990-31-2 |
| 66620-37-9 | 67762-57-6 | 67828-02-8 | 67874-24-2 | 67893-46-3 | 67923-95-9 | 67990-32-3 |
| 66812-98-4 | 67763-22-8 | 67828-18-6 | 67874-25-3 | 67893-47-4 | 67924-13-4 | 67990-33-4 |
| 67000-46-8 | 67763-23-9 | 67828-20-0 | 67874-52-6 | 67893-48-5 | 67924-14-5 | 67990-34-5 |

## ANNEX II

-57-

| CAS Number |
|------------|------------|------------|------------|------------|------------|------------|
| 67990-35-6 | 68052-45-9 | 68110-32-7 | 68155-53-3 | 68227-30-5 | 68258-67-3 | 69369-42-3 |
| 67991-36-7 | 68052-46-1 | 68123-03-5 | 68155-66-8 | 68227-34-9 | 68258-69-5 | 68379-76-6 |
| 67992-37-8 | 68065-81-6 | 68123-09-1 | 68155-67-9 | 68227-35-0 | 68258-71-9 | 68389-46-1 |
| 67993-50-4 | 68072-36-6 | 68123-12-6 | 68155-68-0 | 68227-36-1 | 68258-97-9 | 68389-48-1 |
| 67993-12-3 | 68172-51-5 | 68123-30-9 | 68155-69-1 | 68227-37-2 | 68259-19-8 | 68389-51-5 |
| 68003-30-5 | 68091-81-2 | 68123-31-9 | 68155-70-4 | 68227-38-3 | 68259-34-7 | 68389-52-6 |
| 68003-31-6 | 68091-83-4 | 68123-32-0 | 68155-71-5 | 68227-39-4 | 68259-35-9 | 68389-53-7 |
| 68003-32-7 | 68093-28-3 | 68123-33-1 | 68155-72-6 | 68227-40-7 | 68259-36-9 | 68389-76-4 |
| 68113-17-2 | 68093-29-4 | 68123-35-3 | 68155-74-8 | 68227-41-8 | 68296-97-9 | 68391-17-3 |
| 68003-38-3 | 68093-31-8 | 68123-36-4 | 68155-75-9 | 68227-42-9 | 68299-05-5 | 68391-20-9 |
| 68015-83-8 | 68083-32-9 | 68123-38-6 | 68155-76-1 | 68227-43-1 | 68298-07-7 | 68391-21-9 |
| 68015-88-3 | 68083-33-0 | 68123-39-7 | 68156-18-3 | 68227-44-1 | 68298-08-8 | 68391-24-2 |
| 68015-89-4 | 68083-34-1 | 68123-41-1 | 68170-20-7 | 68227-46-3 | 68298-09-9 | 68391-25-3 |
| 68115-91-7 | 68083-37-4 | 68123-42-2 | 68170-22-9 | 68227-48-5 | 68298-10-2 | 68391-26-4 |
| 68015-91-8 | 68093-41-0 | 68123-44-4 | 68170-23-0 | 68227-49-6 | 68298-27-1 | 68391-27-5 |
| 68015-92-9 | 68083-42-1 | 68123-45-5 | 68186-31-2 | 68227-54-3 | 68298-31-9 | 68391-33-1 |
| 68015-94-1 | 68083-43-2 | 68123-46-6 | 68186-32-3 | 68227-56-5 | 68298-34-0 | 68391-38-8 |
| 68015-95-2 | 68083-44-3 | 68123-47-7 | 68186-55-0 | 68227-57-6 | 68298-46-4 | 68391-42-4 |
| 68015-97-4 | 68083-47-6 | 68123-48-8 | 68186-81-2 | 68227-58-7 | 68298-47-5 | 68391-43-5 |
| 68015-98-5 | 68093-99-8 | 68123-49-9 | 68187-03-1 | 68227-59-8 | 68298-48-6 | 68391-44-6 |
| 68016-04-6 | 68084-00-4 | 68128-25-6 | 68187-14-2 | 68227-60-1 | 68298-84-1 | 68391-45-7 |
| 68016-05-7 | 68084-01-5 | 68128-58-5 | 68187-06-4 | 68227-62-3 | 68298-85-1 | 68391-46-8 |
| 68016-06-8 | 68084-09-3 | 68130-77-8 | 68187-28-0 | 68227-63-4 | 68299-01-4 | 68391-47-9 |
| 68116-07-9 | 68084-10-6 | 68130-78-9 | 68188-29-4 | 68227-64-5 | 68299-22-9 | 68391-48-0 |
| 68016-08-0 | 68084-11-7 | 68130-96-1 | 68189-12-8 | 68227-65-6 | 68299-26-3 | 68391-49-1 |
| 68025-18-3 | 68084-13-9 | 68132-77-4 | 68189-14-1 | 68227-66-7 | 68299-27-4 | 68391-50-4 |
| 68025-19-4 | 68084-14-0 | 68132-81-0 | 68189-18-4 | 68227-67-8 | 68299-28-5 | 68391-51-5 |
| 68025-20-7 | 68084-15-1 | 68132-84-3 | 68189-23-1 | 68227-71-4 | 68299-29-6 | 68391-52-6 |
| 68025-27-4 | 68084-16-2 | 68132-89-8 | 68189-24-2 | 68227-72-5 | 68309-34-2 | 68391-55-9 |
| 68025-30-9 | 68084-17-3 | 68132-90-1 | 68189-25-3 | 68227-73-6 | 68309-94-4 | 68391-56-0 |
| 68025-31-0 | 68084-18-4 | 68133-05-1 | 68189-28-6 | 68227-78-1 | 68309-97-7 | 68391-57-1 |
| 68025-32-1 | 68084-21-9 | 68133-14-2 | 68189-39-9 | 68227-79-2 | 68310-00-9 | 68391-58-2 |
| 68025-33-2 | 68084-22-0 | 68133-23-3 | 68189-42-4 | 68228-06-8 | 68310-03-2 | 68391-59-3 |
| 68025-44-5 | 68084-23-1 | 68133-25-5 | 68201-66-1 | 68228-08-1 | 68310-04-3 | 68398-19-6 |
| 68025-46-7 | 68084-24-2 | 68133-26-6 | 68201-75-2 | 68228-10-4 | 68310-05-4 | 68399-69-9 |
| 68025-48-9 | 68084-25-3 | 68133-27-7 | 68201-76-3 | 68238-93-7 | 68310-06-5 | 68399-77-2 |
| 68025-61-6 | 68084-26-4 | 68133-28-8 | 68201-77-4 | 68239-07-6 | 68310-09-8 | 68399-71-3 |
| 68030-71-7 | 68084-29-7 | 68133-29-9 | 68201-83-2 | 68239-08-7 | 68310-32-7 | 68399-72-4 |
| 68037-34-3 | 68084-30-0 | 68133-30-2 | 68212-33-9 | 68239-09-8 | 68310-42-9 | 68399-73-5 |
| 68037-35-4 | 68084-31-1 | 68133-31-3 | 68213-79-6 | 68239-10-1 | 68310-47-4 | 68399-74-6 |
| 68038-58-4 | 68084-32-2 | 68133-32-4 | 68213-80-9 | 68239-11-2 | 68310-49-6 | 68399-75-7 |
| 68038-80-2 | 68084-36-6 | 68133-33-5 | 68213-82-1 | 68239-12-3 | 68310-60-1 | 68399-82-6 |
| 68038-84-6 | 68084-53-7 | 68133-35-7 | 68213-83-2 | 68239-13-4 | 68310-69-0 | 68399-83-7 |
| 68039-00-9 | 68084-55-9 | 68133-40-4 | 68213-84-3 | 68239-14-5 | 68310-70-3 | 68399-84-8 |
| 68039-01-0 | 68084-56-0 | 68133-41-5 | 68213-85-4 | 68239-17-8 | 68310-82-7 | 68399-86-0 |
| 68039-04-3 | 68084-57-1 | 68133-42-6 | 68213-88-7 | 68239-18-9 | 68310-85-0 | 68399-91-7 |
| 68039-75-4 | 68084-63-9 | 68133-57-3 | 68213-89-8 | 68239-21-4 | 68310-87-2 | 68399-92-8 |
| 68039-06-5 | 68091-86-1 | 68133-60-8 | 68213-90-1 | 68239-22-5 | 68310-89-4 | 68399-93-9 |
| 68039-07-6 | 68092-45-5 | 68133-61-9 | 68213-91-2 | 68239-23-6 | 68311-16-1 | 68399-94-0 |
| 68039-08-7 | 68092-46-6 | 68133-69-7 | 68213-92-3 | 68239-24-7 | 68311-18-2 | 68399-95-1 |
| 68039-14-5 | 68092-47-7 | 68133-70-0 | 68213-93-4 | 68239-25-8 | 68311-19-3 | 68400-71-1 |
| 68039-15-6 | 68092-52-4 | 68133-75-5 | 68213-94-5 | 68239-26-9 | 68311-24-0 | 68400-02-2 |
| 68039-19-0 | 68092-69-3 | 68133-77-7 | 68213-95-6 | 68239-27-0 | 68324-22-1 | 68400-20-4 |
| 68039-22-5 | 68092-71-7 | 68133-78-8 | 68213-96-7 | 68239-28-1 | 68332-68-3 | 68400-22-6 |
| 68039-51-0 | 68092-72-8 | 68133-97-1 | 68213-97-8 | 68239-29-2 | 68332-77-4 | 68400-23-7 |
| 68039-52-1 | 68092-73-9 | 68133-98-2 | 68214-00-6 | 68239-45-2 | 68332-95-6 | 68400-25-9 |
| 68039-53-2 | 68092-74-0 | 68134-04-3 | 68214-01-7 | 68239-50-9 | 68334-63-4 | 68400-26-0 |
| 68039-54-3 | 68109-57-9 | 68134-08-7 | 68214-02-8 | 68239-60-1 | 68334-64-5 | 68400-29-3 |
| 68039-65-6 | 68109-58-0 | 68134-16-7 | 68214-03-9 | 68239-61-2 | 68334-65-6 | 68400-30-6 |
| 68039-67-8 | 68109-64-8 | 68134-64-5 | 68214-04-0 | 68239-62-3 | 68334-66-7 | 68400-32-8 |
| 68052-06-2 | 68109-68-2 | 68139-94-6 | 68214-42-6 | 68239-63-4 | 68334-68-9 | 68400-33-9 |
| 68052-07-3 | 68109-69-3 | 68140-23-8 | 68214-43-7 | 68239-64-5 | 68334-90-7 | 68400-34-0 |
| 68052-08-4 | 68109-70-6 | 68140-26-1 | 68214-80-2 | 68239-65-6 | 68345-19-7 | 68400-35-1 |
| 68052-09-5 | 68109-75-1 | 68140-37-4 | 68214-81-3 | 68239-66-7 | 68345-20-0 | 68400-36-2 |
| 68052-10-8 | 68109-77-3 | 68140-43-2 | 68226-87-9 | 68239-76-9 | 68345-21-1 | 68400-37-3 |
| 68052-11-9 | 68109-78-4 | 68140-47-6 | 68226-88-0 | 68239-77-0 | 68345-22-2 | 68400-38-4 |
| 68052-12-0 | 68109-79-5 | 68140-50-1 | 68226-89-1 | 68239-78-1 | 68365-86-6 | 68400-39-5 |
| 68052-13-1 | 68109-80-8 | 68140-52-3 | 68226-90-4 | 68239-79-2 | 68365-87-7 | 68400-41-9 |
| 68052-14-2 | 68109-81-9 | 68140-57-8 | 68226-91-5 | 68239-80-5 | 68366-14-3 | 68400-42-0 |
| 68052-15-3 | 68109-89-7 | 68140-63-6 | 68226-92-6 | 68239-81-6 | 68368-33-2 | 68400-43-1 |
| 68052-17-5 | 68109-90-0 | 68141-03-7 | 68226-93-7 | 68239-82-7 | 68368-34-3 | 68400-45-3 |
| 68052-18-6 | 68109-91-1 | 68141-05-9 | 68226-94-8 | 68239-83-8 | 68368-35-4 | 68400-46-4 |
| 68052-19-7 | 68109-92-2 | 68141-07-1 | 68226-95-9 | 68239-84-9 | 68368-36-5 | 68400-49-7 |
| 68052-20-0 | 68110-21-4 | 68141-10-6 | 68227-23-6 | 68240-17-5 | 68368-37-6 | 68400-55-5 |
| 68052-22-2 | 68110-24-7 | 68141-11-7 | 68227-26-9 | 68258-61-7 | 68368-38-7 | 68400-56-6 |
| 68052-23-3 | 68110-25-8 | 68154-00-7 | 68227-27-0 | 68258-62-8 | 68368-39-8 | 68400-58-8 |
| 68052-43-7 | 68111-26-9 | 68155-45-3 | 68227-28-1 | 68258-63-9 | 68368-40-1 | 68400-77-1 |
| 68052-44-8 | 68110-31-6 | 68155-46-4 | 68227-29-2 | 68258-66-2 | 68368-41-2 | 68400-78-2 |

## ANNEX II

-58-

| CAS Number |
|------------|------------|------------|------------|------------|------------|------------|
| 68400-30-6 | 69443-48-1 | 68524-91-4 | 69582-45-6 | 68833-67-0 | 68921-04-8 | 68966-44-9 |
| 68409-56-5 | 69443-52-7 | 68527-46-8 | 64583-76-6 | 68833-68-1 | 68921-95-9 | 68966-45-0 |
| 68409-68-7 | 69443-60-7 | 68527-61-7 | 68593-95-9 | 68833-03-2 | 68921-99-3 | 68966-49-3 |
| 68411-30-3 | 69443-64-1 | 68527-66-2 | 68593-99-3 | 68833-95-4 | 68922-01-7 | 68966-49-4 |
| 68411-31-4 | 69443-71-3 | 68527-67-3 | 68586-06-1 | 68833-96-5 | 68922-02-1 | 68966-50-7 |
| 68411-32-5 | 69443-72-1 | 68527-68-4 | 68586-20-9 | 68833-07-6 | 68922-04-3 | 68966-51-9 |
| 68411-33-6 | 69443-74-3 | 68527-69-5 | 68611-95-6 | 68834-18-2 | 68922-07-6 | 68966-52-0 |
| 68411-39-2 | 69443-76-5 | 68527-70-8 | 68639-85-8 | 68845-12-5 | 68922-08-7 | 68966-53-0 |
| 68411-44-9 | 68443-80-1 | 68527-71-9 | 68609-86-9 | 68845-14-7 | 68928-54-1 | 68966-54-1 |
| 68411-46-1 | 69443-81-2 | 68527-72-1 | 68628-60-4 | 68845-37-4 | 68928-53-2 | 68966-75-6 |
| 68411-47-2 | 69443-89-0 | 68527-74-2 | 68630-90-0 | 68845-38-5 | 68929-79-0 | 68966-76-7 |
| 68411-74-5 | 69444-13-1 | 68527-76-4 | 68631-12-7 | 68845-39-6 | 68928-81-3 | 68966-77-8 |
| 68411-75-6 | 69444-14-2 | 68527-78-6 | 68631-04-9 | 68855-30-1 | 68928-81-4 | 68966-79-0 |
| 68411-80-3 | 69444-16-4 | 68527-79-7 | 68631-07-2 | 68855-31-2 | 68929-11-1 | 68966-81-3 |
| 68411-84-7 | 69444-17-5 | 68527-80-0 | 68631-08-3 | 68855-43-6 | 68929-07-7 | 68966-82-5 |
| 68412-22-6 | 69444-08-6 | 68527-98-0 | 68631-09-4 | 68856-21-3 | 68929-08-8 | 68966-83-6 |
| 68412-23-7 | 69444-09-7 | 68541-41-1 | 68631-13-7 | 68856-26-8 | 68929-19-9 | 68966-84-7 |
| 68412-24-8 | 69444-10-0 | 68540-77-2 | 68631-11-8 | 68859-50-7 | 68929-11-3 | 68966-85-8 |
| 68412-25-9 | 69444-12-2 | 68540-79-4 | 68631-12-9 | 68859-51-8 | 68929-12-4 | 68966-88-1 |
| 68412-48-6 | 69444-15-5 | 68540-84-1 | 68631-14-1 | 68859-68-7 | 68929-13-5 | 68966-92-7 |
| 68412-74-8 | 69444-39-3 | 68540-85-2 | 68647-14-3 | 68867-55-0 | 68929-14-6 | 68966-96-1 |
| 68413-42-3 | 68444-47-6 | 68541-86-3 | 68647-32-5 | 68867-65-2 | 68936-95-8 | 68966-99-4 |
| 68413-50-3 | 69457-72-7 | 68540-87-4 | 68647-33-6 | 68877-25-1 | 68938-57-8 | 68967-00-0 |
| 68413-58-1 | 68459-81-4 | 68540-88-5 | 68647-34-7 | 68877-30-5 | 68938-61-4 | 68967-02-2 |
| 68413-59-2 | 68459-89-2 | 68540-90-9 | 68647-35-8 | 68877-36-1 | 68938-62-5 | 68975-70-2 |
| 68413-61-6 | 68459-98-3 | 68540-91-0 | 68647-36-9 | 68877-39-4 | 68938-63-6 | 68987-39-3 |
| 68413-62-7 | 68461-07-4 | 68540-92-1 | 68679-99-2 | 68877-56-5 | 68938-64-7 | 68987-57-8 |
| 68413-63-8 | 68460-01-5 | 68540-93-2 | 68683-27-2 | 68877-59-8 | 68938-65-8 | 68987-61-1 |
| 68413-64-9 | 68460-04-8 | 68540-94-3 | 68683-30-7 | 68877-61-2 | 68938-67-0 | 68987-62-2 |
| 68413-69-4 | 68467-19-3 | 68540-95-4 | 68683-31-8 | 68891-95-2 | 68938-69-2 | 68987-63-3 |
| 68413-70-7 | 68460-17-3 | 68540-97-6 | 68683-35-2 | 68892-04-6 | 68938-79-4 | 68987-64-4 |
| 68413-71-8 | 68478-39-7 | 68540-99-8 | 68683-42-1 | 68892-09-1 | 68938-87-7 | 68988-28-3 |
| 68413-79-6 | 68478-41-1 | 68541-01-5 | 68683-45-4 | 68892-12-6 | 68938-81-8 | 68988-25-2 |
| 68413-81-0 | 68478-47-7 | 68541-02-6 | 68683-46-5 | 68892-16-0 | 68938-96-5 | 68989-37-4 |
| 68413-85-4 | 68478-60-4 | 68541-03-7 | 68698-64-6 | 68892-29-5 | 68953-81-1 | 68988-62-5 |
| 68413-86-5 | 68478-61-5 | 68541-05-9 | 68698-86-2 | 68892-30-8 | 68953-82-2 | 68988-64-7 |
| 68413-87-6 | 68478-68-2 | 68541-16-0 | 68715-88-8 | 68907-65-2 | 68953-97-2 | 68997-14-7 |
| 68413-88-7 | 68478-91-1 | 68541-07-1 | 68715-89-9 | 68900-67-4 | 68953-97-9 | 68997-91-3 |
| 68413-89-8 | 68479-59-4 | 68541-69-5 | 68715-91-3 | 68900-70-9 | 68953-98-0 | 68997-93-5 |
| 68413-90-1 | 68479-60-7 | 68541-72-1 | 68735-92-2 | 68900-72-1 | 68954-69-8 | 68997-94-6 |
| 68413-92-3 | 68479-65-2 | 68555-40-8 | 68738-85-2 | 68900-95-8 | 68957-44-8 | 68997-96-8 |
| 68420-92-8 | 68479-98-1 | 68555-54-4 | 68738-94-3 | 68907-98-1 | 68957-46-7 | 68997-97-9 |
| 68420-93-9 | 68480-07-9 | 68555-55-5 | 68738-96-5 | 68900-99-2 | 68957-48-2 | 69009-90-1 |
| 68422-67-3 | 68480-19-3 | 68555-56-6 | 68738-97-6 | 68901-00-8 | 68957-52-8 | 69011-12-7 |
| 68425-59-2 | 68480-32-1 | 68555-57-7 | 68739-06-7 | 68901-02-0 | 68957-67-5 | 69029-38-5 |
| 68425-60-5 | 68480-34-2 | 68555-58-8 | 68758-63-4 | 68901-03-1 | 68957-70-0 | 69030-02-0 |
| 68425-61-6 | 68492-75-1 | 68555-80-6 | 68758-65-6 | 68901-14-2 | 68957-71-1 | 69077-63-9 |
| 68425-64-9 | 68492-76-2 | 68555-82-8 | 68758-67-8 | 68901-07-5 | 68957-78-8 | 69070-64-0 |
| 68425-74-1 | 68492-77-3 | 68555-86-2 | 68758-68-9 | 68901-16-6 | 68958-91-8 | 69172-93-8 |
| 68425-77-4 | 68517-43-0 | 68555-97-5 | 68758-69-0 | 68901-18-8 | 68959-00-2 | 69178-37-6 |
| 68425-86-5 | 68510-93-0 | 68556-00-3 | 68758-70-3 | 68901-24-6 | 68959-01-3 | 69178-38-7 |
| 68425-91-2 | 68510-98-5 | 68556-01-4 | 68758-71-4 | 68901-25-7 | 68959-03-5 | 69178-42-3 |
| 68425-92-3 | 68511-02-4 | 68556-02-5 | 68758-77-0 | 68907-20-0 | 68959-09-1 | 69198-43-2 |
| 68426-05-1 | 68511-19-3 | 68556-03-6 | 68758-87-2 | 68910-11-2 | 68959-10-4 | 69205-10-3 |
| 68426-08-4 | 68511-23-6 | 68556-04-7 | 68787-28-9 | 68911-96-6 | 68959-11-5 | 69205-11-4 |
| 68427-31-6 | 68512-07-2 | 68556-05-8 | 68784-03-2 | 68911-97-7 | 68959-12-6 | 69205-13-6 |
| 68427-33-8 | 68512-13-0 | 68556-06-9 | 68784-92-9 | 68911-98-8 | 68959-13-7 | 69226-93-3 |
| 68427-34-9 | 68512-14-1 | 68556-07-0 | 68784-94-1 | 68911-99-9 | 68959-14-8 | 69226-95-5 |
| 68427-35-0 | 68515-24-2 | 68556-08-1 | 68784-95-2 | 68912-03-8 | 68959-21-7 | 69227-09-4 |
| 68427-37-2 | 68515-61-7 | 68556-09-2 | 68785-16-8 | 68921-35-7 | 68959-22-8 | 69227-10-7 |
| 68439-65-6 | 68515-64-0 | 68556-10-5 | 68797-42-2 | 68921-36-8 | 68959-29-5 | 69227-26-5 |
| 68441-64-5 | 68515-96-8 | 68556-11-6 | 68797-43-3 | 68921-47-4 | 68959-30-8 | 69671-11-0 |
| 68442-18-1 | 68516-46-1 | 68556-12-7 | 68797-52-4 | 68921-41-5 | 68959-32-0 | 69915-53-8 |
| 68442-09-1 | 68516-48-3 | 68556-13-8 | 68814-00-6 | 68921-42-6 | 68959-33-1 | 69815-55-9 |
| 68442-63-7 | 68516-51-8 | 68556-14-9 | 68814-12-8 | 68921-43-7 | 68959-34-2 | 69815-55-0 |
| 68442-64-8 | 68516-53-0 | 68556-15-0 | 68814-03-9 | 68921-46-0 | 68959-35-3 | 69815-56-1 |
| 68442-67-1 | 68516-55-2 | 68556-16-1 | 68814-14-0 | 68921-70-0 | 68959-36-4 | 69834-12-4 |
| 68442-68-2 | 68516-56-3 | 68556-17-2 | 68814-05-1 | 68921-73-3 | 68959-37-5 | 69834-17-9 |
| 68442-72-8 | 68516-57-4 | 68556-20-7 | 68814-06-2 | 68921-75-5 | 68959-38-6 | 69834-18-0 |
| 68442-86-4 | 68516-58-5 | 68556-21-8 | 68814-07-3 | 68921-76-6 | 68959-39-7 | 69834-19-1 |
| 68443-32-3 | 68516-59-6 | 68567-68-0 | 68814-56-2 | 68921-77-7 | 68959-40-0 | 69834-20-4 |
| 68443-33-4 | 68516-60-9 | 68567-69-1 | 68815-27-0 | 68921-79-9 | 68959-41-1 | 69834-21-5 |
| 68443-34-5 | 68516-66-5 | 68568-47-8 | 68815-70-3 | 68921-81-3 | 68959-42-2 | 69834-22-6 |
| 68443-35-6 | 68516-67-6 | 68568-52-5 | 68815-72-5 | 68921-84-6 | 68966-31-4 | 69834-23-7 |
| 68443-36-7 | 68516-69-8 | 68568-54-7 | 68816-48-8 | 68921-88-0 | 68966-32-5 | 69847-37-6 |
| 68443-38-9 | 68516-98-3 | 68568-55-8 | 68833-59-0 | 68921-91-5 | 68966-33-6 | 69847-39-8 |
| 68443-43-6 | 68516-99-4 | 68568-65-0 | 68833-60-3 | 68921-92-6 | 68966-37-7 | 69847-46-7 |
| 68443-45-8 | 68517-11-3 | 68568-79-6 | 68833-66-9 | 68921-93-7 | 68966-43-8 | 69847-47-8 |

## ANNEX II

-59-

CAS Number	CAS Number	CAS Number	CAS Number
69847-48-9	71799-23-0	71832-26-3	72827-73-7
69847-49-0	71799-26-3	71832-27-4	72827-74-8
69847-52-5	71799-27-4	71838-36-3	72827-75-9
69856-10-4	71799-31-0	71838-37-4	72827-76-0
69856-09-3	71799-32-1	71838-38-5	72827-77-1
69856-10-6	71799-33-2	71838-40-9	72827-78-2
69856-11-7	71799-34-3	71838-41-0	72827-79-3
69868-11-7	71799-35-4	71838-43-2	72827-81-7
69868-13-9	71799-36-5	71838-44-3	72827-82-8
69868-17-3	71799-37-6	71838-46-5	72827-84-0
69868-19-5	71799-38-7	71838-47-6	72827-85-1
69880-77-9	71799-39-8	71838-48-7	72827-86-2
69894-23-7	71799-41-1	71838-49-8	72827-87-3
69898-60-P	71799-41-2	71838-50-1	72827-88-4
69898-61-9	71799-43-4	71838-51-2	72827-89-5
69898-62-0	71807-32-4	71838-52-3	72827-90-8
69898-63-1	71807-40-4	71838-53-4	72827-91-9
69898-64-2	71817-46-3	71838-57-8	72827-92-1
69898-65-3	71817-47-1	71838-60-3	72827-93-1
69898-66-4	71807-53-9	71838-63-6	72827-94-2
69898-67-5	71807-57-3	71838-64-7	72827-95-3
69912-92-1	71807-58-4	71838-66-9	72827-96-4
69912-93-2	71817-59-5	71838-73-8	72827-97-5
69912-95-4	71807-61-9	71838-80-7	72827-98-6
69929-03-9	71807-62-0	71838-87-4	72827-99-7
69991-69-1	71819-49-3	71838-93-2	72828-00-3
69991-76-0	71819-50-6	71838-98-7	72828-01-4
70025-53-5	71819-51-7	71839-14-3	72828-12-5
70085-02-8	71819-52-8	71839-16-2	72828-03-6
70161-58-9	71819-54-0	71839-17-3	72828-04-7
71179-80-5	71819-55-1	71849-97-3	72828-05-8
70179-81-6	71819-56-2	71872-27-0	72828-06-9
70179-82-7	71819-57-3	71872-28-1	72828-17-1
70179-86-1	71819-58-4	71872-29-2	
70179-87-2	71819-59-5	71872-33-8	
71198-17-3	71819-61-8	71872-35-0	
70198-21-9	71819-61-9	71872-37-2	
70289-49-5	71819-62-0	71872-37-2	
70456-77-8	71819-63-1	71872-39-4	
70615-15-5	71819-64-2	71872-46-3	
70615-18-8	71819-65-3	71872-46-3	
70632-39-2	71819-66-4	71872-53-2	
71607-30-2	71819-67-5	71872-54-3	
71775-63-8	71819-68-6	71872-58-7	
71775-65-0	71819-69-7	71872-68-9	
71775-88-7	71819-70-0	71872-77-0	
71776-00-6	71819-72-2	71872-81-6	
71776-02-8	71819-73-3	71872-84-9	
71776-07-3	71819-74-4	71872-88-3	
71776-10-8	71819-75-5	71872-92-9	
71786-28-2	71819-76-6	71888-63-6	
71786-28-2	71819-77-7	71902-02-8	
71786-31-7	71819-78-8	71902-03-9	
71786-32-8	71819-79-9	71902-04-0	
71786-33-9	71819-81-3	71902-05-1	
71786-67-9	71819-82-4	71902-06-2	
71798-67-9	71819-84-6	71902-07-3	
71798-68-0	71819-85-7	71902-08-4	
71798-69-1	71819-86-8	71902-09-5	
71798-70-4	71819-88-0	71902-10-8	
71798-71-5	71819-89-1	71902-11-9	
71798-72-6	71819-91-4	71902-13-1	
71798-73-7	71819-93-7	71902-14-2	
71798-76-0	71832-06-9	71902-15-3	
71798-77-1	71832-07-0	71902-16-4	
71798-82-8	71832-08-1	71902-17-5	
71798-82-8	71832-09-2	71902-18-6	
71798-90-8	71832-10-5	72528-70-2	
71798-92-0	71832-11-6	72749-39-4	
71798-99-7	71832-12-7	72749-40-7	
71799-00-3	71832-13-8	72749-41-8	
71799-03-6	71832-15-0	72749-42-9	
71799-04-7	71832-16-1	72827-67-9	
71799-11-6	71832-17-2	72827-68-0	
71799-12-7	71832-18-3	72827-69-1	
71799-14-9	71832-19-4	72827-70-4	
71799-21-8	71832-20-7	72827-71-5	
71799-22-9	71832-25-2	72827-72-6	

## ANNEX II

-60-

COMMON CHEMICAL NAME OR TRADE NAME	COMMON CHEMICAL NAME OR TRADE NAME
Acetosol dark Violet 5400	Chrome Black WRD
Acid Black 211	Chrome leather fast Black TU
Acid Blue 129	Chromofine Blue bw
Acid Blue 318	Cibacron Navy Blue 2R
Acid Brown 12	Cibacron Pront Black G
Acid Brown 90	Clarion Red Lake C Homologue
Acid Brown 384	CMC Blue C
Aciderm light Brown MSG	CMC Blue K
Aciderm Light Brown MGG	Cooltreat 101
Aciderm Light Brown MITT	Coranil Brown FR
Acid Green 68:1	Coranil Brown HPM
Acidol Olive MSGL	Coranil Brown LF
Acid Orange 8	Coranil Brown TG
Acid Orange 24	Coranil Gray GB
Acid Orange 72	Coranil olive hegb.3B
Acid Orange 92	Cottestrene Black msa
Acid Orange 107	Cottestrene Black SR
Acid Red 114	Cottestrene Blue MSEC
Acid Red 347	Cottestrene Blue SBC
Acid Red 380	Cottestrene Blue SCL
Acid red 394	Cottestrene Brown MSG
Acid Red 396	Cottestrene Brown SG
Acid Yellow 35	Cottestrene dark Blue msdb
Acid Yellow 98	Cottestrene dark Blue sdb
Acrolite fast Blue-cd	Cottestrene Green MSFB
Agrok 3-way seed treatment	Cottestrene Green SFB
2-Amino-5-chloro-4-ethylbenzene	Cottestrene Gray SB
2-Amino-2,5-dichlorobenzophenone	Cottestrene navy Blue sb
4-[(4-Amino-5-methoxy-o-tolyl)azo]-4-hydroxy-2,7-naphthalenedisulfonic acid, benzenesulfonate	Cottestrene olive Green sb
1-Amino-4-(3 and 4-methylenedimethylamino-anilino)-9,10-dihydro-9,10-dioxo-anthracene-2-sulfonic acid	Cottestrene Red MSBB
m-Aminopyrazolone	Cottestrene Red MSGG
Amino-J-pyrazolone	Cottestrene Red SGG
Amyl cinnamaldehyde diethylacetal	Cottestrene Yellow S5G
2'-Anilino-6-diethylamino-3-methylfluoran	Cottestrene Yellow MS5G
8-Anilino-5-(p-hydroxyanilino)-1-sulfonic acid	Cromophthal Yellow H2R
Anthrasol Brown JBR	Cuprophanyl Brown 2BL
Antioxidant AFC	Cyanine Blue 103
Antioxidant ANPD	Cyanoethylmethyl ester
Antioxidant KA 9056	Cyclohexylcyclopentanyl acetate
Antioxidant KA 9059	Cyclopentamine hybenzate
Antioxidant MEP 5P	Dark Green M-8305 A
Antiozonant AFD	Derma Brown 1288
Araldite dw 0116	Derma carbon 1338
Astrazon Black M	Derma carbon BF
Astrazon Brown MD	Dermafix Havana G
Bafixan Black BR	Dextroamphetamine tannate
Bafixan Black TX 4272	Diazo Black Fast HMB
Bafixan Black TX 4275	4-Diazo-2,5-dimethoxyphenolmorpholine
Bafixan Red TX 4282	Diazol Black BM
Bafixan TX 3418	Diazol Black Fm
Bafixan Yellow TX 4277	2-Diazo-1-naphthol-5-sulfonic acid sodium salt
Bafixan Yellow TX 4279	3-(Diethylamino)acetanilino
Bafixan Yellow TX 4281	O, O'-Diethyl-O'-pyrazinyl phosphorodithidate
Barium lithol Red DCC 2308	Dihydrophenylglycine
Basic Blue 27	N,N-Dimethyldibenz[b,e]loxepin-[[1(6H),x]-propylamine
Basic fast Black DP	Dimethylsuccinoyl Succinate
Basic Violet 66	Dimethyl-5-sulfoisophthalate, Sodium salt
Basic Yellow 111	Dimethyltetrahydrobenzaldehyde
Baysin lustre K	Direct Black L
4,4'-Bis(α,α-dimethylcarbonyldiphenylamine)	Direct Black 190
5-[Bis(2-hydroxyethyl)amino]-2,2'-chloro-4-nitrophenylazobenzanilide	Direct Blue 125
Black leuco dye C 1260	Direct Brilliant Blue BL
Butranil	Direct Yellow 5
Calcofast Spirit Red 1020	Direct Yellow 134
Calco Solvent Blue 1007	Direct Yellow 314
Caracid Blue 15R	Disperse Black 1
Caracid Dark Green GM	Disperse Blue 26:1
N-(3-Carboxy-3-hydroxypropyl)-α-tolyloxy carbamate	Disperse Blue 78
Carosperse Blue B	Disperse Brown 1
Centifol	Disperse Orange 139
Centifol acetate	Disperse Red 73:2
Chloramine Fast Brown No. 12	Disperse Red 277
Chlorazol chloride	Disperse Red 279
3-Chloro-4-hydroxyquinoline-3,4-carboxylic acid	Disperse Red 288
1-(4-Chlorophenyl)-3-methyl-N-ethylaniline	Disperse Violet 27
p-Chloropyrazolone	Disperse Yellow 42
6-Chloro-2-toluidine-4-sulfonic acid	Disperse Yellow 44
4-Chloro-3,5-xylene	Disperse Yellow 183
	Disperse Yellow 204
	Dispersol Black BT
	Dispersol Black 2R-PC

## ANNEX II

-61-

## COMMON CHEMICAL NAME OR TRADE NAME

## COMMON CHEMICAL NAME OR TRADE NAME

Dispersol Brown GTP  
 Dispersol Red D 20  
 Di- and tribromosalicylanilide  
 Drimalan Green G  
 Dyes containing, by weight, 24.2% Acid Yellow 135, 21.7% Acid Orange 51, and 54.1% Acid Blue 113  
 Dyes containing, by weight, 10.1% Acid Yellow 64, 11.6% Acid Orange 51, 26.3% Acid Blue 113, 50.5% Acid Black 172, and 1.5% Acid Green 25  
 Dyes containing, by weight, 74.3% Disperse Blue 285, 18.0% Disperse Brown 19, and 7.7% Disperse Yellow 126  
 Dyes containing, by weight, 67.7% Disperse Blue 35, 14.2% Disperse Yellow 1, and 18.1% Disperse Orange 1  
 Dyes containing, by weight, 89.4% Disperse Violet 27 and 10.6% Disperse Green 9  
 Dyes containing, by weight, 12.7% Disperse Yellow 1, 32.3% Disperse Orange 1, 19.8% Disperse Blue 35, and 35.2% Disperse Blue 3  
 Dyes containing, by weight, 39.0% Disperse Yellow 39, 28.0% Disperse Orange 25, and 33.0% Disperse Violet 27  
 Dyes containing, by weight, 57.9% Reactive Blue 13 and 42.1% Reactive Black 41  
 Dyes containing, by weight, 50.0% Reactive Blue 74 and 50.0% Reactive Blue 63  
 Dyes containing, by weight, 66.7% Reactive Orange 12 and 33.3% Reactive Red 32  
 Dyes containing, by weight, 50.0% Reactive Red 120 and 50.0% Reactive Yellow 84  
 Dyes containing, by weight, 71.0% Reactive Yellow 85 and 29.0% Reactive Orange 13  
 EDA Adduct 870  
 Elbenyl Red cbn  
 Eporal D.A.D.P.S.  
 Erionyl Blue P-2R  
 Erionyl Yellow P3R  
 Eta-sulfaminopyrazolone  
 2-(N-Ethyl-N,β-cyanoethyl)-4-acetaminoanazole  
 N-Ethyl-N-(2-methoxycarbonylethyl)aniline  
 Ethylphenylbutanal  
 Eukesolar navy Blue R  
 Euthylen Blue 692  
 Evinyll Yellow 128  
 Fast Blue LM  
 Fical AF 100  
 Filamid Red 841  
 Filamid Yellow 2732  
 Filester Yellow 2648 A  
 Filester Yellow 4610  
 Flexo Black G  
 Fluorescent Red sw  
 Fluorescent Pink M8  
 Glycol adipate  
 Golden Yellow FGRR  
 Granox Granox M-M seed treatment  
 Hansa Red 3B  
 Hecto Black R  
 Hello fast Green 6G-CP  
 Hostacox M  
 Hostaprint Red F-5rk  
 Hostavat Grey EGTB  
 Hostavat Grey MC  
 Hostavat Yellow F3GS  
 2-Hydroxymethylindanol-1-formaldehyde acetate (Indo laroma)  
 Indacid crimson 6 bl  
 Indanthrene brilliant Orange xrts  
 Indenodioxane  
 Irgalan Brown 2-GLC  
 Irgalan Green GL-KWL  
 Irgazin Red 08255 B  
 Irisol ether  
 Isobutyldimethyl anthranilate  
 3-Isocamphyl-5-cyclohexanol  
 Isolphthalo Blue DE 7560  
 4-Isopropenyl-1-carboxaldehyde, antioxime  
 Kayaxus Supra Yellow PG  
 Lasamid  
 Leuco Sulfur Black 10  
 Levafix brilliant Blue E3G  
 Levalan Olive I-GL  
 Libia Brown TMB  
 Linnol Blue KLG  
 Lithol rubine DCC 2739  
 Luconyl Black X60  
 Luconyl Blue 708  
 Luconyl Yellow 177  
 Lumin Brown G  
 Lumin Brown GR  
 Lumin Brown GT  
 Luminous Red G  
 Lumin Yellow gt  
 Macrolex Red 1069  
 Maleic acid, tribasic lead salt  
 Maxilon Dark Blue ZR  
 Maxilon Red M-Red  
 2-Mercaptobenzothiazole, zinc chloride  
 Metanilicazoanisidine  
 1-Methoxy-2-nitroacetylaminobenzene  
 2,4-Methylcarboxypyrazolic acid  
 p-Methyl ethyl phenyl glycidate  
 1-Methyl-isoheptyl-hexahydro benzaldehyde  
 2,4-Methylpyrazolic acid  
 3-Methyl-5-pyrazolone-1-(4'-sulfophenyl)-5-pyrazolone -3,3-dicarboxylic acid  
 p-Methyltetrahydroquinoline  
 Micraceta Yellow A2R  
 Microlith Black 180 FP  
 Microlith Blue ABRK  
 Microlith Brodesaux RA  
 Microlith Brodesaux RT  
 Microlith Brown 2R-A  
 Microlith Brown 5R-K  
 Microlith Gold G-T  
 Microlith Green G-K  
 Microlith Orange 3R-K  
 Microlith Red BR-K  
 Microlith Scarlet R-K  
 Microlith Yellow G3K  
 Microlith Yellow 3R-K  
 Microlith Yellow 501-T  
 Microlith Yellow 2RK  
 Mixtures of 1,3,6-Naphthalenetrisulfonic acid and 1,3,7-Naphthalenetrisulfonic acid  
 Mordant Black 98  
 Mordant Red 11  
 β-Naphthylisobutyl ether  
 Neo-indisan  
 Neopralac Blue ROM  
 Neozapon Green 3G  
 Nitraminic acid  
 Nitrodisoxyl acid  
 4-Nitro-2,4-dimethylacetanilide  
 p-Nitrophenol, Sodium salt  
 Nitrosulfon B  
 Nylanthrene Navy Blue LFWG  
 Mylamine acid Black CG  
 Mylamine acid Black CR  
 Mylamine Blue BR  
 1-Octadecenyl-2-naphthenyltetrahydropyrimidine  
 Octylphenoxydiethoxy chloride  
 Oricinol monohydrate  
 Oxanone crystals  
 d-Oxyphene base  
 Oxyphenylon  
 Palacet Black BPD  
 Palacet Black MD  
 Palanil Black BL  
 Palanil Orange 3-GM  
 Palanil Orange-2PD  
 Palanil Red FEM  
 Palanthrene Black 1FP  
 Palanthrene Black RBS  
 Palanthrene brilliant Green 4gp  
 Palanthrene Direct Black R  
 Palanthrene Red FBA  
 Percacid Brilliant Blue G-2LU  
 Permanent MR 70  
 Permanent Red PH4B  
 Phenylchloroformilate

## ANNEX II

-62-

COMMON CHEMICAL NAME OR TRADE NAME	COMMON CHEMICAL NAME OR TRADE NAME
m-Phenylene isonaphthalamide	Spirit Soluble Fast Fiery Red B
Phenylethyl dimethyl acrylate	Spirit Soluble Fast Green HLM
d(-)-2-Phenylglycine potassium acetaldehyde salt	Stabaxol P
Pigment Blue 15:3 $\beta$ -form	Subla Print Blue S 70038
Pigment Fast Green 6G-CP	Subla Print Blue 70032
Pigment Fast IRK	Subla Print Pink S70009
Pigment Green 36	Subla Print Red S 70052
Pigment Red 17	Subla Print Red 70027
Pigment Red 22	Subla Print Yellow 70001
Pigment Red 48:1 Barium	m-Sulfaminopyrazolone
Pigment Red 48:2 Calcium	Sulfon BTf
Pigment Red 49:2 Calcium	Sulfur Brown BCF
Pigment Red 57:1 Calcium	Sulpho Rhodamine BG
Pigment Red DCC 2747	Tarasol Black RL
Pigment Violet 49	Tectilon Brilliant Blue FR
Pigment Violet 3 PTA	Tetraphenyltin chloride
Pilate Fast Blue RRM	Tetraphenyltin hydroxide
Predisol Blue CF	Tetraphenyltin succinic acid
Predisol Magenta CC 9542	Thermoplast Black M
Predisol Red CB 9541	d-Thiolactone
Primulinesulfonic acid	m-Toline dihydrochloride
Procion Blue 5G-PC	Toluzone
Procion Brown B	4-4-Trifluoro-1-trifluoromethyl-ethylidene-diphenol
Procion Brown 3G-PC	2,3,3-Trimethylindoline
Procion navy 2R-PC	Unisperse Black C paste
Procion Orange GPC	Unisperse Red 41211
Procion Red 4G-PC	Urethane Blue paste BU
Procion Yellow HGR	Urethane Blue paste RS
Reactive Blue 99	Urethane Green paste GU
Reactive Blue 139	Urethane Red paste BBS
Reactive Blue 162	Urethane Red paste BH
Reactive Blue 163	Urethane Red paste GU
Reactive Blue 167	Urethane Yellow paste GH
Reactive Blue 170	Urethane Yellow paste RU
Reactive Brown 26	Vat Black P2R
Reactive Orange 78	Vat Brown 3
Reactive Orange 89	Vat Green 2
Reactive Red 30	Vat Olive Green
Reactive Red 179	Vat Orange 9 12X
Reactive Yellow 135	Vat Yellow 4
Red B Cozial	Veranthrene Brown bz
Remazol Brilliant Blue BF	Veratrole pure
Remazol Brilliant GGF	Vestamid T 170
Remazol brilliant Red 6D	Vialon Fast Brown RL
Remazol Brilliant SBB	Vialon fast navy Blue rl
Reomat SBT	Vulcanox PAN
Resocoton Black R	Vulkacit F/C (K)
Resocoton Blue G	Vulkacit DC
Resocoton Red G	Vulkacit DM/MG
Resocoton Yellow G	Vulkacit TR
Resolin Black base A	Vulkanox HS
Rhodamine F4-FK	Waxoline Black OBP
Rhodamine B-SF 7919	Waxoline Rubine TR
Ritamide	
Samaron Brown JRN	
Samaron Orange BR	
Sandocyl Blue B-3GLE	
Sandoplast Red 2B	
Sandoxin Red 1664	
Sandostalo P-EPQ	
Sodium ferric ethylenediaminedihydroxyphenylacetate	
Sodium tolytriazole	
Solanthrene Yellow GCL	
Solvent 7 Base MR	
Solvent Blue 32	
Solvent Blue 36	
Solvent Blue 59	
Solvent Green 27	
Solvent Orange 7	
Solvent Red 100	
Solvent Red 162	
Solvent Yellow 77	
Special Black 7984	
Special Fast Blue G	
Spirit Black RB	
Spirit Black SB	
Spirit Fast Scarlet GM	
Spirit Green 4	
Spirit Green 6	
Spirit Soluble Fast Black M	
Spirit Soluble Fast Black RE	

## ANNEX II

-63-

Section B. Effective as to articles entered, or withdrawn from warehouse for consumption, on and after July 1, 1980.Schedule 6, Part 4, Subpart C

1. Schedule 6, part 4C, headnote 1 is modified by deleting "688.40" and substituting "688.45" in lieu thereof;

Schedule 6, Part 5

2. The article description for item 688.46 is modified by deleting "4B" and substituting "6B" in lieu thereof;

Schedule 7, Part 12, Subpart C

3. Items 772.69 and 772.71 and the superior heading thereto are superseded by:

"772.70	Wall coverings (including wall tiles), not specially provided for, of rubber or plastics, with or without applied adhesives.....	[See Annex III]	4.2% ad val.	[25% ad val.];
---------	--	-----------------	--------------	----------------

Schedule 8, Part 7

4. Schedule 8, part 7, headnote 2(ii) is modified by deleting "688.40" and substituting "688.45" in lieu thereof;

Schedule 9, Part 1, Subpart B

5. The article description for item 912.10 is modified by deleting "and 732.41" and substituting "732.41, and 732.42" in lieu thereof.

## ANNEX II

-64-

Section C. Effective as to articles both exported to the United States on and after July 1, 1981, and entered, or withdrawn from warehouse for consumption, on and after July 1, 1981.

General Headnotes

1. General Headnote 6(b)(1) is modified by deleting "or section 402a";

Schedule 7, Part 1, Subpart A

(as provided in the Trade Agreements Act of 1979, Sec. 223)

2. Schedule 7, part 1A is modified by deleting headnote 3(b) and redesignating headnote 3(a) as headnote "3";
3. Schedule 7, part 1A, headnote 3 as redesignated above, is modified by deleting "700.58" and substituting "700.56" in lieu thereof;
4. Schedule 7, part 1A is modified by redesignating item 700.58 as "700.56";
5. Item 700.60 is superseded by:

[Footwear...:]

[Other...:]

"Other:

700.57	Hunting boots, galoshes, rainwear, and other footwear designed to be worn over, or in lieu of, other footwear as a protection against water, oil, grease, or chemicals or cold or inclement weather.....	37.5% ad val.	[66% ad val.] (1/)
700.59	Footwear with open toes or open heels; footwear of the slip-on type, that is held to the foot without the use of laces or buckles or other fasteners, the foregoing except footwear provided for in item 700.57 and except footwear having a foxing or foxing-like band wholly or almost wholly of rubber or plastics applied or molded at the sole and overlapping the upper.....	37.5% ad val.	[66% ad val.] (1/)

[1/ This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 223.]

## ANNEX II

-65-

[Footwear...:]

[Other...:]

[Other:]

Other:

Footwear having soles (or midsoles, if any) of rubber or plastics which are affixed to the upper exclusively with an adhesive (any midsoles also being affixed exclusively to one another and to the outsole with an adhesive); the foregoing except footwear having a foxing or foxing-like band applied to or molded at the sole and overlapping the upper and except footwear with soles which overlap the upper other than at the toe or heel:

700.61	Valued not over \$6.50 per pair.....	37.5% ad val.	[66% ad val.] [1/]
700.62	Valued over \$6.50 but not over \$12 per pair.....	90c per pair + 20% ad val.	[\$1.58 per pair + 35% ad val.] [1/]
700.63	Valued over \$12 per pair.....	[20% ad val.]	[35% ad val.]
700.64	Other: Valued not over \$3.00 per pair.....	48% ad val.	[84% ad val.] [1/]
700.67	Valued over \$3.00 but not over \$6.50 per pair.....	90c per pair + 37.5% ad val.	[\$1.58 per pair + 66% ad val.] [1/]
700.69	Valued over \$6.50 but not over \$12 per pair.....	90c per pair + 20% ad val.	[\$1.58 per pair + 35% ad val.] [1/]
700.71	Valued over \$12 per pair.....	[20% ad val.]	[35% ad val.]";

[1/ This rate reflects the modification of a column 2 rate of duty pursuant to the Trade Agreements Act of 1979, Sec. 223.]

6. Schedule 7, part 1A is modified by redesignating items 700.66, 700.68, and 700.70 as "700.72", "700.73", and "700.74", respectively;

Schedule 8, Part 1

7. Schedule 8, part 1, headnote 2 is modified by deleting "or 402a" wherever it appears therein;

Schedule 8, Part 1, Subpart B

8. Schedule 8, part 1B, headnotes 2(a), 2(c) and 3(a) are modified by deleting "or 402a" wherever it appears therein;

Appendix, Part 2, Subpart A

9. Headnote 3(a)(1) in part 2A of the Appendix is modified by deleting "item 700.60" and inserting "items 700.57 through 700.71, inclusive" in lieu thereof;
10. The article description for item 923.91 is modified by deleting "700.58" and substituting "700.56" in lieu thereof;
11. The article description for item 923.92 is modified by deleting "700.66" and substituting "700.72" in lieu thereof;
12. The article description for item 923.94 is modified by deleting "700.58" and "700.66" and substituting "700.56" and "700.72", respectively, in lieu thereof.

## ANNEX II

-66-

## Section D. Effective as to articles entered, or withdrawn from warehouse for consumption on and after January 1, 1988.

## Schedule 4, Part 1, Subpart B

1. Items 402.52 and 402.54 and the superior heading thereto are superseded by:

	[Cyclic...:]			
	[Other:]			
	[Hydrocarbons:]			
"402.53	Other.....	10.4% ad val.		[7c per lb. + 68.5% ad val.]";

2. Items 402.80 and 402.82 and the superior heading thereto are superseded by:

	[Cyclic...:]			
	[Other:]			
	[Halogenated...:]			
"402.81	Other.....	9.1% ad val.		[7c per lb. + 71% ad val.]";

## Schedule 4, Part 1, Subpart C

3. Schedule 4, part 1C, headnote 12 is modified by deleting "412.70" and substituting "412.69" in lieu thereof;

4. Item 408.21 is redesignated as item 408.17 and items 408.22 and 408.23 and the superior heading thereto are superseded by:

	[Products...:]			
	[Pesticides:]			
	[Not...:]			
	[Herbicides...:]			
"408.19	Other.....	13.5% ad val.		[7c per lb. + 48.5% ad val.]";

5. Items 408.28 and 408.29 and the superior heading thereto are superseded by:

	[Products...:]			
	[Pesticides:]			
	[Not...:]			
	[Insecticides:]			
"408.27	Other.....	12.5% ad val.		[7c per lb. + 64.5% ad val.]";

6. Items 408.36 and 408.38 and the superior heading thereto are superseded by:

	[Products...:]			
	[Pesticides:]			
"408.37	Other.....	0.8c per lb. + 9.7% ad val.		[7c per lb. + 31% ad val.]";

7. Items 409.26 and 409.28 and the superior heading thereto are superseded by:

	[Products...:]			
	[Products...:]			
"409.27	Other.....	6.1% ad val.		[7c per lb. + 49.5% ad val.]";

8. Items 411.08 and 411.10 and the superior heading thereto are superseded by:

	[Products...:]			
	[Obtained...:]			
	[Drugs:]			
	[Imidazoline...:]			
"411.09	Other.....	6% ad val.		[7c per lb. + 51% ad val.]";

9. Items 411.40 and 411.42 and the superior heading thereto are superseded by:

	[Products...:]			
	[Obtained...:]			
	[Drugs:]			
	[Other:]			
	[Alkaloids...:]			
	[Papaverine...:]			
"411.41	Other.....	11.6% ad val.		[7c per lb. + 104% ad val.]";

## ANNEX II

-67-

10. Items 411.48 and 411.50 and the superior heading thereto are superseded by:

	[Products...]			
	[Obtained...]			
	[Drugs:]			
	[Other:]			
	[Alkaloids...]			
	[Other:]			
"411.49	Other.....	9.8% ad val.		[7c per lb. + 88% ad val.]";

11. Items 411.56 and 411.58 and the superior heading thereto are superseded by:

	[Products...]			
	[Obtained...]			
	[Drugs:]			
	[Other:]			
	[Antihistamines...]			
"411.57	Other.....	9.2% ad val.		[7c per lb. + 82% ad val.]";

12. Items 411.72 and 411.74 and the superior heading thereto are superseded by:

	[Products...]			
	[Obtained...]			
	[Drugs:]			
	[Other:]			
	[Anti-infective...]			
	[Antibiotics:]			
	[Penicillin...]			
"411.73	Other.....	7.4% ad val.		[7c per lb. + 56.5% ad val.]";

13. Items 411.84 and 411.86 and the superior heading thereto are superseded by:

	[Products...]			
	[Obtained...]			
	[Drugs:]			
	[Other:]			
	[Anti-infective...]			
	[Anti-infective...]			
"411.85	Other.....	10.8% ad val.		[7c per lb. + 96% ad val.]";

14. Items 411.94 and 411.96 and the superior heading thereto are superseded by:

	[Products...]			
	[Obtained...]			
	[Drugs:]			
	[Other:]			
	[Anti-infective...]			
	[Anti-infective...]			
"411.95	Other.....	8.1% ad val.		[7c per lb. + 57.5% ad val.]";

15. Items 412.02 and 412.04 and the superior heading thereto are superseded by:

	[Products...]			
	[Obtained...]			
	[Drugs:]			
	[Other:]			
	[Autonomic...]			
"412.03	Other.....	8.2% ad val.		[7c per lb. + 71.5% ad val.]";

16. Items 412.10 and 412.12 and the superior heading thereto are superseded by:

	[Products...]			
	[Obtained...]			
	[Drugs:]			
	[Other:]			
	[Cardiovascular...]			
"412.11	Other.....	8% ad val.		[7c per lb. + 65% ad val.]";

## ANNEX II

-66-

17. Items 412.38 and 412.40 and the superior heading thereto are superseded by:

	[Products...:]		
	[Obtained...:]		
	[Drugs:]		
	[Other:]		
	[Drugs...:]		
"412.39	Other.....	7.6% ad val.	[7c per lb. + 58.5% ad val.]";

18. Items 412.48 and 412.50 and the superior heading thereto are superseded by:

	[Products...:]		
	[Obtained...:]		
	[Drugs:]		
	[Other:]		
	[Hormones...:]		
"412.49	Other.....	8.7% ad val.	[7c per lb. + 78.5% ad val.]";

19. Items 412.64 and 412.66 and the superior heading thereto are superseded by:

	[Products...:]		
	[Obtained...:]		
	[Drugs:]		
	[Other:]		
	[Vitamins...:]		
"412.65	Other.....	6.9% ad val.	[7c per lb. + 49% ad val.]";

20. Items 412.68 and 412.70 and the superior heading thereto are superseded by:

	[Products...:]		
	[Obtained...:]		
	[Drugs:]		
	[Other:]		
"412.69	Other.....	6.9% ad val.	[7c per lb. + 45% ad val.]";

21. Items 413.28 and 413.30 and the superior heading thereto are superseded by:

	[Aromatic...:]		
	[Obtained...:]		
"413.29	Other.....	11.9% ad val.	[7c per lb. + 58% ad val.]";

ANNEX II

-69-

Section E. Effective as to articles entered, or withdrawn from warehouse for consumption on and after January 1, 1989.

Schedule 4, Part 1, Subpart C

1. Items 412.34 and 412.36 and the superior heading thereto are superseded by:

	[Products...]			
	[Obtained...]			
	[Drugs:]			
	[Other:]			
	[Drugs...]			
	[Antidepressants...]			
"412.35	Other.....	16.6% ad val.		[7c per lb. + 149.5% ad val.]"

## ANNEX II

-70-

Section F. Effective as to articles entered, or withdrawn from warehouse for consumption, on and after the date (published in the Federal Register) not more than 30 days after the date on which the United States Trade Representative has determined that hand-painted batik can be distinguished from machine-painted batik and that a mutually satisfactory certification system has been adopted by Indonesia for such purpose.

Schedule 3, Part 3, Subpart A

1. Schedule 3, part 3A is modified by adding the following new items in numerical sequence:

[Woven...:]

"Hand-painted batik, colored, whether or not bleached, but not fancy or figured, which prior to exportation has been certified (pursuant to a mutually satisfactory certification system) by an official of a government agency of the country where the batik was produced, to have been hand-painted:

319.10	Of number 59 or coarser.....	[See Annex III]	16% ad val. + 0.35% ad val. for each number
319.11	Of numbers 60 to 79.....	[See Annex III]	10¢ per lb. + 16% ad val. + 0.35% ad val. for each number
319.12	Of numbers 80 or higher.....	[See Annex III]	10¢ per lb. + 47.5% ad val."

## ANNEX II

-71-

Section C. Effective as to articles both exported to the United States on and after July 1, 1980, and entered, or withdrawn from warehouse for consumption, on and after a date (published in the Federal Register), as determined appropriate by the United States Trade Representative. These modifications shall remain in effect unless withdrawn, suspended, or modified by the President.

## Schedule 4, Part 1, Subpart B

1. The article description for item 404.32 is modified by adding "1,1'-Binaphthyl-8,8'-dicarboxylic acid;" in alphabetical sequence;
2. The article description for item 404.84 is modified by adding the following in alphabetical sequence:
  - "4-Amino-2-(N,N-diethylamino)-toluene hydrochloride;"
  - "3-Chloro-o-toluidine;"
  - "6-Chloro-2-toluidine-4-sulfonic acid;"
  - "4-Chloro- $\alpha,\alpha,\alpha$ -trifluoro-o-toluidine;"
  - "2,5-Dichloroaniline;"
  - "N,N-Diethylmetanilic acid, sodium salt;"
  - "Ethyl-(2-dimethylaminoethyl)-aniline;"
  - "N-Ethyl-o-toluidine;"
  - "Toluene-2,5-diamine sulfate;"
3. The article description for item 404.92 is modified by adding the following in alphabetical sequence:
  - "2-Amino-6-chloro-4-nitrophenol;"
  - "1-Amino-8-hydroxy-3,6-naphthalenedisulfonic acid;"
  - "2-Ethylamino-5-sulfobenzoic acid;"
  - "N-Ethyl-N-(2-methoxycarbonyl)ethyl)aniline;"
4. The article description for item 405.28 is modified:
  - a) by adding the following in alphabetical sequence:
    - "p-Acetoacetotoluidide;"
    - "3-Amino-4-chlorobenzamide;" and
  - b) by deleting "and Phenacetin, technical." and by substituting, in lieu thereof:
    - "Phenacetin, technical; and
    - $\beta$ -Resorcylamide";
5. The article description for item 405.56 is modified by adding "p-Cyanophenyl acetate;" in alphabetical sequence;
6. The article description for item 406.36 is modified by adding the following in alphabetical sequence:
  - "Amino-J-pyrazolone;"
  - "Benzointetrahydropyranyl ether;"
  - "p-Chloropyrazolone;"
  - "2,4-Methylcarboxypyrazolic acid;"
  - "2-Methylmercaptobenzimidazole;"
  - "Methyl phenylpyrazolone;"
  - "2,4-Methylpyrazolic acid;"
  - "3-Methyl-1-(p-tolyl)-2-pyrazolin-5-one (p-Tolyl methyl pyrazolone);"
  - "4-Phenylmorpholine;"

## ANNEX II

-72-

7. The article description for item 408.21 is modified by adding the following in alphabetical sequence:

"5-Amino-4-chloro-alpha-phenyl-3-pyridazinone;"

"2-tert-Butyl-4-(2,4-dichloro-5-isopropoxyphenyl)- $\Delta^2$ -1,3,4-oxadiazolin-5-one;"

"4-(4-Chloro-2-methylphenoxy)-butyric acid;"

Schedule 4, Part 1, Subpart B

8. Schedule 4, part 1C is modified by adding the following new headnote in numerical sequence:

"13. The term "Dyes containing, by weight" in items 409.62, 409.86, and 410.04, means those products which contain as the only dye components the specified components listed therewith, each of which must be present in the product. A tolerance of plus or minus 2 percentage points from the named percentages is allowable.";

9. The article description for item 409.62 is modified by adding the following in alphabetical and numerical sequence:

"Acid black 177, 188, 211"

"Acid blue 1, 175, 252, 284, 318"

"Acid brown 12, 85, 357, 384"

"Acid green 9, 89"

"Acid orange 92, 107, 144"

"Acid red 183, 347, 359, 360, 380, 394, 396"

"Acid yellow 35, 70, 72, 98, 195, 199, 221"

"Dyes containing, by weight--  
24.2% Acid Yellow 135,  
21.7% Acid Orange 51, and  
54.1% Acid Blue 113;"

"Dyes containing, by weight--  
10.1% Acid Yellow 64,  
11.6% Acid Orange 51,  
26.3% Acid Blue 113,  
50.5% Acid Black 172, and  
1.5% Acid Green 25;"

10. The article description for item 409.70 is modified by adding the following in alphabetical and numerical sequence:

"Basic blue 70"

"Basic orange 48"

"Basic red 22, 75"

"Basic yellow 77";

11. The article description for item 409.78 is modified by adding "Direct yellow 134" in alphabetical and numerical sequence;

## ANNEX II

-73-

12. The article description for item 409.86 is modified by adding the following in alphabetical and numerical sequence:

"Disperse blue 26:1, 35, 126, 148, 289"

"Disperse orange 32, 42, 54, 60, 139"

"Disperse red 46, 185, 277, 279, 288,  
303"

"Disperse violet 33, 35, 48"

"Disperse yellow 44, 58, 183, 204"

"Dyes containing, by weight--  
12.7% Disperse Yellow 1,  
32.3% Disperse Orange 1,  
19.8% Disperse Blue 35, and  
35.2% Disperse Blue 3;"

"Dyes containing, by weight--  
39.0% Disperse Yellow 39,  
28.0% Disperse Orange 25, and  
33.0% Disperse Violet 27;"

"Dyes containing, by weight--  
89.4% Disperse Violet 27, and  
10.6% Disperse Green 9;"

"Dyes containing, by weight--  
67.7% Disperse Blue 35,  
14.2% Disperse Yellow 1, and  
18.1% Disperse Orange 1;"

"Dyes containing, by weight--  
74.3% Disperse Blue 285,  
18.0% Disperse Brown 19, and  
7.7% Disperse Yellow 126;"

13. The article description for item 409.96 is modified by adding the following in alphabetical and numerical sequence:

"Solvent black 35"

"Solvent green 27"

"Solvent orange 62"

"Solvent red 100, 162"

"Solvent yellow 30";

14. The article description for item 410.04 is modified by adding the following in alphabetical and numerical sequence:

"Dyes containing, by weight--  
71.0% Reactive Yellow 85, and  
29.0% Reactive Orange 13;"

"Dyes containing, by weight--  
50.0% Reactive Red 120, and  
50.0% Reactive Yellow 84;"

"Dyes containing, by weight--  
50.0% Reactive Blue 74, and  
50.0% Reactive Blue 63;"

"Dyes containing, by weight--  
66.7% Reactive Orange 12, and  
33.3% Reactive Red 32;"

"Dyes containing, by weight--  
57.9% Reactive Blue 13, and  
42.1% Reactive Black 41;"

"Reactive blue 6, 19, 21, 27, 38, 63,  
73, 99, 139, 162, 163, 167, 170"

"Reactive brown 7, 16, 26"

"Reactive green 19"

"Reactive orange 3, 41, 89"

"Reactive red 10, 30, 32, 44, 49, 80,  
141, 179"

"Reactive yellow 2, 5, 37, 42, 135";

## ANNEX II

-74-

15. The article description for item 410.12 is modified by adding the following in alphabetical and numerical sequence:

"Vat blue 5, 16, 67"

"Vat brown 50"

"Vat red 10, 32";

16. The article description for item 410.28 is modified by adding the following in alphabetical and numerical sequence:

"Pigment brown 32"

"Pigment red 68, 216"

"Pigment violet 32"

"Pigment yellow 16, 24, 62:1, 108, 113, 138, 153";

17. The article description for item 411.52 is modified by adding "Etymenazine chlorhydrate;" in alphabetical sequence;

18. The article description for item 411.90 is modified by adding "Bismuth tribromophenace;" in alphabetical sequence;

19. The article description for item 411.98 is modified by adding "Propanolol hydrochloride;" in alphabetical sequence;

20. The article description for item 412.06 is modified by adding "Clofibrate;" in alphabetical sequence;

21. The article description for item 412.30 is modified by adding "Chloropromazine;" in alphabetical sequence;

22. The article description for item 412.42 is modified by adding "Tamoxifen citrate;" in alphabetical sequence;

Chemical Appendix

23. The Chemical Appendix is modified by deleting headnote 2 and by deleting the following chemicals and products (identified by C.A.S. number or chemical or trade name):

| CAS Number |
|------------|------------|------------|------------|------------|------------|
| 50-53-3    | 2475-31-2  | 12221-41-9 | 12269-83-9 | 54731-19-2 | 61969-23-1 |
| 66-92-0    | 2500-78-1  | 12221-52-2 | 12269-94-2 | 61814-59-3 | 68859-51-6 |
| 67-60-5    | 3147-45-3  | 12222-75-2 | 12270-39-2 | 61814-61-7 | 71784-28-2 |
| 89-25-8    | 3321-10-6  | 12223-25-5 | 12270-44-9 | 61814-62-8 | 71838-80-7 |
| 90-20-0    | 3506-09-0  | 12223-31-3 | 12764-81-7 | 61814-63-9 | 71838-93-2 |
| 92-53-5    | 4216-01-7  | 12225-08-0 | 14359-20-7 | 61814-64-0 | 71872-27-0 |
| 94-68-8    | 4857-81-2  | 12225-64-8 | 16893-48-4 | 61814-65-1 | 71872-37-2 |
| 94-81-5    | 5175-83-7  | 12226-21-0 | 19666-30-9 | 61814-66-2 | 71872-53-2 |
| 95-82-9    | 5462-71-5  | 12226-63-0 | 19694-10-1 | 61901-71-1 | 72827-92-0 |
| 97-20-1    | 5850-80-6  | 12235-20-0 | 24828-38-4 | 61901-98-2 | 72828-00-3 |
| 119-22-2   | 5979-28-2  | 12236-02-1 | 29878-91-9 | 61931-26-8 | 72828-02-5 |
| 129-17-9   | 6358-09-4  | 12236-25-8 | 33150-87-7 | 61931-37-1 |            |
| 445-03-6   | 6408-31-7  | 12236-27-0 | 39404-52-9 | 61931-49-5 |            |
| 475-71-8   | 6424-76-6  | 12236-30-5 | 41681-29-2 | 61931-52-0 |            |
| 615-50-9   | 6473-02-5  | 12236-86-1 | 51706-34-4 | 61931-53-1 |            |
| 637-07-0   | 7152-24-1  | 12236-90-7 | 52256-37-8 | 61968-06-7 |            |
| 1698-60-8  | 10540-29-1 | 12237-02-4 | 52584-47-1 | 61968-29-4 |            |
| 2379-77-3  | 11075-28-8 | 12237-16-0 | 56275-23-1 | 61968-59-0 |            |
| 2379-79-5  | 11119-73-6 | 12239-44-0 | 56275-24-2 | 61968-94-3 |            |
| 2415-85-2  | 12219-25-9 | 12239-65-5 | 56275-25-3 | 61969-11-7 |            |

## COMMON CHEMICAL NAME OR TRADE NAME

Acid Black 211  
 Acid Blue 318  
 Acid Brown 12  
 Acid Brown 384  
 Acid Orange 92  
 Acid Orange 107  
 Acid Red 347  
 Acid Red 380  
 Acid Red 394  
 Acid Red 396  
 Acid Yellow 35  
 Acid Yellow 98  
 Amino-J-pyrazolone  
 p-Chloropyrazolone  
 6-Chloro-2-toluidina-4-sulfonic acid  
 Dimethylsuccinoyl succinate  
 Direct Yellow 134  
 Disperse Blue 26:1  
 Disperse Orange 139  
 Disperse Red 277  
 Disperse Red 279  
 Disperse Red 286  
 Disperse Yellow 44  
 Disperse Yellow 183  
 Disperse Yellow 204  
 Dyes containing, by weight, 24.2% Acid Yellow 135,  
 21.7% Acid Orange 51, and 54.1% Acid Blue 113  
 Dyes containing, by weight, 10.1% Acid Yellow 64,  
 11.6% Acid Orange 51, 26.3% Acid Blue 113, 50.5% Acid  
 Black 172, and 1.5% Acid Green 25  
 Dyes containing, by weight, 74.3% Disperse Blue 285,  
 18.0% Disperse Brown 19, and 7.7% Disperse  
 Yellow 126  
 Dyes containing, by weight, 57.7% Disperse Blue 35,  
 14.2% Disperse Yellow 1, and 18.1% Disperse  
 Orange 1  
 Dyes containing, by weight, 89.4% Disperse Violet 27  
 and 10.6% Disperse Green 9

## COMMON CHEMICAL NAME OR TRADE NAME

Dyes containing, by weight, 12.7% Disperse Yellow 1,  
 32.3% Disperse Orange 1, 19.8% Disperse Blue 35, and  
 35.2% Disperse Blue 3  
 Dyes containing, by weight, 39.0% Disperse Yellow 39,  
 28.0% Disperse Orange 25, and 33.0% Disperse  
 Violet 27  
 Dyes containing, by weight, 57.9% Reactive Blue 13 and  
 42.1% Reactive Black 41  
 Dyes containing, by weight, 50.0% Reactive Blue 74 and  
 50.0% Reactive Blue 63  
 Dyes containing, by weight, 66.7% Reactive Orange 12  
 and 33.3% Reactive Red 32  
 Dyes containing, by weight, 50.0% Reactive Red 120 and  
 50.0% Reactive Yellow 84  
 Dyes containing, by weight, 71.0% Reactive Yellow 85  
 and 29.0% Reactive Orange 13  
 N-Ethyl-N-(2-methoxycarbonyl)ethylaniline  
 2,4-Methylcarboxypyrazolic acid  
 2,4-Methylpyrazolic acid  
 Mixtures of 1,3,6-Naphthalenetrilsulfonic acid and 1,3  
 ,7-Naphthalenetrilsulfonic acid  
 Reactive Blue 99  
 Reactive Blue 139  
 Reactive Blue 162  
 Reactive Blue 163  
 Reactive Blue 167  
 Reactive Blue 170  
 Reactive Brown 26  
 Reactive Orange 89  
 Reactive Red 30  
 Reactive Red 179  
 Reactive Yellow 135  
 Solvent Green 27  
 Solvent Red 100  
 Solvent Red 162

## ANNEX III

## STAGED RATE MODIFICATIONS OF THE TARIFF SCHEDULES OF THE UNITED STATES

## Note:

Each rate in the following tables, opposite the number of an item in the Tariff Schedules of the United States (TSUS) identified therein, is inserted in column numbered 1 in such item effective for articles provided for therein on and after the date at the head of the column in which such rate is set forth and such rate shall be superseded by the rate, if any, for that item in the immediately following column, effective for articles on and after the date at the head of such latter column:

## Section A. Staged rate modifications effective as to articles exported to the United States on and after July 1, 1980.

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty <sup>1/</sup> , effective with respect to articles exported to the United States on and after July 1, 1980, and entered on and after--							
		July 1, 1980	January 1, 1981	January 1, 1982	January 1, 1983	January 1, 1984	January 1, 1985	January 1, 1986	January 1, 1987
Schedule 1, Part 3									
114.04	22.2% ad val.	21.2%	20.2%	19.1%	18.1%	17.1%	16.1%	15%	14%
114.06	14% ad val.	13.1%	12.3%	11.4%	10.5%	9.6%	8.8%	7.9%	7%
Schedule 4, Part 1									
402.00	1.4c per lb. + 9.3% ad val.	1.3c/lb. + 8.8%	1.2c/lb. + 8.4%	1.1c/lb. + 7.9%	1.1c/lb. + 7.4%	1c/lb. + 6.9%	0.9c/lb. + 6.5%	0.8c/lb. + 6%	0.8c/lb. + 5.5%
402.04	1.7c per lb. + 12.5% ad val.	1.5c/lb. + 11.7%	1.4c/lb. + 10.9%	1.3c/lb. + 10.1%	1.2c/lb. + 9.3%	1.1c/lb. + 8.5%	1c/lb. + 7.7%	0.9c/lb. + 6.9%	0.8c/lb. + 6.1%
402.08	0.7c per lb. + 4% ad val.	0.6c/lb. + 3.8%	0.6c/lb. + 3.7%	0.6c/lb. + 3.5%	0.6c/lb. + 3.4%	0.5c/lb. + 3.2%	0.5c/lb. + 3%	0.5c/lb. + 2.9%	0.5c/lb. + 2.7%
402.16	1.4c per lb. + 9% ad val.	1.1c/lb. + 9%	0.9c/lb. + 9%	0.7c/lb. + 9%	0.5c/lb. + 9%	0.3c/lb. + 9%	0.1c/lb. + 9%	8.5%	7.4%
402.20	1.5c per lb. + 12.5% ad val.	1.4c/lb. + 12.5%	1.4c/lb. + 12.5%	1.4c/lb. + 12.5%	1.4c/lb. + 12.5%	1.3c/lb. + 12.5%	1.3c/lb. + 12.5%	1.3c/lb. + 12.5%	1.3c/lb. + 12.5%
402.24	0.85c per lb. + 5% ad val.	0.8c/lb. + 4.8%	0.7c/lb. + 4.6%	0.7c/lb. + 4.4%	0.6c/lb. + 4.2%	0.6c/lb. + 3.9%	0.6c/lb. + 3.7%	0.5c/lb. + 3.5%	0.5c/lb. + 3.3%
402.28	0.8c per lb. + 5.3% ad val.	0.7c/lb. + 5.1%	0.7c/lb. + 4.9%	0.7c/lb. + 4.7%	0.6c/lb. + 4.5%	0.6c/lb. + 4.3%	0.6c/lb. + 4.1%	0.5c/lb. + 3.9%	0.5c/lb. + 3.7%
402.32	1.7c per lb. + 8.4% ad val.	1.6c/lb. + 8%	1.5c/lb. + 7.5%	1.4c/lb. + 7.1%	1.3c/lb. + 6.7%	1.3c/lb. + 6.2%	1.1c/lb. + 5.8%	1.1c/lb. + 5.3%	1c/lb. + 4.9%
402.36	1.7c per lb. + 17.3% ad val.	1.5c/lb. + 17.3%	1.4c/lb. + 17.3%	1.2c/lb. + 17.3%	1.1c/lb. + 17.3%	0.9c/lb. + 17.3%	0.8c/lb. + 17.3%	0.6c/lb. + 17.3%	0.5c/lb. + 17.3%
402.40	1.7c per lb. + 12.5% ad val.	1.2c/lb. + 12.5%	0.8c/lb. + 12.5%	0.3c/lb. + 12.5%	12.2%	11.1%	9.9%	8.8%	7.6%
402.44	1.7c per lb. + 12.5% ad val.	1.4c/lb. + 12.5%	1.1c/lb. + 12.5%	0.9c/lb. + 12.5%	0.6c/lb. + 12.5%	0.3c/lb. + 12.5%	12.5%	11.3%	9.5%
402.48	1.7c per lb. + 12.5% ad val.	1.3c/lb. + 12.5%	0.9c/lb. + 12.5%	0.5c/lb. + 12.5%	12.5%	11.5%	10.3%	9%	7.8%
402.52	1.7c per lb. + 21.4% ad val.	0.9c/lb. + 21.4%	0.2c/lb. + 21.4%	20.1%	18.2%	16.2%	14.3%	12.4%	10.4%
402.56	1.7c per lb. + 12.5% ad val.	1.3c/lb. + 12.5%	0.9c/lb. + 12.5%	0.5c/lb. + 12.5%	0.1c/lb. + 12.5%	11.8%	10.5%	9.2%	7.9%
402.60	1.7c per lb. + 15.2% ad val.	14.7%	13.6%	12.6%	11.6%	10.5%	9.5%	8.4%	7.4%
402.64	1.7c per lb. + 28.6% ad val.	1.3c/lb. + 28.6%	1c/lb. + 28.6%	0.7c/lb. + 28.6%	0.3c/lb. + 28.6%	28.6%	25.9%	23%	20%
402.68	1.7c per lb. + 26.3% ad val.	1.2c/lb. + 26.3%	0.8c/lb. + 26.3%	0.4c/lb. + 26.3%	26.3%	23.8%	20.9%	18%	15.2%
402.72	1.7c per lb. + 12.6% ad val.	12.4%	11.6%	10.8%	10%	9.2%	8.4%	7.6%	6.8%
402.76	1.7c per lb. + 12.1% ad val.	1.3c/lb. + 12.1%	0.8c/lb. + 12.1%	0.4c/lb. + 12.1%	12.1%	11.1%	9.9%	8.8%	7.6%
402.80	1.7c per lb. + 22.3% ad val.	21.1%	19.4%	17.7%	16%	14.2%	12.5%	10.8%	9.1%
402.84	1.7c per lb. + 18.4% ad val.	1.2c/lb. + 18.4%	0.7c/lb. + 18.4%	0.2c/lb. + 18.4%	17.5%	15.6%	13.8%	11.9%	10%
402.88	1.7c per lb. + 15.6% ad val.	1.4c/lb. + 15.6%	1.2c/lb. + 15.6%	0.9c/lb. + 15.6%	0.7c/lb. + 15.6%	0.4c/lb. + 15.6%	0.2c/lb. + 15.6%	15.5%	15%
402.96	1.4c per lb. + 10% ad val.	1.1c/lb. + 10%	0.8c/lb. + 10%	0.5c/lb. + 10%	0.2c/lb. + 10%	10%	9.1%	8.1%	7.2%
402.98	1.7c per lb. + 12.5% ad val.	1.6c/lb. + 12.5%	1.6c/lb. + 12.5%	1.5c/lb. + 12.5%	1.5c/lb. + 12.5%	1.4c/lb. + 12.5%	1.4c/lb. + 12.5%	1.3c/lb. + 12.5%	1.3c/lb. + 12.5%
403.00	1.7c per lb. + 23.3% ad val.	0.8c/lb. + 23.3%	23%	21%	19%	16.9%	14.9%	12.8%	10.8%
403.05	1.7c per lb. + 13% ad val.	13%	12.1%	11.3%	10.4%	9.6%	8.7%	7.9%	7%
403.09	1.7c per lb. + 12.5% ad val.	12.5%	11.5%	10.6%	9.6%	8.7%	7.7%	6.8%	5.8%
403.16	1.7c per lb. + 12.6% ad val.	0.8c/lb. + 12.6%	12.5%	11.6%	10.7%	9.8%	8.9%	8%	7.1%
403.20	1.7c per lb. + 25% ad val.	0.3c/lb. + 25%	23.4%	21.3%	19.3%	17.2%	15.1%	13.1%	11%
403.24	1.5c per lb. + 10.2% ad val.	0.6c/lb. + 10.2%	10.1%	9.4%	8.8%	8.2%	7.6%	6.9%	6.3%

<sup>1/</sup> The symbol "X" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

## ANNEX III

-2-

## Section A.—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty 1/, effective with respect to articles exported to the United States on and after July 1, 1980, and entered on and after--							
		July 1, 1980	January 1, 1981	January 1, 1982	January 1, 1983	January 1, 1984	January 1, 1985	January 1, 1986	January 1, 1987
Schedule 4, Part 1—Continued									
403.28	1.7c per lb. + 22.7% ad val.	1.3c/lb. + 22.7%	0.9c/lb. + 22.7%	0.6c/lb. + 22.7%	0.2c/lb. + 22.7%	22.4%	21.6%	20.8%	20%
403.32	1.4c per lb. + 13.5% ad val.	0.4c/lb. + 13.5%	12.9%	12%	11%	10.1%	9.1%	8.2%	7.2%
403.36	1.7c per lb. + 16.1% ad val.	0.9c/lb. + 16.1%	0.1c/lb. + 16.1%	15%	13.6%	12.2%	10.9%	9.5%	8.1%
403.41	1.7c per lb. + 12.5% ad val.	0.8c/lb. + 12.5%	12.4%	11.5%	10.7%	9.8%	8.9%	8%	7.1%
403.45	1.7c per lb. + 12.5% ad val.	11.8%	11%	10.3%	9.6%	8.8%	8.1%	7.3%	6.6%
403.51	1.7c per lb. + 13.7% ad val.	0.1c/lb. + 13.7%	12.8%	11.9%	11%	10%	9.1%	8.1%	7.2%
403.52	1.7c per lb. + 14.3% ad val.	13.8%	12.9%	11.6%	10.5%	9.3%	8.2%	7.1%	6%
403.56	1.7c per lb. + 19.4% ad val.	1.6c/lb. + 19.4%	1.4c/lb. + 19.4%	1.3c/lb. + 19.4%	1.2c/lb. + 19.4%	1.1c/lb. + 19.4%	0.9c/lb. + 19.4%	0.8c/lb. + 19.4%	0.7c/lb. + 19.4%
403.61	1.7c per lb. + 12.5% ad val.	0.4c/lb. + 12.5%	11.9%	11.1%	10.3%	9.4%	8.6%	7.7%	6.9%
403.64	1.7c per lb. + 22% ad val.	1.3c/lb. + 22%	1c/lb. + 22%	0.7c/lb. + 22%	0.3c/lb. + 22%	22%	21.4%	20.7%	20%
403.68	1.7c per lb. + 12.5% ad val.	0.4c/lb. + 12.5%	11.9%	11.3%	10.3%	9.4%	8.6%	7.7%	6.9%
403.72	1.7c per lb. + 13% ad val.	12.6%	11.8%	11%	10.2%	9.3%	8.5%	7.7%	6.9%
403.76	1.7c per lb. + 12.9% ad val.	12.9%	12.6%	12.2%	11.8%	11.6%	11.3%	10.9%	10.6%
403.81	1.7c per lb. + 24.3% ad val.	0.7c/lb. + 24.3%	24.1%	23.4%	22.7%	22%	21.4%	20.7%	20%
403.88	1.4c per lb. + 13% ad val.	12.9%	11.9%	10.9%	9.9%	8.8%	7.8%	6.8%	5.8%
403.92	1.5c per lb. + 10.8% ad val.	10.3%	9.7%	9.1%	8.5%	7.9%	7.3%	6.7%	6.1%
403.96	1.7c per lb. + 13.1% ad val.	0.7c/lb. + 13.1%	13%	12.7%	12.4%	12%	11.7%	11.3%	11%
404.00	1.7c per lb. + 12.5% ad val.	1.2c/lb. + 12.5%	0.7c/lb. + 12.5%	0.2c/lb. + 12.5%	11.9%	10.8%	9.7%	8.6%	7.5%
404.04	1.7c per lb. + 12.5% ad val.	1.3c/lb. + 12.5%	0.9c/lb. + 12.5%	0.6c/lb. + 12.5%	0.2c/lb. + 12.5%	12%	10.6%	9.3%	8%
404.08	1.7c per lb. + 13.7% ad val.	1.2c/lb. + 13.7%	0.6c/lb. + 13.7%	0.1c/lb. + 13.7%	12.9%	11.6%	10.4%	9.2%	7.9%
404.12	1.7c per lb. + 12.5% ad val.	1.3c/lb. + 12.5%	1c/lb. + 12.5%	0.6c/lb. + 12.5%	0.3c/lb. + 12.5%	12.3%	10.9%	9.5%	8.1%
404.16	1.7c per lb. + 24% ad val.	23.9%	23.3%	22.8%	22.2%	21.7%	21.1%	20.6%	20%
404.20	1.7c per lb. + 13.1% ad val.	1.6c/lb. + 13.1%	1.6c/lb. + 13.1%	1.5c/lb. + 13.1%	1.5c/lb. + 13.1%	1.4c/lb. + 13.1%	1.4c/lb. + 13.1%	1.3c/lb. + 13.1%	1.3c/lb. + 13.1%
404.24	1.7c per lb. + 12.6% ad val.	12.1%	11.4%	10.6%	9.8%	9%	8.3%	7.5%	6.7%
404.32	1.7c per lb. + 11.6% ad val.	1c/lb. + 11.6%	0.2c/lb. + 11.6%	11%	10.2%	9.4%	8.6%	7.7%	6.9%
404.36	1.7c per lb. + 22.7% ad val.	22.7%	22.3%	21.9%	21.6%	21.2%	20.8%	20.4%	20%
404.40	1.7c per lb. + 12.5% ad val.	12.2%	11.3%	10.4%	9.5%	8.5%	7.6%	6.7%	5.8%
404.44	1.4c per lb. + 12.1% ad val.	0.7c/lb. + 12.1%	12.1%	11.3%	10.4%	9.6%	8.7%	7.9%	7%
404.48	1.7c per lb. + 13.4% ad val.	0.7c/lb. + 13.4%	13.1%	12.1%	11.1%	10.1%	9.2%	8.2%	7.2%
404.52	1.4c per lb. + 12.1% ad val.	0.5c/lb. + 12.1%	11.8%	11%	10.2%	9.3%	8.5%	7.7%	6.9%
404.56	1.4c per lb. + 9.7% ad val.	0.1c/lb. + 9.7%	9.2%	8.7%	8.1%	7.6%	7%	6.5%	5.9%
404.64	1.7c per lb. + 25% ad val.	24.4%	22.4%	20.4%	18.5%	16.5%	14.5%	12.5%	10.5%
404.68	1.7c per lb. + 12.5% ad val.	1.5c/lb. + 12.5%	1.2c/lb. + 12.5%	1c/lb. + 12.5%	0.8c/lb. + 12.5%	0.6c/lb. + 12.5%	0.4c/lb. + 12.5%	0.1c/lb. + 12.5%	12.4%

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

## ANNEX III

-3-

## Section A.--Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty 1/, effective with respect to articles exported to the United States on and after July 1, 1980, and entered on and after--							
		July 1, 1980	January 1, 1981	January 1, 1982	January 1, 1983	January 1, 1984	January 1, 1985	January 1, 1986	January 1, 1987
Schedule 4, Part 1--Continued									
404.72	1.5c per lb. + 9.3% ad val.	0.9c/lb. + 9.3%	0.4c/lb. + 9.3%	9.1%	8.5%	7.9%	7.3%	6.7%	6.1%
404.76	1.7c per lb. + 12.5% ad val.	0.9c/lb. + 12.5%	0.2c/lb. + 12.5%	11.8%	10.9%	9.9%	9%	8%	7.1%
404.80	1.7c per lb. + 12.5% ad val.	0.6c/lb. + 12.5%	12.1%	11.3%	10.4%	9.6%	8.7%	7.9%	7%
404.84	1.7c per lb. + 12.4% ad val.	0.1c/lb. + 12.4%	11.5%	10.6%	9.6%	8.7%	7.7%	6.8%	5.8%
404.88	1.7c per lb. + 18.8% ad val.	1.6c/lb. + 18.8%	1.5c/lb. + 18.8%	1.5c/lb. + 18.8%	1.4c/lb. + 18.8%	1.3c/lb. + 18.8%	1.2c/lb. + 18.8%	1.2c/lb. + 18.8%	1.1c/lb. + 18.8%
404.92	1.7c per lb. + 12.2% ad val.	11.9%	11.1%	10.2%	9.3%	8.4%	7.6%	6.7%	5.8%
404.96	1.5c per lb. + 16.2% ad val.	16.2%	15%	13.2%	12.6%	11.4%	10.2%	9%	7.8%
405.00	1.4c per lb. + 12.7% ad val.	12.4%	11.6%	10.8%	10%	9.2%	8.4%	7.6%	6.8%
405.03	1.5c per lb. + 10.4% ad val.	10.3%	9.7%	9.1%	8.5%	7.9%	7.3%	6.7%	6.1%
405.12	1.7c per lb. + 12.5% ad val.	0.5c/lb. + 12.5%	12%	11.2%	10.3%	9.5%	8.6%	7.8%	6.9%
405.16	1.5c per lb. + 13.2% ad val.	0.6c/lb. + 13.2%	12.8%	11.9%	11%	10%	9.1%	8.1%	7.2%
405.21	1.7c per lb. + 12.5% ad val.	12.2%	11.4%	10.6%	9.9%	9.1%	8.3%	7.5%	6.7%
405.24	1.4c per lb. + 8.5% ad val.	8.2%	7.8%	7.4%	7%	6.5%	6.1%	5.7%	5.3%
405.28	1.7c per lb. + 12.4% ad val.	12.2%	11.3%	10.4%	9.5%	8.5%	7.6%	6.7%	5.8%
405.36	1.7c per lb. + 12.5% ad val.	1.1c/lb. + 12.5%	0.4c/lb. + 12.5%	12.2%	11.3%	10.3%	9.3%	8.3%	7.3%
405.41	1.7c per lb. + 12.5% ad val.	11.9%	11.1%	10.4%	9.6%	8.9%	8.1%	7.4%	6.6%
405.44	1.7c per lb. + 12.5% ad val.	1c/lb. + 12.5%	0.4c/lb. + 12.5%	12.1%	11.1%	10.1%	9.2%	8.2%	7.2%
405.48	1.7c per lb. + 11.2% ad val.	10.6%	10%	9.3%	8.7%	8.1%	7.5%	6.8%	6.2%
405.52	1.7c per lb. + 19.1% ad val.	1c/lb. + 19.1%	0.4c/lb. + 19.1%	18.8%	18%	17.3%	16.5%	15.8%	15%
405.56	1.7c per lb. + 12.7% ad val.	12.6%	11.8%	10.9%	10.1%	9.3%	8.5%	7.6%	6.8%
405.60	1.7c per lb. + 20.5% ad val.	1.4c/lb. + 20.5%	1.2c/lb. + 20.5%	0.9c/lb. + 20.5%	0.6c/lb. + 20.5%	0.4c/lb. + 20.5%	0.1c/lb. + 20.5%	20.3%	20%
405.64	1.7c per lb. + 12.6% ad val.	11.9%	11.1%	10.2%	9.3%	8.4%	7.6%	6.7%	5.8%
405.68	1.7c per lb. + 19.9% ad val.	1.5c/lb. + 19.9%	1.3c/lb. + 19.9%	1.1c/lb. + 19.9%	0.9c/lb. + 19.9%	0.6c/lb. + 19.9%	0.4c/lb. + 19.9%	0.2c/lb. + 19.9%	19.9%
405.72	1.7c per lb. + 13.6% ad val.	0.2c/lb. + 13.6%	12.8%	11.8%	10.9%	10%	9.1%	8.1%	7.2%
405.76	1.7c per lb. + 12.5% ad val.	12.1%	11.2%	10.3%	9.4%	8.5%	7.6%	6.7%	5.8%
405.80	1.7c per lb. + 16.2% ad val.	1.6c/lb. + 16.2%	1.6c/lb. + 16.2%	1.5c/lb. + 16.2%	1.5c/lb. + 16.2%	1.4c/lb. + 16.2%	1.4c/lb. + 16.2%	1.3c/lb. + 16.2%	1.3c/lb. + 16.2%
405.84	1.7c per lb. + 12% ad val.	0.4c/lb. + 12%	11.4%	10.6%	9.9%	9.1%	8.3%	7.5%	6.7%
405.88	1.5c per lb. + 13.3% ad val.	0.7c/lb. + 13.3%	13.3%	12.3%	11.3%	10.3%	9.3%	8.3%	7.3%
405.92	1.5c per lb. + 10% ad val.	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%
405.96	1.4c per lb. + 10.4% ad val.	10.3%	9.7%	9.1%	8.5%	7.9%	7.3%	6.7%	6.1%
406.00	1.7c per lb. + 12.6% ad val.	12.2%	11.4%	10.6%	9.9%	9.1%	8.3%	7.5%	6.7%
406.05	1.7c per lb. + 12.5% ad val.	11.9%	11.1%	10.4%	9.6%	8.9%	8.1%	7.4%	6.6%
406.08	1.7c per lb. + 21.4% ad val.	0.4c/lb. + 21.4%	21%	20.5%	19.9%	19.4%	18.8%	18.3%	17.7%

1/ The symbol "X" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

ANNEX III

-4-

Section A.—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty <sup>1/</sup> , effective with respect to articles exported to the United States on and after July 1, 1980, and entered on and after--							
		July 1, 1980	January 1, 1981	January 1, 1982	January 1, 1983	January 1, 1984	January 1, 1985	January 1, 1986	January 1, 1987
Schedule 4, Part 1—Continued									
406.12	1.7c per lb. + 12.5% ad val.	0.4c/lb. + 12.5%	11.9%	11.1%	10.3%	9.4%	8.6%	7.7%	6.9%
406.16	1.7c per lb. + 17.9% ad val.	1.3c/lb. + 17.9%	0.9c/lb. + 17.9%	0.5c/lb. + 17.9%	0.1c/lb. + 17.9%	17.3%	16.6%	15.8%	15%
406.20	1.7c per lb. + 17.1% ad val.	17%	15.5%	14%	12.5%	11%	10%	10%	10%
406.24	1.4c per lb. + 16.6% ad val.	16.5%	15.2%	14%	12.8%	11.5%	10.3%	9%	7.8%
406.28	1.7c per lb. + 12.5% ad val.	1.5c/lb. + 12.5%	1.3c/lb. + 12.5%	1.2c/lb. + 12.5%	1c/lb. + 12.5%	0.8c/lb. + 12.5%	0.7c/lb. + 12.5%	0.5c/lb. + 12.5%	0.4c/lb. + 12.5%
406.32	1.5c per lb. + 10% ad val.	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%
406.36	1.7c per lb. + 12.4% ad val.	11.8%	11%	10.1%	9.3%	8.4%	7.5%	6.7%	5.8%
406.44	1.7c per lb. + 20.9% ad val.	0.8c/lb. + 20.9%	20.9%	20.3%	19.8%	19.2%	18.6%	18.1%	17.5%
406.48	1.7c per lb. + 12.8% ad val.	12.4%	11.6%	10.8%	10%	9.2%	8.4%	7.6%	6.8%
406.52	1.4c per lb. + 14.4% ad val.	0.2c/lb. + 14.4%	13.6%	12.5%	11.5%	10.5%	9.5%	8.4%	7.4%
406.64	1.7c per lb. + 18.7% ad val.	1.5c/lb. + 18.7%	1.3c/lb. + 18.7%	1.1c/lb. + 18.7%	0.9c/lb. + 18.7%	0.7c/lb. + 18.7%	0.5c/lb. + 18.7%	0.3c/lb. + 18.7%	0.1c/lb. + 18.7%
406.68	1.7c per lb. + 19.8% ad val.	1.5c/lb. + 19.8%	1.3c/lb. + 19.8%	1.1c/lb. + 19.8%	0.9c/lb. + 19.8%	0.7c/lb. + 19.8%	0.5c/lb. + 19.8%	0.3c/lb. + 19.8%	0.1c/lb. + 19.8%
406.76	1.7c per lb. + 12.5% ad val.	1.6c/lb. + 12.5%	1.5c/lb. + 12.5%	1.4c/lb. + 12.5%	1.3c/lb. + 12.5%	1.2c/lb. + 12.5%	1.1c/lb. + 12.5%	1c/lb. + 12.5%	0.9c/lb. + 12.5%
406.81	1.7c per lb. + 12.5% ad val.	1.6c/lb. + 12.5%	1.5c/lb. + 12.5%	1.4c/lb. + 12.5%	1.3c/lb. + 12.5%	1.2c/lb. + 12.5%	1.1c/lb. + 12.5%	1.2c/lb. + 12.5%	1.1c/lb. + 12.5%
406.84	1.7c per lb. + 27.2% ad val.	1.3c/lb. + 27.2%	0.9c/lb. + 27.2%	0.5c/lb. + 27.2%	0.1c/lb. + 27.2%	26.1%	24.1%	22%	20%
406.86	1.5c per lb. + 11.5% ad val.	1c/lb. + 11.5%	0.5c/lb. + 11.5%	11.5%	10.7%	9.8%	8.9%	8%	7.1%
406.92	1.7c per lb. + 20.8% ad val.	1.4c/lb. + 20.8%	1.1c/lb. + 20.8%	0.8c/lb. + 20.8%	0.6c/lb. + 20.8%	0.3c/lb. + 20.8%	20.8%	20.4%	20%
406.96	1.7c per lb. + 15.6% ad val.	1.6c/lb. + 15.6%	1.5c/lb. + 15.6%	1.4c/lb. + 15.6%	1.3c/lb. + 15.6%	1.2c/lb. + 15.6%	1.1c/lb. + 15.6%	1c/lb. + 15.6%	1c/lb. + 15.6%
407.00	1.5c per lb. + 10% ad val.	9.8%	9.2%	8.7%	8.1%	7.6%	7%	6.5%	5.9%
407.09	1.7c per lb. + 13.6% ad val., but not less than the highest rate applicable to any component material	0.9c/lb. + 13.6%, but not less than the highest rate applicable to any component material	0.1c/lb. + 13.6%, but not less than the highest rate applicable to any component material	12.7%, but not less than the highest rate applicable to any component material	11.6%, but not less than the highest rate applicable to any component material	10.6%, but not less than the highest rate applicable to any component material	9.5%, but not less than the highest rate applicable to any component material	8.5%, but not less than the highest rate applicable to any component material	7.4%, but not less than the highest rate applicable to any component material
408.00	1.7c per lb. + 11% ad val.	1.4c/lb. + 11%	1.1c/lb. + 11%	0.9c/lb. + 11%	0.6c/lb. + 11%	0.4c/lb. + 11%	0.1c/lb. + 11%	10.6%	8.9%
408.08	1.7c per lb. + 11% ad val.	0.7c/lb. + 11%	10.9%	10.1%	9.4%	8.7%	8%	7.2%	6.5%
408.12	1.7c per lb. + 11% ad val.	10.6%	10%	9.3%	8.7%	8.1%	7.5%	6.8%	6.2%
408.16	1.7c per lb. + 12.5% ad val.	1.2c/lb. + 12.5%	0.8c/lb. + 12.5%	0.4c/lb. + 12.5%	12.5%	12.2%	11.8%	11.5%	11.1%
408.21	1.7c per lb. + 12.6% ad val.	12.5%	11.7%	10.9%	10.1%	9.2%	8.4%	7.6%	6.8%
408.22	1.7c per lb. + 15.1% ad val.	1.3c/lb. + 15.1%	0.9c/lb. + 15.1%	0.5c/lb. + 15.1%	0.1c/lb. + 15.1%	14.8%	14.4%	13.9%	13.5%
408.24	1.7c per lb. + 12.8% ad val.	0.1c/lb. + 12.8%	12%	11.2%	10.3%	9.5%	8.6%	7.6%	6.9%
408.28	1.7c per lb. + 20.1% ad val.	0.7c/lb. + 20.1%	19.6%	18.4%	17.3%	16.1%	14.9%	13.7%	12.5%
408.32	1.7c per lb. + 12.5% ad val.	1.1c/lb. + 12.5%	0.4c/lb. + 12.5%	12.4%	12.1%	11.7%	11.4%	11%	10.7%

<sup>1/</sup> The symbol "X" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

ANNEX III

-5-

Section A.—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty $\frac{1}{2}$ , effective with respect to articles exported to the United States on and after July 1, 1980, and entered on and after—							
		July 1, 1980	January 1, 1981	January 1, 1982	January 1, 1983	January 1, 1984	January 1, 1985	January 1, 1986	January 1, 1987
Schedule 4, Part I—Continued									
408.36	1.7c per lb. + 9.7% ad val.	1.6c/lb. + 9.7%	1.5c/lb. + 9.7%	1.4c/lb. + 9.7%	1.3c/lb. + 9.7%	1.1c/lb. + 9.7%	1c/lb. + 9.7%	0.9c/lb. + 9.7%	0.8c/lb. + 9.7%
408.41	3c per lb. + 21% ad val.	19.7%	18.1%	16.5%	14.9%	13.3%	11.7%	10.1%	8.5%
408.44	1.4c per lb. + 9% ad val.	0.8c/lb. + 9%	0.1c/lb. + 9%	8.6%	8.1%	7.5%	7%	6.4%	5.9%
408.48	1.4c per lb. + 9% ad val.	0.8c/lb. + 9%	0.1c/lb. + 9%	8.6%	8.1%	7.5%	7%	6.4%	5.9%
408.52	1.4c per lb. + 11.4% ad val.	0.7c/lb. + 11.4%	11.4%	10.6%	9.8%	9%	8.3%	7.5%	6.7%
408.54	1.4c per lb. + 9.8% ad val.	0.6c/lb. + 9.8%	9.6%	9%	8.5%	7.9%	7.3%	6.7%	6.1%
408.61	1.4c per lb. + 10.3% ad val.	0.7c/lb. + 10.3%	10.3%	9.6%	9%	8.3%	7.6%	7%	6.3%
408.64	1.4c per lb. + 9% ad val.	0.6c/lb. + 9%	8.8%	8.3%	7.8%	7.3%	6.8%	6.3%	5.8%
408.72	1.4c per lb. + 9.4% ad val.	1.2c/lb. + 9.4%	1.1c/lb. + 9.4%	1c/lb. + 9.4%	0.8c/lb. + 9.4%	0.7c/lb. + 9.4%	0.5c/lb. + 9.4%	0.4c/lb. + 9.4%	0.3c/lb. + 9.4%
408.76	1.4c per lb. + 13.5% ad val.	0.9c/lb. + 13.5%	0.4c/lb. + 13.5%	13.4%	12.2%	11.1%	9.9%	8.8%	7.6%
408.81	1.4c per lb. + 9.1% ad val.	1.3c/lb. + 9.1%	1.1c/lb. + 9.1%	1c/lb. + 9.1%	0.9c/lb. + 9.1%	0.8c/lb. + 9.1%	0.7c/lb. + 9.1%	0.6c/lb. + 9.1%	0.5c/lb. + 9.1%
408.84	1.4c per lb. + 9.2% ad val.	1.2c/lb. + 9.2%	1.1c/lb. + 9.2%	1c/lb. + 9.2%	0.9c/lb. + 9.2%	0.7c/lb. + 9.2%	0.6c/lb. + 9.2%	0.5c/lb. + 9.2%	0.4c/lb. + 9.2%
408.88	1.4c per lb. + 9.8% ad val.	0.6c/lb. + 9.8%	9.6%	9%	8.5%	7.9%	7.3%	6.7%	6.1%
408.96	1.4c per lb. + 9% ad val.	0.7c/lb. + 9%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%
409.02	1.4c per lb. + 9.4% ad val.	0.8c/lb. + 9.4%	0.2c/lb. + 9.4%	9%	8.4%	7.8%	7.3%	6.7%	6.1%
409.06	1.4c per lb. + 9.6% ad val.	1c/lb. + 9.6%	0.6c/lb. + 9.6%	0.2c/lb. + 9.6%	9.4%	8.6%	7.9%	7.2%	6.5%
409.10	1.4c per lb. + 9% ad val.	1.2c/lb. + 9%	1.1c/lb. + 9%	1c/lb. + 9%	0.9c/lb. + 9%	0.8c/lb. + 9%	0.7c/lb. + 9%	0.5c/lb. + 9%	0.4c/lb. + 9%
409.14	1.4c per lb. + 10.3% ad val.	0.7c/lb. + 10.3%	10.2%	9.6%	8.9%	8.3%	7.6%	7%	6.3%
409.18	1.4c per lb. + 9% ad val.	0.7c/lb. + 9%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%
409.22	1.4c per lb. + 10.7% ad val.	0.8c/lb. + 10.7%	0.3c/lb. + 10.7%	10.4%	9.6%	8.9%	8.1%	7.4%	6.6%
409.26	1.4c per lb. + 9.9% ad val.	0.5c/lb. + 9.9%	9.6%	9%	8.5%	7.9%	7.3%	6.7%	6.1%
409.30	1.7c per lb. + 13.9% ad val.	1.1c/lb. + 13.9%	0.5c/lb. + 13.9%	13.6%	12.5%	11.3%	10.1%	8.9%	7.7%
409.34	1.7c per lb. + 17.7% ad val.	1.5c/lb. + 17.7%	1.3c/lb. + 17.7%	1.1c/lb. + 17.7%	0.9c/lb. + 17.7%	0.7c/lb. + 17.7%	0.5c/lb. + 17.7%	0.3c/lb. + 17.7%	0.1c/lb. + 17.7%
409.38	1.5c per lb. + 15.3% ad val.	1c/lb. + 15.3%	0.5c/lb. + 15.3%	0.03c/lb. + 15.3%	14%	12.5%	11.1%	9.7%	8.2%
409.42	3.5c per lb. + 24.4% ad val.	2.6c/lb. + 24.4%	1.8c/lb. + 24.4%	1c/lb. + 24.4%	0.2c/lb. + 24.4%	22.3%	19.7%	17%	14.3%
409.54	22.6% ad val.	22.3%	22%	21.6%	21.3%	21%	20.7%	20.3%	20%
409.58	17.7% ad val.	17.3%	16.8%	16.4%	16%	15.5%	15.1%	14.6%	14.2%
409.62	23% ad val.	21.3%	19.6%	17.8%	16.1%	14.4%	12.7%	10.9%	9.2%
409.66	30.7% ad val.	29.4%	28%	26.7%	25.4%	24%	22.7%	21.3%	20%
409.68	30.7% ad val.	19%	18%	17%	16%	15%	15%	15%	15%
409.70	22.6% ad val.	20.9%	19.2%	17.5%	15.8%	14.1%	12.4%	10.7%	9%
409.74	30.9% ad val.	29.5%	28.2%	26.8%	25.5%	24.1%	22.7%	21.4%	20%
409.76	30.9% ad val.	19%	18%	17%	16%	15%	15%	15%	15%
409.78	23.8% ad val.	22%	20.2%	18.4%	16.7%	14.9%	13.1%	11.3%	9.5%
409.82	28.6% ad val.	27.5%	26.5%	25.4%	24.3%	23.2%	22.2%	21.1%	20%
409.84	28.6% ad val.	19%	18%	17%	16%	15%	15%	15%	15%
409.86	22.5% ad val.	20.8%	19.1%	17.4%	15.8%	14.1%	12.4%	10.7%	9%
409.90	27.8% ad val.	26.8%	25.9%	24.9%	23.9%	22.9%	22%	21%	20%
409.92	27.8% ad val.	19%	18%	17%	16%	15%	15%	15%	15%
409.94	19% ad val.	17.6%	16.3%	14.9%	13.6%	12.2%	10.8%	9.5%	8.1%

$\frac{1}{2}$  The symbol "X" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

## ANNEX III

-5-

## Section A.--Continued

Item in ISUS as modified by Annex II	Rate from which staged	Rates of duty $\frac{1}{2}$ , effective with respect to articles exported to the United States on and after July 1, 1980, and entered on and after--							
		July 1, 1980	January 1, 1981	January 1, 1982	January 1, 1983	January 1, 1984	January 1, 1985	January 1, 1986	January 1, 1987
Schedule 4, Part 1--Continued									
408.36	1.7c per lb. + 9.7% ad val.	1.6c/lb. + 9.7%	1.5c/lb. + 9.7%	1.4c/lb. + 9.7%	1.3c/lb. + 9.7%	1.1c/lb. + 9.7%	1c/lb. + 9.7%	0.9c/lb. + 9.7%	0.8c/lb. + 9.7%
408.41	3c per lb. + 21% ad val.	19.7%	18.1%	16.5%	14.9%	13.3%	11.7%	10.1%	8.5%
408.44	1.4c per lb. + 9% ad val.	0.8c/lb. + 9%	0.1c/lb. + 9%	8.6%	8.1%	7.5%	7%	6.4%	5.9%
408.48	1.4c per lb. + 9% ad val.	0.8c/lb. + 9%	0.1c/lb. + 9%	8.6%	8.1%	7.5%	7%	6.4%	5.9%
408.52	1.4c per lb. + 11.4% ad val.	0.7c/lb. + 11.4%	11.4%	10.6%	9.8%	9%	8.3%	7.5%	6.7%
408.54	1.4c per lb. + 9.8% ad val.	0.6c/lb. + 9.8%	9.6%	9%	8.5%	7.9%	7.3%	6.7%	6.1%
408.61	1.4c per lb. + 10.3% ad val.	0.7c/lb. + 10.3%	10.3%	9.6%	9%	8.3%	7.6%	7%	6.3%
408.64	1.4c per lb. + 9% ad val.	0.6c/lb. + 9%	8.8%	8.3%	7.8%	7.3%	6.8%	6.3%	5.8%
408.72	1.4c per lb. + 9.4% ad val.	1.2c/lb. + 9.4%	1.1c/lb. + 9.4%	1c/lb. + 9.4%	0.8c/lb. + 9.4%	0.7c/lb. + 9.4%	0.5c/lb. + 9.4%	0.4c/lb. + 9.4%	0.3c/lb. + 9.4%
408.76	1.4c per lb. + 13.5% ad val.	0.9c/lb. + 13.5%	0.4c/lb. + 13.5%	13.4%	12.2%	11.1%	9.9%	8.8%	7.6%
408.81	1.4c per lb. + 9.1% ad val.	1.3c/lb. + 9.1%	1.1c/lb. + 9.1%	1c/lb. + 9.1%	0.9c/lb. + 9.1%	0.8c/lb. + 9.1%	0.7c/lb. + 9.1%	0.6c/lb. + 9.1%	0.5c/lb. + 9.1%
408.84	1.4c per lb. + 9.2% ad val.	1.2c/lb. + 9.2%	1.1c/lb. + 9.2%	1c/lb. + 9.2%	0.9c/lb. + 9.2%	0.7c/lb. + 9.2%	0.6c/lb. + 9.2%	0.5c/lb. + 9.2%	0.4c/lb. + 9.2%
408.88	1.4c per lb. + 9.8% ad val.	0.6c/lb. + 9.8%	9.6%	9%	8.5%	7.9%	7.3%	6.7%	6.1%
408.96	1.4c per lb. + 9% ad val.	0.7c/lb. + 9%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%
409.02	1.4c per lb. + 9.4% ad val.	0.8c/lb. + 9.4%	0.2c/lb. + 9.4%	9%	8.4%	7.8%	7.3%	6.7%	6.1%
409.06	1.4c per lb. + 9.6% ad val.	1c/lb. + 9.6%	0.6c/lb. + 9.6%	0.2c/lb. + 9.6%	9.4%	8.6%	7.9%	7.2%	6.5%
409.10	1.4c per lb. + 9% ad val.	1.2c/lb. + 9%	1.1c/lb. + 9%	1c/lb. + 9%	0.9c/lb. + 9%	0.8c/lb. + 9%	0.7c/lb. + 9%	0.5c/lb. + 9%	0.4c/lb. + 9%
409.14	1.4c per lb. + 10.3% ad val.	0.7c/lb. + 10.3%	10.2%	9.6%	8.9%	8.3%	7.6%	7%	6.3%
409.18	1.4c per lb. + 9% ad val.	0.7c/lb. + 9%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%
409.22	1.4c per lb. + 10.7% ad val.	0.8c/lb. + 10.7%	0.3c/lb. + 10.7%	10.4%	9.6%	8.9%	8.1%	7.4%	6.6%
409.26	1.4c per lb. + 9.9% ad val.	0.5c/lb. + 9.9%	9.6%	9%	8.5%	7.9%	7.3%	6.7%	6.1%
409.30	1.7c per lb. + 13.9% ad val.	1.1c/lb. + 13.9%	0.5c/lb. + 13.9%	13.6%	12.5%	11.3%	10.1%	8.9%	7.7%
409.34	1.7c per lb. + 17.7% ad val.	1.5c/lb. + 17.7%	1.3c/lb. + 17.7%	1.1c/lb. + 17.7%	0.9c/lb. + 17.7%	0.7c/lb. + 17.7%	0.5c/lb. + 17.7%	0.3c/lb. + 17.7%	0.1c/lb. + 17.7%
409.38	1.5c per lb. + 15.3% ad val.	1c/lb. + 15.3%	0.5c/lb. + 15.3%	0.03c/lb. + 15.3%	14%	12.5%	11.1%	9.7%	8.2%
409.42	3.5c per lb. + 24.4% ad val.	2.6c/lb. + 24.4%	1.8c/lb. + 24.4%	1c/lb. + 24.4%	0.2c/lb. + 24.4%	22.3%	19.7%	17%	14.3%
409.54	22.6% ad val.	22.3%	22%	21.6%	21.3%	21%	20.7%	20.3%	20%
409.58	17.7% ad val.	17.3%	16.8%	16.4%	16%	15.5%	15.1%	14.6%	14.2%
409.62	23% ad val.	21.3%	19.6%	17.8%	16.1%	14.4%	12.7%	10.9%	9.2%
409.66	30.7% ad val.	29.4%	28%	26.7%	25.4%	24%	22.7%	21.3%	20%
409.68	30.7% ad val.	19%	18%	17%	16%	15%	15%	15%	15%
409.70	22.6% ad val.	20.9%	19.2%	17.5%	15.8%	14.1%	12.4%	10.7%	9%
409.74	30.9% ad val.	29.5%	28.2%	26.8%	25.5%	24.1%	22.7%	21.4%	20%
409.76	30.9% ad val.	19%	18%	17%	16%	15%	15%	15%	15%
409.78	23.8% ad val.	22%	20.2%	18.4%	16.7%	14.9%	13.1%	11.3%	9.5%
409.82	28.6% ad val.	27.5%	26.5%	25.4%	24.3%	23.2%	22.2%	21.1%	20%
409.84	28.6% ad val.	19%	18%	17%	16%	15%	15%	15%	15%
409.86	22.5% ad val.	20.8%	19.1%	17.4%	15.8%	14.1%	12.4%	10.7%	9%
409.90	27.8% ad val.	26.8%	25.9%	24.9%	23.9%	22.9%	22%	21%	20%
409.92	27.8% ad val.	19%	18%	17%	16%	15%	15%	15%	15%
409.94	19% ad val.	17.6%	16.3%	14.9%	13.6%	12.2%	10.8%	9.5%	8.1%

$\frac{1}{2}$  The symbol "X" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

## ANNEX III

-6-

## Section A.--Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty $\frac{1}{2}$ , effective with respect to articles exported to the United States on and after July 1, 1980, and entered on and after--							
		July 1, 1980	January 1, 1981	January 1, 1982	January 1, 1983	January 1, 1984	January 1, 1985	January 1, 1986	January 1, 1987
Schedule 4, Part 1--Continued									
409.96	19.9% ad val.	18.4%	17%	15.5%	14.1%	12.6%	11.1%	9.7%	8.2%
410.00	28% ad val.	27%	26%	25%	24%	23%	22%	21%	20%
410.02	28% ad val.	19%	18%	17%	16%	15%	15%	15%	15%
410.04	20.5% ad val.	19%	17.5%	15.9%	14.4%	12.9%	11.4%	9.8%	8.3%
410.08	27.8% ad val.	26.8%	25.9%	24.9%	23.9%	22.9%	22%	21%	20%
410.10	27.8% ad val.	19%	18%	17%	16%	15%	15%	15%	15%
410.12	20.9% ad val.	19.3%	17.8%	16.2%	14.7%	13.1%	11.5%	10%	8.4%
410.16	32.9% ad val.	31.3%	29.7%	28.1%	26.5%	24.8%	23.2%	21.6%	20%
410.18	32.9% ad val.	19%	18%	17%	16%	15%	15%	15%	15%
410.19	21.9% ad val.	20.3%	18.7%	17.1%	15.5%	13.8%	12.2%	10.6%	9%
410.20	21.9% ad val.	21.7%	21.4%	21.2%	21%	20.7%	20.5%	20.2%	20%
410.22	21.9% ad val.	19%	18%	17%	16%	15%	15%	15%	15%
410.24	2.8c per lb. + 28% ad val.	1.6c/lb. + 28%	0.3c/lb. + 28%	27%	25.6%	24.2%	22.8%	21.4%	20%
410.28	20.4% ad val.	18.9%	17.4%	15.9%	14.4%	12.8%	11.3%	9.8%	8.3%
410.32	31.3% ad val.	29.9%	28.5%	27.1%	25.7%	24.2%	22.8%	21.4%	20%
410.34	31.3% ad val.	19%	18%	17%	16%	15%	15%	15%	15%
410.36	1.7c per lb. + 13.3% ad val.	1.3c/lb. + 13.3%	0.9c/lb. + 13.3%	0.5c/lb. + 13.3%	0.1c/lb. + 13.3%	13.1%	12.9%	12.7%	12.5%
410.40	1.7c per lb. + 13.6% ad val.	13.6%	13.4%	13.3%	13.1%	13%	12.8%	12.7%	12.5%
410.44	1.7c per lb. + 15% ad val.	1.2c/lb. + 15%	0.7c/lb. + 15%	0.3c/lb. + 15%	14.9%	14.7%	14.5%	14.2%	14%
410.48	1.7c per lb. + 25% ad val.	25%	23%	20.9%	18.9%	16.9%	14.9%	12.8%	10.8%
410.52	1.7c per lb. + 12.5% ad val.	1c/lb. + 12.5%	0.3c/lb. + 12.5%	12.1%	11.1%	10.1%	9.2%	8.2%	7.2%
410.56	1.7c per lb. + 19.2% ad val.	0.5c/lb. + 19.2%	18.2%	16.6%	15%	13.4%	11.8%	10.2%	8.6%
410.60	1.7c per lb. + 12.5% ad val.	0.7c/lb. + 12.5%	12.2%	11.3%	10.5%	9.6%	8.7%	7.9%	7%
410.64	1.7c per lb. + 9.4% ad val.	0.5c/lb. + 9.4%	9.1%	8.5%	8%	7.5%	7%	6.4%	5.9%
410.66	1.7c per lb. + 20% ad val.	0.1c/lb. + 20%	18.5%	16.9%	15.3%	13.6%	12%	10.3%	8.7%
410.68	1.4c per lb. + 12.1% ad val.	0.1c/lb. + 12.1%	11.4%	10.6%	9.8%	9%	8.3%	7.5%	6.7%
410.72	1.7c per lb. + 22.7% ad val.	0.6c/lb. + 22.7%	21.8%	19.8%	17.9%	16%	14.1%	12.1%	10.2%
410.76	1.7c per lb. + 13.7% ad val.	0.4c/lb. + 13.7%	13.1%	12.1%	11.1%	10.1%	9.2%	8.2%	7.2%
410.80	1.4c per lb. + 16.3% ad val.	15.3%	14.2%	13.1%	12%	10.9%	9.8%	8.7%	7.6%
410.84	1.7c per lb. + 24.8% ad val.	23.2%	21.3%	19.4%	17.6%	15.7%	13.8%	11.9%	10%
410.88	1.2c per lb. + 8.5% ad val.	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%
410.92	1.4c per lb. + 12.6% ad val.	12.2%	11.4%	10.6%	9.9%	9.1%	8.3%	7.5%	6.7%
410.96	1.4c per lb. + 12.6% ad val.	12.2%	11.4%	10.6%	9.9%	9.1%	8.3%	7.5%	6.7%
411.00	1.4c per lb. + 11.7% ad val.	11.1%	10.5%	9.8%	9.1%	8.4%	7.8%	7.1%	6.4%
411.04	1.4c per lb. + 10.2% ad val.	9.7%	9.1%	8.6%	8.1%	7.5%	7%	6.4%	5.9%
411.08	1.4c per lb. + 10.2% ad val.	9.7%	9.2%	8.6%	8.1%	7.6%	7.1%	6.5%	6%
411.12	1.7c per lb. + 14.8% ad val.	14.6%	13.6%	12.5%	11.5%	10.5%	9.5%	8.4%	7.4%
411.16	1.4c per lb. + 13% ad val.	12.3%	11.5%	10.7%	10%	9.2%	8.4%	7.6%	6.8%
411.20	1.7c per lb. + 12.5% ad val.	12.5%	11.7%	10.9%	10.1%	9.2%	8.4%	7.6%	6.8%
411.24	1.4c per lb. + 17.8% ad val.	17.2%	15.9%	14.6%	13.3%	11.9%	10.6%	9.3%	8%

$\frac{1}{2}$  The symbol "X" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

## ANNEX III

-7-

## Section A.—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty <sup>1/</sup> , effective with respect to articles exported to the United States on and after July 1, 1980, and entered on and after—							
		July 1, 1980	January 1, 1981	January 1, 1982	January 1, 1983	January 1, 1984	January 1, 1985	January 1, 1986	January 1, 1987
Schedule 4, Part 1—Continued									
411.28	1.4c per lb. + 26.8% 28.5% ad val.	24.7%	24.7%	22.5%	20.3%	18.1%	16%	13.8%	11.6%
411.32	1.7c per lb. + 15.5% 16.4% ad val.	14.4%	14.4%	13.2%	12.1%	11%	9.9%	8.7%	7.6%
411.36	1.7c per lb. + 12.8% 13.5% ad val.	11.9%	11.9%	11.1%	10.3%	9.4%	8.6%	7.7%	6.9%
411.40	1.7c per lb. + 26.9% 28.9% ad val.	24.7%	24.7%	22.5%	20.4%	18.2%	16%	13.8%	11.6%
411.44	1.7c per lb. + 13% 13.9% ad val.	12.2%	12.2%	11.3%	10.5%	9.6%	8.7%	7.9%	7%
411.48	1.7c per lb. + 22.8% 24.5% ad val.	20.9%	20.9%	19.1%	17.2%	15.4%	13.5%	11.7%	9.8%
411.52	1.7c per lb. + 11.8% 12.5% ad val.	11%	11%	10.3%	9.6%	8.8%	8.1%	7.3%	6.5%
411.56	1.7c per lb. + 21.3% 22.8% ad val.	19.6%	19.6%	17.8%	16.1%	14.4%	12.7%	10.9%	9.2%
411.60	1.7c per lb. + 12.7% 13.5% ad val.	11.9%	11.9%	11%	10.2%	9.4%	8.6%	7.7%	6.9%
411.64	1.7c per lb. + 12.9% 13.6% ad val.	12%	12%	11.2%	10.3%	9.5%	8.6%	7.8%	6.9%
411.68	1.7c per lb. + 11.7% 12.5% ad val.	10.8%	10.8%	10%	9.2%	8.3%	7.5%	6.6%	5.8%
411.72	1.7c per lb. + 14.8% 15.7% ad val.	13.7%	13.7%	12.7%	11.6%	10.6%	9.5%	8.5%	7.4%
411.76	1.7c per lb. + 11.8% 12.5% ad val.	11%	11%	10.3%	9.6%	8.8%	8.1%	7.3%	6.6%
411.80	1.7c per lb. + 35.1% 36.9% ad val.	32.3%	32.3%	29.4%	26.5%	23.6%	20.8%	17.9%	15%
411.84	1.7c per lb. + 25% 26.6% ad val.	23%	23%	20.9%	18.9%	16.9%	14.9%	12.8%	10.8%
411.90	1.7c per lb. + 12% 12.8% ad val.	11.3%	11.3%	10.5%	9.8%	9%	8.2%	7.5%	6.7%
411.94	1.7c per lb. + 18% 18.7% ad val.	16.6%	16.6%	15.2%	13.8%	12.3%	10.9%	9.5%	8.1%
411.98	1.7c per lb. + 12.2% 13% ad val.	11.4%	11.4%	10.6%	9.9%	9.1%	8.3%	7.5%	6.7%
412.02	1.7c per lb. + 18.5% 19.9% ad val.	17.1%	17.1%	15.6%	14.1%	12.6%	11.2%	9.7%	8.2%
412.06	1.7c per lb. + 12.3% 13.1% ad val.	11.4%	11.4%	10.4%	9.5%	8.6%	7.7%	6.7%	5.8%
412.10	1.7c per lb. + 17.5% 18% ad val.	16.2%	16.2%	14.8%	13.5%	12.1%	10.7%	9.4%	8%
412.14	1.7c per lb. + 13.9% 14.3% ad val.	13%	13%	12%	11.1%	10.1%	9.1%	8.2%	7.2%
412.18	1.7c per lb. + 30.9% 33.3% ad val.	28.4%	28.4%	25.9%	23.4%	20.9%	18.4%	15.9%	13.4%
412.22	1.7c per lb. + 12.6% 13.3% ad val.	11.8%	11.8%	10.9%	10.1%	9.3%	8.5%	7.6%	6.8%
412.26	1.7c per lb. + 12.9% 13.5% ad val.	12%	12%	11.2%	10.3%	9.5%	8.6%	7.8%	6.9%
412.30	1.7c per lb. + 11.9% 12.6% ad val.	11.1%	11.1%	10.4%	9.6%	8.9%	8.1%	7.4%	6.6%
412.34 <sup>2/</sup>	1.7c per lb. + 38.8% 41.5% ad val.	36%	36%	33.3%	30.5%	27.7%	24.9%	22.2%	19.4% <sup>2/</sup>
412.38	1.7c per lb. + 15.3% 16.3% ad val.	14.2%	14.2%	13.1%	12.1%	10.9%	9.8%	8.7%	7.6%
412.42	1.7c per lb. + 12.8% 13.6% ad val.	11.9%	11.9%	11.1%	10.3%	9.4%	8.6%	7.7%	6.9%
412.46	1.7c per lb. + 20.1% 21.7% ad val.	18.5%	18.5%	16.8%	15.2%	13.6%	12%	10.3%	8.7%
412.52	1.7c per lb. + 16.3% 17.3% ad val.	15.1%	15.1%	13.9%	12.7%	11.4%	10.2%	9%	7.8%
412.56	1.7c per lb. + 37.4% 40.4% ad val.	34.4%	34.4%	31.3%	28.3%	25.3%	22.3%	19.2%	16.2%
412.60	1.7c per lb. + 16.7% 17.6% ad val.	15.4%	15.4%	14.2%	12.9%	11.7%	10.4%	9.2%	7.9%

<sup>1/</sup> The symbol "X" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.<sup>2/</sup> For item 412.34, the rate of duty effective with respect to articles entered on and after January 1, 1988, will be 16.6%.

## ANNEX III

-8-

## Section A.--Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty <sup>1/</sup> , effective with respect to articles exported to the United States on and after July 1, 1980, and entered on and after--							
		July 1, 1980	January 1, 1981	January 1, 1982	January 1, 1983	January 1, 1984	January 1, 1985	January 1, 1986	January 1, 1987
Schedule 4, Part 1--Continued									
412.64	1.7c per lb. + 13.6% ad val.	12.9%	12%	11.2%	10.3%	9.5%	8.6%	7.8%	6.9%
412.68	1.7c per lb. + 13.6% ad val.	12.9%	12%	11.2%	10.3%	9.5%	8.6%	7.8%	6.9%
412.72	1.7c per lb. + 21.9% ad val.	21%	19.3%	17.6%	15.9%	14.2%	12.5%	10.8%	9.1%
412.76	3.5c per lb. + 18.1% ad val.	17.3%	16%	14.6%	13.3%	12%	10.7%	9.3%	8%
412.80 <sup>2/</sup>	3.5c per lb. + 52.1% ad val.	1.6c/lb. + 52.1%	51.7%	48.2%	44.7%	41.2%	37.6%	34.1%	30.6% <sup>2/</sup>
412.84 <sup>2/</sup>	3.5c per lb. + 42.1% ad val.	1.5c/lb. + 42.1%	41.5%	38.7%	35.9%	33.1%	30.2%	27.4%	24.6% <sup>2/</sup>
412.88	3.5c per lb. + 21.1% ad val.	2.5c/lb. + 21.1%	1.6c/lb. + 21.1%	0.7c/lb. + 21.1%	20.6%	18.4%	16.2%	14%	11.8%
412.92	3.5c per lb. + 40.1% ad val.	37.7%	34.6%	31.6%	28.5%	25.5%	22.4%	19.4%	16.3%
412.96	1.7c per lb. + 13.8% ad val.	13.1%	12.3%	11.4%	10.5%	9.3%	8.4%	7.4%	7%
413.00	3.5c per lb. + 11.2% ad val.	1.4c/lb. + 11.2%	11%	10.3%	9.5%	8.8%	8.1%	7.4%	6.6%
413.04	3.5c per lb. + 25.4% ad val.	1.9c/lb. + 25.4%	0.4c/lb. + 25.4%	23.7%	21.4%	19.1%	16.8%	14.5%	12.2%
413.08	2.8c per lb. + 11.4% ad val.	11.3%	10.6%	9.9%	9.3%	8.6%	7.9%	7.2%	6.5%
413.12	3.5c per lb. + 22.5% ad val.	21.7%	20%	18.2%	16.5%	14.7%	12.9%	11.2%	9.4%
413.16	3.5c per lb. + 20.2% ad val.	19.3%	17.7%	16.2%	14.6%	13.1%	11.5%	10%	8.4%
413.20	3.5c per lb. + 38.5% ad val.	37.7%	34.7%	31.6%	28.6%	25.5%	22.4%	19.4%	16.3%
413.24	1.5c per lb. + 12.9% ad val.	12.9%	12%	11.2%	10.3%	9.5%	8.6%	7.8%	6.9%
413.28	3.5c per lb. + 29% ad val.	26.8%	23.8%	21.8%	19.8%	17.8%	15.8%	13.9%	11.9%
413.32	3.5c per lb. + 24.1% ad val.	0.8c/lb. + 24.1%	23.7%	23.1%	22.5%	21.8%	21.2%	20.6%	20%
413.36	3.5c per lb. + 34.2% ad val.	1.4c/lb. + 34.2%	33.3%	30.4%	27.5%	24.5%	21.6%	18.6%	15.7%
413.40	1.5c per lb. + 10.2% ad val.	0.5c/lb. + 10.2%	10.1%	9.8%	9.6%	9.3%	9%	8.8%	8.5%
413.50	3.5c per lb. + 23% ad val.	23%	21.2%	19.3%	17.5%	15.6%	13.7%	11.9%	10%
413.51	3.5c per lb. + 23% ad val., but not less than the highest rate appli- cable to any compon- ent material	23%, but not less than the highest rate appli- cable to any compon- ent material	21.2% but not less than the highest rate appli- cable to any compon- ent material	19.3% but not less than the highest rate appli- cable to any compon- ent material	17.5% but not less than the highest rate appli- cable to any compon- ent material	15.6% but not less than the highest rate appli- cable to any compon- ent material	13.7% but not less than the highest rate appli- cable to any compon- ent material	11.9% but not less than the highest rate appli- cable to any compon- ent material	10%, but not less than the highest rate appli- cable to any compon- ent material
Schedule 6, Part 4									
680.39	13% ad val.	12.2%	11.4%	10.6%	9.8%	8.9%	8.1%	7.3%	6.5%
Schedule 7, Part 1									
704.55	30c per lb. + 26% ad val.	27c/lb. + 24%	25c/lb. + 22.1%	23c/lb. + 20.1%	21c/lb. + 18.2%	18c/lb. + 16.2%	16c/lb. + 14.3%	14c/lb. + 12.3%	12c/lb. + 10.4%
Schedule 7, Part 12									
772.51	5.7% ad val.	4%	4%	4%	4%	4%	4%	4%	4%

<sup>1/</sup> The symbol "T" indicates percent ad valorem. The symbol "/" indicates per states unit of quantity.

<sup>2/</sup> For item 412.80, the rates of duty after 1987 will be as follows:  
Effective with respect to articles entered on and after January 1, 1988--27%.  
Effective with respect to articles entered on and after January 1, 1989--23.5%.

<sup>3/</sup> For item 412.84, the rates of duty after 1987 will be as follows:  
Effective with respect to articles entered on and after January 1, 1988--21.7%.  
Effective with respect to articles entered on and after January 1, 1989--18.9%.

ANNEX III

-9-

Section B. Staged rate modifications effective as to articles entered, or withdrawn from warehouse for consumption, on and after July 1, 1980.

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty $\frac{1}{2}$ , effective with respect to articles entered on and after --							
		July 1, 1980	July 1, 1981	January 1, 1982	January 1, 1983	January 1, 1984	January 1, 1985	January 1, 1986	January 1, 1987
Schedule 1, Part 13									
170.66	85c per lb. + 5% ad val.	71c/lb. + 3.7%	57c/lb. + 3%	57c/lb. + 3%	57c/lb. + 3%				
Item in TSUS as modified by Annex II									
Rates of duty $\frac{1}{2}$ , effective with respect to articles entered on and after --									
Schedule 3, Part 3									
337.20	11% ad val.	10.4% <sup>2/</sup>	8%	6.5%	5%	5%	5%	5%	5%
337.40	10.5% ad val.	9.9% <sup>2/</sup>	8%	6.5%	5%	5%	5%	5%	5%
Schedule 4, Part 2									
425.02	8.8% ad val.	8.4%	8%	7.5%	7.1%	6.7%	6.3%	5.8%	5.4%
425.04	6% ad val.	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%
425.06	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
425.08	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
425.09	4% ad val.	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%
425.10	5% ad val.	4.8%	4.6%	4.4%	4.3%	4.1%	3.9%	3.7%	3.5%
425.12	12.6% ad val.	11.3%	11.3%	11.3%	11.3%	11.3%	11.3%	11.3%	11.3%
425.14	9.8% ad val.	9.3%	8.8%	8.3%	7.8%	7.3%	6.8%	6.3%	5.8%
425.18	11.6% ad val.	8.6%	8.3%	7.9%	7.6%	7.3%	7%	6.6%	6.3%
425.20	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
425.22	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
425.24	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
425.26	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
425.28	6% ad val.	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%
425.30	16% ad val.	15.5%	15%	14.5%	14%	13.5%	13%	12.5%	12%
425.32	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
425.34	6% ad val.	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%
425.36	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
425.38	9% ad val.	8.6%	8.1%	7.7%	7.3%	6.8%	6.4%	5.9%	5.5%
425.41	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
425.42	5% ad val.	4.4%	3.8%	3.1%	2.5%	1.9%	1.3%	0.6%	Free
425.52	8.4% ad val.	7.9%	7.9%	7.9%	7.9%	7.9%	7.9%	7.9%	7.9%
425.70	2.1% ad val.	2.1%	2%	2%	2%	1.9%	1.9%	1.8%	1.8%
425.72	2.1% ad val.	2.1%	2%	2%	2%	1.9%	1.9%	1.8%	1.8%
425.78	1.1% ad val.	1.1%	1.1%	1.1%	1.1%	1%	1%	1%	1%
425.82	8% ad val.	7.6%	7.3%	6.9%	6.6%	6.2%	5.8%	5.5%	5.1%
425.86	7.7% ad val.	6.3%	5.9%	5.5%	5.1%	4.7%	4.3%	3.9%	3.5%
425.88	1.4% ad val.	1.4%	1.4%	1.4%	1.4%	1.3%	1.3%	1.3%	1.3%
425.94	6.3% ad val.	6.1%	5.8%	5.6%	5.3%	5.1%	4.8%	4.6%	4.3%
425.99	6% ad val.	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%
426.00	4.7% ad val.	4.6%	4.4%	4.3%	4.1%	4%	3.8%	3.7%	3.5%
426.04	6% ad val.	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%
426.08	4% ad val.	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%
426.10	0.2c per lb.	0.1c/lb.	0.1c/lb.	0.1c/lb.	0.1c/lb.	0.1c/lb.	0.1c/lb.	0.1c/lb.	0.1c/lb.
426.12	1.7% ad val.	1.7%	1.7%	1.6%	1.6%	1.6%	1.6%	1.5%	1.5%
426.14	4.1% ad val.	4%	3.9%	3.7%	3.6%	3.5%	3.4%	3.2%	3.1%
426.18	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
426.28	1.35c per lb. on copper content	1.3c/lb. on copper content	1.3c/lb. on copper content	1.2c/lb. on copper content	1.2c/lb. on copper content	1.1c/lb. on copper content	1.1c/lb. on copper content	1c/lb. on copper content	1c/lb. on copper content
426.34	5.8% ad val.	5.6%	5.4%	5.2%	5%	4.7%	4.5%	4.3%	4.1%
426.36	1.3% ad val.	1.3%	1.3%	1.2%	1.2%	1.2%	1.2%	1.1%	1.1%

1/ The symbol "X" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.  
 2/ For items 337.20 and 337.40, effective with respect to articles entered on and after January 1, 1980, per Proclamation 4707.

ANNEX III

-10-

Section B.--Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty $\frac{1}{2}$ , effective with respect to articles entered on and after --							
		July 1, 1980	January 1, 1981	January 1, 1982	January 1, 1983	January 1, 1984	January 1, 1985	January 1, 1986	January 1, 1987
Schedule 4, Part 2--Continued									
426.44	7.5% ad val.	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%
426.54	7% ad val.	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%
426.56	7.3% ad val.	7%	6.7%	6.4%	6.1%	5.7%	5.4%	5.1%	4.8%
426.58	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
426.62	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
426.64	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
426.72	2.1% ad val.	2.1%	2%	2%	2%	1.9%	1.9%	1.8%	1.8%
426.76	7% ad val.	6.7%	6.4%	6.1%	5.8%	5.5%	5.2%	4.9%	4.6%
426.77	8% ad val.	7.6%	7.3%	6.9%	6.6%	6.2%	5.8%	5.5%	5.1%
426.78	8.1% ad val.	7.7%	7.4%	7%	6.6%	6.2%	5.9%	5.5%	5.1%
426.82	5.7% ad val.	5.5%	5.3%	5.1%	4.9%	4.7%	4.5%	4.3%	4.1%
426.84	4% ad val.	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%
426.86	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
426.88	6% ad val.	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%
426.92	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
426.94	21% ad val.	19.4%	17.9%	16.3%	14.7%	13.1%	11.6%	10%	8.4%
426.98	13.7% ad val.	12.7%	11.7%	10.6%	9.6%	8.6%	7.6%	6.5%	5.5%
427.02	1.2c per lb.	1.2c/lb.	1.2c/lb.	1.1c/lb.	1.1c/lb.	1.1c/lb.	1c/lb.	1c/lb.	1c/lb.
427.04	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
427.06	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
427.08	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
427.12	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
427.16	6% ad val.	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%
427.18	7.5% ad val.	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%
427.20	7.5% ad val.	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%
427.22	16% ad val.	14.9%	13.9%	12.9%	11.8%	10.7%	9.6%	8.6%	7.5%
427.25	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
427.28	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
427.30	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
427.42	8.1% ad val.	7.7%	7.4%	7%	6.6%	6.2%	5.9%	5.5%	5.1%
427.44	20.3% ad val.	20.3%	20.2%	20.2%	20.2%	20.1%	20.1%	20%	20%
427.45	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
427.46	15% ad val.	14%	13.1%	12.1%	11.1%	10.1%	9.2%	8.2%	7.2%
427.53	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
427.54	10% ad val.	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%
427.56	8.1% ad val.	7.7%	7.4%	7%	6.6%	6.2%	5.9%	5.5%	5.1%
427.58	1.3c per lb. + 7.5% ad val	1.1c/lb. + 7.5%	0.7c/lb. + 7.5%	0.3c/lb. + 7.5%	6.6%	6.2%	6.4%	6%	5.6%
427.60	4% ad val.	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free
427.62	4% ad val.	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%
427.70	1.5c per lb. + 7.5% ad val	1.3c/lb. + 7.5%	1.1c/lb. + 7.5%	0.9c/lb. + 7.5%	0.8c/lb. + 7.5%	0.6c/lb. + 7.5%	0.4c/lb. + 7.5%	0.2c/lb. + 7.5%	7.5%
427.72	15% ad val.	12%	11.3%	10.6%	9.9%	9.3%	8.6%	7.9%	7.2%
427.74	10.1% ad val.	8.8%	8.8%	8.8%	8.8%	8.8%	8.8%	8.8%	8.8%
427.82	10.4% ad val.	9.9%	9.3%	8.8%	8.2%	7.7%	7.1%	6.6%	6%
427.84	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
427.94	5.1% ad val.	4.9%	4.8%	4.6%	4.4%	4.2%	4.1%	3.9%	3.7%
427.97	19.5% ad val.	19.3%	19.1%	18.9%	18.8%	18.6%	18.4%	18.2%	18%
427.98	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
428.04	9.3% ad val.	8.8%	8.4%	7.9%	7.4%	6.9%	6.5%	6%	5.5%
428.06	16.5% ad val.	14%	14%	14%	14%	14%	14%	14%	14%
428.12	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
428.20	8.8% ad val.	8.4%	8%	7.5%	7.1%	6.7%	6.3%	5.8%	5.4%
428.22	9.7% ad val.	9.2%	8.7%	8.2%	7.7%	7.2%	6.7%	6.2%	5.7%
428.24	7.6% ad val.	7.3%	6.9%	6.6%	6.3%	5.9%	5.6%	5.2%	4.9%
428.26	8.4% ad val.	8%	7.6%	7.2%	6.9%	6.5%	6.1%	5.7%	5.3%
428.30	12.8% ad val.	11.5%	11.5%	11.5%	11.5%	11.5%	11.5%	11.5%	11.5%

$\frac{1}{2}$  The symbol "X" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

ANNEX III

-11-

Section B.—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty <sup>1/</sup> , effective with respect to articles entered on and after --							
		July 1, 1980	January 1, 1981	January 1, 1982	January 1, 1983	January 1, 1984	January 1, 1985	January 1, 1986	January 1, 1987
<u>Schedule 4, Part 2—Continued</u>									
428.32	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
428.34	15.8% ad val.	13.5%	13.3%	13.1%	12.9%	12.6%	12.4%	12.2%	12%
428.40	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
428.41	13.6% ad val.	12.3%	11.5%	10.7%	9.9%	9.1%	8.3%	7.5%	6.7%
428.42	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
428.44	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
428.47	13.6% ad val.	12.3%	12.3%	12.3%	12.3%	12.3%	12.3%	12.3%	12.3%
428.50	1c per lb.	1c/lb.	0.9c/lb.	0.9c/lb.	0.9c/lb.	0.9c/lb.	0.8c/lb.	0.8c/lb.	0.8c/lb.
428.54	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
428.58	5.1% ad val.	4.9%	4.8%	4.6%	4.4%	4.2%	4.1%	3.9%	3.7%
428.62	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
428.64	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
428.66	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
428.68	5.2% ad val.	5%	4.9%	4.7%	4.5%	4.3%	4.2%	4%	3.8%
428.72	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
428.80	6.8% ad val.	6.5%	6.3%	6%	5.7%	5.4%	5.2%	4.9%	4.6%
428.82	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
428.84	11.7% ad val.	11.4%	11%	10.7%	10.4%	10%	9.7%	9.3%	9%
428.86	13.4% ad val.	13.2%	13.1%	12.9%	12.7%	12.5%	12.4%	12.2%	12%
428.88	7.3% ad val.	7%	6.7%	6.4%	6.1%	5.7%	5.4%	5.1%	4.8%
428.92	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
428.94	17.7% ad val.	16.5%	15.2%	14%	12.8%	11.5%	10.3%	9%	7.8%
428.96	9.2% ad val.	8.8%	8.3%	7.9%	7.4%	7%	6.5%	6.1%	5.6%
429.00	9.1% ad val.	8.7%	8.2%	7.8%	7.3%	6.9%	6.4%	6%	5.5%
429.10	6% ad val.	5.8%	5.5%	5.3%	5%	4.8%	4.5%	4.3%	4%
429.12	5% ad val.	4.9%	4.8%	4.6%	4.5%	4.4%	4.3%	4.1%	4%
429.19	1.5c per lb. +	1.4c/lb. +	1.3c/lb. +	1.2c/lb. +	1.2c/lb. +	1.1c/lb. +	1c/lb. +	0.9c/lb. +	0.9c/lb. +
	7.1% ad val.	7.1%	6.8%	6.4%	6.1%	5.7%	5.3%	5%	4.6%
429.22	2.7% ad val.	2.3%	2.3%	2.3%	2.3%	2.3%	2.3%	2.3%	2.3%
429.26 <sup>2/</sup>	50% ad val.	47%	44%	41%	38%	35%	32%	29%	26% <sup>2/</sup>
429.28	1.2c per lb. +	1.1c/lb. +	1c/lb. +	1c/lb. +	0.9c/lb. +	0.8c/lb. +	0.8c/lb. +	0.7c/lb. +	0.7c/lb. +
	+ 6% ad val.	5.7%	5.4%	5.1%	4.8%	4.4%	4.1%	3.8%	3.5%
429.29	1.5c per lb. +	1.3c/lb. +	1.2c/lb. +	1.1c/lb. +	1c/lb. +	0.9c/lb. +	0.8c/lb. +	0.7c/lb. +	0.6c/lb. +
	7.5% ad val.	6.9%	6.4%	5.8%	5.3%	4.7%	4.1%	3.6%	3%
429.30	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
429.32	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
429.34	4.5% ad val.	4.4%	4.2%	4.1%	4%	3.8%	3.7%	3.5%	3.4%
429.38	7.5% ad val.	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%
429.42	6% ad val.	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%
429.44	15.4% ad val.	15%	14.6%	14.1%	13.7%	13.3%	12.9%	12.4%	12%
429.46	7% ad val.	6.7%	6.4%	6.1%	5.8%	5.5%	5.2%	4.9%	4.6%
429.47	28.6% ad val.	18%	18%	18%	18%	18%	18%	18%	18%
429.48	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
429.56	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
429.60	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
429.95	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
<u>Schedule 4, Part 3</u>									
437.00	5% ad val.	2%	Free						
437.02	10.4% ad val.	9.5%	9%	8.5%	8%	7.5%	7%	6.5%	6%
437.04	37.5c per lb.	35c/lb.	33c/lb.	31c/lb.	28c/lb.	26c/lb.	24c/lb.	22c/lb.	20c/lb.
437.06	12.5% ad val.	11.8%	11%	10.3%	9.6%	8.8%	8.1%	7.3%	6.6%
437.10	\$1.30 per oz.	\$1.24/oz.	\$1.18/oz.	\$1.12/oz.	\$1.07/oz.	\$1/oz.	95c/oz.	89c/oz.	83c/oz.

<sup>1/</sup> The symbol "%I" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

<sup>2/</sup> For item 429.26, the rates of duty after 1987 will be as follows:  
 Effective with respect to articles entered on and after January 1, 1988—23%.  
 Effective with respect to articles entered on and after January 1, 1989—20%.

## ANNEX III

-12-

## Section B.--Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty <sup>1/</sup> , effective with respect to articles entered on and after --							
		July 1, 1980	January 1, 1981	January 1, 1982	January 1, 1983	January 1, 1984	January 1, 1985	January 1, 1986	January 1, 1987
<u>Schedule 4, Part 3--Continued</u>									
437.12	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
437.13	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
437.14	\$1.50 per oz.	\$1.44/oz.	\$1.37/oz.	\$1.31/oz.	\$1.25/oz.	\$1.19/oz.	\$1.12/oz.	\$1.06/oz.	\$1/oz.
437.16	5c per oz.	4.6c/oz.	4.2c/oz.	3.9c/oz.	3.5c/oz.	3.1c/oz.	2.7c/oz.	2.4c/oz.	2c/oz.
437.18	11c per lb.	10.7c/lb.	10.5c/lb.	10.2c/lb.	10c/lb.	9.7c/lb.	9.5c/lb.	9.2c/lb.	9c/lb.
437.20	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
437.22	2% ad val.	2%	2%	1.9%	1.9%	1.9%	1.9%	1.8%	1.8%
437.24	5% ad val.	2%	Free						
437.30	2% ad val.	2%	2%	1.9%	1.9%	1.9%	1.9%	1.8%	1.8%
437.32	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
437.36	12.5% ad val.	11.6%	10.6%	9.7%	8.8%	7.8%	6.9%	5.9%	5%
437.38	75c per lb.	72c/lb.	68c/lb.	65c/lb.	62c/lb.	59c/lb.	56c/lb.	53c/lb.	50c/lb.
437.40	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
437.44	7% ad val.	6.7%	6.4%	6.1%	5.9%	5.6%	5.3%	5%	4.7%
437.50	10c per oz.	10c/oz.	10c/oz.	10c/oz.	10c/oz.	9c/oz.	9c/oz.	9c/oz.	9c/oz.
437.52	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
437.54	8.5% ad val.	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%
437.56	10.5% ad val.	9.9%	9.4%	8.8%	8.3%	7.7%	7.1%	6.6%	6%
437.57	5% ad val.	4.8%	4.6%	4.3%	4.1%	3.9%	3.7%	3.4%	3.2%
437.58	2% ad val.	2%	2%	1.9%	1.9%	1.9%	1.9%	1.8%	1.8%
437.65	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
437.68	2% ad val.	1.9%	1.9%	1.8%	1.8%	1.7%	1.6%	1.6%	1.5%
437.69	1.8% ad val.	1.8%	1.7%	1.7%	1.7%	1.6%	1.6%	1.5%	1.5%
437.70	14% ad val.	13.1%	12.3%	11.4%	10.5%	9.6%	8.8%	7.9%	7%
437.72	6% ad val.	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%
437.82	4% ad val.	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%
437.84	2% ad val.	1.8%	1.5%	1.3%	1%	0.8%	0.5%	0.3%	Free
<u>Schedule 4, Part 4</u>									
445.05	12.3% ad val.	11.6%	10.8%	10.1%	9.3%	8.6%	7.8%	7.1%	6.3%
445.10	11.9% ad val.	11.2%	10.5%	9.8%	9.1%	8.4%	7.7%	7%	6.3%
445.15	11.3% ad val.	10.7%	10.1%	9.4%	8.8%	8.2%	7.6%	6.9%	6.3%
445.20	9.3% ad val.	8.8%	8.4%	7.9%	7.5%	7%	6.5%	6.1%	5.6%
445.25	8.3% ad val.	7.9%	7.5%	7.1%	6.8%	6.4%	6%	5.6%	5.2%
445.30	14% ad val.	13.8%	13.6%	13.4%	13.3%	13.1%	12.9%	12.7%	12.5%
445.35	1.3c per lb. + 10% ad val.	1c/lb. + 10%	0.7c/lb. + 10%	0.4c/lb. + 10%	0.1c/lb. + 10%	9.4%	8.6%	7.7%	6.9%
445.42	4.2% ad val.	4.1%	4%	3.8%	3.7%	3.6%	3.5%	3.3%	3.2%
445.46	10.3% ad val.	10.1%	10.1%	10.1%	10.1%	10.1%	10.1%	10.1%	10.1%
445.48	8.8% ad val.	8.4%	7.9%	7.5%	7.1%	6.6%	6.2%	5.7%	5.3%
445.52	15.7% ad val.	14.5%	14.2%	13.9%	13.6%	13.4%	13.1%	12.8%	12.5%
445.54	1.3c per lb. + 10% ad val.	1.2c/lb. + 9.5%	1.1c/lb. + 8.9%	1c/lb. + 8.4%	1c/lb. + 7.9%	0.9c/lb. + 7.3%	0.8c/lb. + 6.8%	0.7c/lb. + 6.2%	0.7c/lb. + 5.7%
445.56	1.3c per lb. + 10% ad val.	1.2c/lb. + 9.7%	1.2c/lb. + 9.4%	1.2c/lb. + 9.1%	1.1c/lb. + 8.9%	1.1c/lb. + 8.6%	1c/lb. + 8.3%	1c/lb. + 8%	1c/lb. + 7.7%
446.12	5% ad val.	4.4%	3.8%	3.1%	2.5%	4.9%	1.3%	0.6%	Free
<u>Schedule 4, Part 7</u>									
460.15	12% ad val.	11.3%	10.6%	9.9%	9.2%	8.5%	7.8%	7.1%	6.4%
460.25	12% ad val.	11.3%	10.6%	9.9%	9.2%	8.5%	7.8%	7.1%	6.4%
460.35	7.5% ad val.	6.9%	6.4%	5.8%	5.3%	4.7%	4.1%	3.6%	3%
460.40	12% ad val.	11.1%	10.2%	9.3%	8.4%	7.5%	6.6%	5.7%	4.8%
460.45	7.5% ad val.	7.2%	6.8%	6.5%	6.2%	5.8%	5.5%	5.1%	4.8%
460.50	12% ad val.	11.3%	10.6%	9.9%	9.2%	8.5%	7.8%	7.1%	6.4%
460.65	12% ad val.	11.3%	10.6%	9.9%	9.2%	8.5%	7.8%	7.1%	6.4%
460.70	15% ad val.	14%	13.1%	12.1%	11.1%	10.1%	9.2%	8.2%	7.2%
460.75	12% ad val.	11.3%	10.6%	9.9%	9.2%	8.5%	7.8%	7.1%	6.4%
460.80	12% ad val.	11.1%	10.2%	9.3%	8.4%	7.5%	6.6%	5.7%	4.8%

<sup>1/</sup> The symbol "X" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

## ANNEX III

-13-

## Section B.--Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty <sup>1/</sup> , effective with respect to articles entered on and after --							
		July 1, 1980	January 1, 1981	January 1, 1982	January 1, 1983	January 1, 1984	January 1, 1985	January 1, 1986	January 1, 1987
<b>Schedule 4, Part 8</b>									
465.87	11.8% ad val.	9.8%	9.3%	8.8%	8.3%	7.8%	7.3%	6.9%	6.4%
<b>Schedule 4, Part 9</b>									
470.15	4% ad val.	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%
470.25	6% ad val.	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%
470.55	2.5% ad val.	2.5%	2.4%	2.4%	2.3%	2.3%	2.2%	2.2%	2.1%
470.57	3.5% ad val.	Free	Free	Free	Free	Free	Free	Free	Free
470.85	4% ad val.	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%
473.10	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
473.12	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
473.18	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
473.20	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
473.44	10% ad val.	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%
473.50	10% ad val.	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%
473.72	2.6% ad val.	2.8%	2.5%	2.5%	2.5%	2.4%	2.3%	2.3%	2.2%
473.74	5.3% ad val.	5.1%	4.9%	4.7%	4.6%	4.4%	4.2%	4%	3.8%
473.78	1.4% ad val.	1.4%	1.4%	1.4%	1.4%	1.3%	1.3%	1.3%	1.3%
473.82	4.5% ad val.	4.4%	4.2%	4.1%	4%	3.8%	3.7%	3.5%	3.4%
473.84	1.8% ad val.	1.7%	1.7%	1.7%	1.6%	1.6%	1.6%	1.5%	1.5%
473.88	4% ad val.	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%
473.90	10% ad val.	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%
474.02 <sup>2/</sup>	0.37c per piece	0.35c/piece	0.33c/piece	0.3c/piece	0.28c/piece	0.26c/piece	0.24c/piece	0.22c/piece	0.19c/piece <sup>2/</sup>
474.04	0.7c per piece + 4% ad val.	0.6c/piece + 3.9%	0.6c/piece + 3.7%	0.6c/piece + 3.6%	0.6c/piece + 3.4%	0.5c/piece + 3.3%	0.5c/piece + 3.1%	0.5c/piece + 3%	0.5c/piece + 2.8%
474.06	0.62c per piece + 6% ad val.	0.6c/piece + 5.7%	0.6c/piece + 5.4%	0.6c/piece + 5.1%	0.5c/piece + 4.8%	0.5c/piece + 4.5%	0.5c/piece + 4.2%	0.4c/piece + 3.9%	0.4c/piece + 3.6%
474.08	12% ad val. on the entire set	11.3% on the entire set	10.6% on the entire set	9.9% on the entire set	9.3% on the entire set	8.6% on the entire set	7.9% on the entire set	7.2% on the entire set	6.5% on the entire set
474.20	2% ad val.	1.8%	1.5%	1.3%	1%	0.8%	0.5%	0.3%	Free
474.22	4% ad val.	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%
474.26	2% ad val.	2%	2%	1.9%	1.9%	1.9%	1.9%	1.8%	1.8%
474.30	4% ad val.	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%
474.35	7.5% ad val.	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%
474.40	4% ad val.	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%
474.42	5% ad val.	4.4%	4.3%	4.2%	4.1%	3.9%	3.8%	3.7%	3.6%
474.44	6c per lb.	5.8c/lb.	5.5c/lb.	5.3c/lb.	5c/lb.	4.8c/lb.	4.5c/lb.	4.3c/lb.	4c/lb.
474.46	5% ad val.	4.4%	4.3%	4.2%	4.1%	3.9%	3.8%	3.7%	3.6%
474.50	4% ad val.	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%
474.60	0.2c per lb.	0.2c/lb.	0.1c/lb.	0.1c/lb.	0.1c/lb.	0.1c/lb.	Free	Free	Free
474.62	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2%	4%	3.9%	3.7%
<b>Schedule 4, Part 13</b>									
490.14	0.7c per lb. + 5% ad val.	0.6c/lb. + 4.8%	0.6c/lb. + 4.6%	0.6c/lb. + 4.3%	0.6c/lb. + 4.1%	0.5c/lb. + 3.9%	0.5c/lb. + 3.7%	0.5c/lb. + 3.4%	0.5c/lb. + 3.2%
493.18	6% ad val.	4.3%	4.3%	4.3%	4.3%	4.3%	4.2%	4.2%	4.2%
493.22	3.2% ad val.	3.1%	3.1%	3%	2.9%	2.8%	2.8%	2.7%	2.6%
493.66	20% ad val.	19.4%	18.8%	18.1%	17.5%	16.9%	16.3%	15.6%	15%
493.67	8.5% ad val.	7.9%	7.2%	6.6%	6%	5.3%	4.7%	4%	3.4%

<sup>1/</sup> The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

<sup>2/</sup> For item 474.02, the rates of duty after 1987 will be as follows:

Effective with respect to articles entered on and after January 1, 1988--0.17c/piece.

Effective with respect to articles entered on and after January 1, 1989--0.15c/piece.

## ANNEX III

-14-

## Section B.--Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty $\frac{1}{2}$ , effective with respect to articles entered on and after --							
		July 1, 1980	January 1, 1981	January 1, 1982	January 1, 1983	January 1, 1984	January 1, 1985	January 1, 1986	January 1, 1987
<u>Schedule 5, Part 3</u>									
540.15	7.5% ad val.	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%
540.27	34% ad val.	31.5%	28.9%	26.4%	23.8%	21.3%	18.7%	16.2%	13.6%
<u>Schedule 6, Part 3</u>									
644.95	7% ad val.	4.7%	4.7%	4.7%	4.7%	4.7%	4.7%	4.7%	4.7%
<u>Schedule 7, Part 1</u>									
705.85	15% ad val.	14.9%	14.8%	14.6%	14.6%	14.4%	14.3%	14.1%	14%
705.86	35% ad val.	32.4%	29.8%	27.1%	24.5%	21.9%	19.3%	16.6%	14%
706.30	10.5c per lb. + 8.5% ad val.	9.9c/lb. + 8%	9.2c/lb. + 7.5%	8.6c/lb. + 7%	8c/lb. + 6.6%	7.3c/lb. + 6.1%	6.7c/lb. + 5.6%	6.1c/lb. + 5.1%	5.5c/lb. + 4.6%
<u>Schedule 7, Part 3</u>									
726.05	8.5% ad val.	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%
<u>Schedule 7, Part 4</u>									
728.25	8.5% ad val.	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%
<u>Schedule 7, Part 5</u>									
734.54	15% ad val.	13.9%	12.8%	11.6%	10.5%	9.4%	8.3%	7.1%	6%
735.07	7.5% ad val.	7.2%	6.9%	6.5%	6.2%	5.9%	5.6%	5.2%	4.9%
<u>Schedule 7, Part 6</u>									
741.25	13% ad val.	12.2%	11.4%	10.6%	9.9%	9.1%	8.3%	7.5%	6.7%
<u>Schedule 7, Part 8</u>									
750.25	19% ad val.	17.6%	16.3%	14.9%	13.6%	12.2%	10.8%	9.5%	8.1%
<u>Schedule 7, Part 12</u>									
770.05	7.4% ad val.	4.8%	4.8%	4.8%	4.8%	4.8%	4.8%	4.8%	4.8%
770.07	10.9% ad val.	10.1%	9.3%	8.5%	7.7%	6.8%	6.1%	5.2%	4.4%
770.10	11.6% ad val.	10.1%	9.6%	9%	8.5%	7.9%	7.4%	6.8%	6.3%
770.30	8.5% ad val.	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%
770.40	6% ad val.	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%
770.45	19% ad val.	17.6%	16.3%	14.9%	13.6%	12.2%	10.8%	9.5%	8.1%
771.05	3.7c per lb.	3.4c/lb.	3.2c/lb.	2.9c/lb.	2.6c/lb.	2.3c/lb.	2.1c/lb.	1.8c/lb.	1.5c/lb.
771.20	3.6% ad val.	3.3%	3.2%	3.2%	3.1%	3.1%	3%	2.9%	2.9%
771.25	4% ad val.	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%
771.30	11% ad val.	10.4%	9.8%	9.2%	8.6%	8%	7.4%	6.8%	6.2%
771.31	5.1% ad val.	4.9%	4.8%	4.6%	4.4%	4.2%	4.1%	3.9%	3.7%
771.35	5.7% ad val.	4.1%	4.1%	4.1%	4.1%	4.1%	4.1%	4.1%	4.1%
771.40	4% ad val.	3.9%	3.8%	3.7%	3.6%	3.4%	3.3%	3.2%	3.1%
771.43	6% ad val.	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%
771.50	3.4% ad val.	3.3%	3.2%	3.1%	3.1%	3%	2.9%	2.8%	2.7%
771.55	10% ad val.	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%
772.03	8.5% ad val.	7.9%	7.2%	6.6%	6%	5.3%	4.7%	4%	3.4%
772.06	10.5c per lb. + 8% ad val.	9c/lb. + 8%	7c/lb. + 8%	6c/lb. + 8%	4c/lb. + 8%	3c/lb. + 8%	2c/lb. + 8%	8%	7%
772.09	8.5% ad val.	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%
772.15	8.5% ad val.	7.9%	7.2%	6.6%	6%	5.3%	4.7%	4%	3.4%
772.20	7.5% ad val.	6.9%	6.4%	5.8%	5.3%	4.7%	4.1%	3.6%	3%
772.25	8.5% ad val.	7.9%	7.2%	6.6%	6%	5.3%	4.7%	4%	3.4%
772.35	6% ad val.	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%
772.42	6% ad val.	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%

1/ The symbol "%" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

ANNEX III

-15-

Section B.—Continued

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty 1/, effective with respect to articles entered on and after --							
		July 1, 1980	January 1, 1981	January 1, 1982	January 1, 1983	January 1, 1984	January 1, 1985	January 1, 1986	January 1, 1987
Schedule 7, Part 12—Continued									
772.70	6% ad val.	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%
772.80	10c per lb. + 8.5% ad val.	8c/lb. + 8.5%	6c/lb. + 8.5%	4c/lb. + 8.5%	2c/lb. + 8.5%	8.5%	7.9%	7.2%	6.5%
772.85	8.5% ad val.	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%
773.10	8.5% ad val.	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%
774.40	4% ad val.	3.5%	3%	2.5%	2%	1.5%	1%	0.5%	Free
774.45	8.5% ad val.	7.9%	7.2%	6.6%	6%	5.3%	4.7%	4%	3.4%
774.55	8.5% ad val.	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%
Schedule 7, Part 13									
790.07	8.5% ad val.	8.1%	7.7%	7.3%	6.9%	6.5%	6.1%	5.7%	5.3%
790.45	12.5% ad val.	11%	10.3%	9.6%	8.8%	8.1%	7.3%	6.6%	6.6%
790.47	6% ad val.	5.8%	5.6%	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%
790.55	10% ad val.	9.5%	9%	8.4%	7.9%	7.4%	6.9%	6.3%	5.8%

1/ The symbol "Z" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

Section C. Staged rate modifications effective as to articles entered, or withdrawn from warehouse for consumption, on and after the date (published in the Federal Register) not more than 30 days after the date on which the United States Trade Representative has determined that hand-painted batik can be distinguished from machine-painted batik and that a mutually satisfactory certification system has been adopted by Indonesia for such purpose.

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty 1/, effective with respect to articles entered on and after the dates to be notified and published for the appropriate stages below:							
		Stage 1	Stage 2	Stage 3	Stage 4	Stage 5	Stage 6	Stage 7	Stage 8
319.10	9.51% ad val. + 0.19% ad val. for each number	8.9% + 0.18% for each number	8.3% + 0.17% for each number	7.7% + 0.15% for each number	7.2% + 0.14% for each number	6.6% + 0.13% for each number	6% + 0.12% for each number	5.4% + 0.1% for each number	4.8% + 0.09% for each number
319.11	3.8c per lb. + 9.51% ad val. + 0.19% ad val. for each number	3.5c/lb. + 8.9% + 0.18% for each number	3.3c/lb. + 8.3% + 0.17% for each number	3c/lb. + 7.7% + 0.15% for each number	2.8c/lb. + 7.2% + 0.14% for each number	2.6c/lb. + 6.6% + 0.13% for each number	2.3c/lb. + 6% + 0.12% for each number	2.1c/lb. + 5.4% + 0.1% for each number	1.9c/lb. + 4.8% + 0.09% for each number
319.12	3.8c per lb. + 24.8% ad val.	3.5c/lb. + 23.3%	3.3c/lb. + 21.7%	3c/lb. + 20.2%	2.8c/lb. + 18.6%	2.6c/lb. + 17.1%	2.3c/lb. + 15.5%	2.1c/lb. + 14%	1.9c/lb. + 12.4%

1/ The symbol "Z" indicates percent ad valorem. The symbol "/" indicates per stated unit of quantity.

## ANNEX IV

## PRODUCTS OF LEAST DEVELOPED DEVELOPING COUNTRIES

Section A. Imported articles, the products of least developed developing countries, which are provided for in the following TSUS item numbers, are subject to the rates of duty set opposite thereto on and after the effective dates specified below:

(1) Effective as to articles entered, or withdrawn from warehouse for consumption, on and after July 1, 1980:

<u>TSUS</u> Item No.	<u>Rate of duty</u>	<u>TSUS</u> Item No.	<u>Rate of duty</u>
425.02	5.4% ad val.	426.88	4.2% ad val.
425.04	4.2% ad val.	426.92	3.7% ad val.
425.06	3.7% ad val.	426.94	8.4% ad val.
425.08	3.7% ad val.	426.98	5.5% ad val.
425.09	3.1% ad val.	427.04	3.7% ad val.
425.10	3.5% ad val.	427.06	3.7% ad val.
425.14	5.8% ad val.	427.08	3.7% ad val.
425.18	6.3% ad val.	427.12	3.7% ad val.
425.20	3.7% ad val.	427.16	4.2% ad val.
425.22	3.7% ad val.	427.18	4.9% ad val.
425.24	3.7% ad val.	427.20	4.9% ad val.
425.26	3.7% ad val.	427.22	7.5% ad val.
425.28	4.2% ad val.	427.25	3.7% ad val.
425.30	12% ad val.	427.28	3.7% ad val.
425.32	3.7% ad val.	427.30	3.7% ad val.
425.34	4.2% ad val.	427.42	5.1% ad val.
425.36	3.7% ad val.	427.45	3.7% ad val.
425.38	5.5% ad val.	427.46	7.2% ad val.
425.41	3.7% ad val.	427.53	3.7% ad val.
425.42	Free	427.54	5.8% ad val.
425.82	5.1% ad val.	427.56	5.1% ad val.
425.86	3.1% ad val.	427.58	5.6% ad val.
425.94	4.3% ad val.	427.60	Free
425.99	4.2% ad val.	427.62	3.1% ad val.
426.00	3.5% ad val.	427.70	7.5% ad val.
426.04	4.2% ad val.	427.72	7.2% ad val.
426.08	3.1% ad val.	427.82	6% ad val.
426.14	3.1% ad val.	427.84	3.7% ad val.
426.18	3.7% ad val.	427.94	3.7% ad val.
426.28	1¢ per lb. on copper content	427.97	18% ad val.
		427.98	3.7% ad val.
		428.04	5.5% ad val.
426.34	4.1% ad val.	428.12	3.7% ad val.
426.44	4.9% ad val.	428.20	5.4% ad val.
426.54	4.7% ad val.	428.22	5.7% ad val.
426.56	4.8% ad val.	428.24	4.9% ad val.
426.58	3.7% ad val.	428.26	5.3% ad val.
426.62	3.7% ad val.	428.32	3.7% ad val.
426.64	3.7% ad val.	428.34	12% ad val.
426.76	4.6% ad val.	428.40	3.7% ad val.
426.77	5.1% ad val.	428.41	6.7% ad val.
426.78	5.1% ad val.	428.42	3.7% ad val.
426.82	4.1% ad val.	428.44	3.7% ad val.
426.84	3.1% ad val.	428.54	3.7% ad val.
426.86	3.7% ad val.	428.58	3.7% ad val.

## Section A.(1)--Continued

<u>TSUS</u> Item No.	<u>Rate of duty</u>	<u>TSUS</u> Item No.	<u>Rate of duty</u>
428.62	3.7% ad val.	437.52	3.7% ad val.
428.64	3.7% ad val.	437.54	5.3% ad val.
428.66	3.7% ad val.	437.56	6% ad val.
428.68	3.8% ad val.	437.57	3.2% ad val.
428.72	3.7% ad val.	437.65	3.7% ad val.
428.80	4.6% ad val.	437.68	1.5% ad val.
428.82	3.7% ad val.	437.70	7% ad val.
428.84	9% ad val.	437.72	4.2% ad val.
428.86	12% ad val.	437.82	3.1% ad val.
428.88	4.8% ad val.	437.84	Free
428.92	3.7% ad val.	445.05	6.3% ad val.
428.94	7.8% ad val.	445.10	6.3% ad val.
428.96	5.6% ad val.	445.15	6.3% ad val.
429.00	5.5% ad val.	445.20	5.6% ad val.
429.10	4% ad val.	445.25	5.2% ad val.
429.12	4% ad val.	445.30	12.5% ad val.
429.19	0.9¢ per lb. + 4.6% ad val.	445.35	6.9% ad val.
429.26	20% ad val.	445.42	3.2% ad val.
429.28	0.7¢ per lb. + 3.5% ad val.	445.48	5.3% ad val.
429.29	0.6¢ per lb. + 3% ad val.	445.52	12.5% ad val.
429.30	3.7% ad val.	445.54	0.7¢ per lb. + 5.7% ad val.
429.32	3.7% ad val.	445.56	1¢ per lb. + 7.7% ad val.
429.34	3.4% ad val.	446.12	Free
429.38	4.9% ad val.	460.15	6.4% ad val.
429.42	4.2% ad val.	460.25	6.4% ad val.
429.44	12% ad val.	460.35	3% ad val.
429.46	4.6% ad val.	460.40	4.8% ad val.
429.48	3.7% ad val.	460.45	4.8% ad val.
429.56	3.7% ad val.	460.50	6.4% ad val.
429.60	3.7% ad val.	460.65	6.4% ad val.
429.95	3.7% ad val.	460.70	7.2% ad val.
437.00	Free	460.75	6.4% ad val.
437.02	6% ad val.	460.80	4.8% ad val.
437.04	20¢ per lb.	465.87	6.4% ad val.
437.06	6.6% ad val.	470.15	3.1% ad val.
437.10	83¢ per oz.	470.25	4.2% ad val.
437.12	3.7% ad val.	470.85	3.1% ad val.
437.13	3.7% ad val.	473.10	3.7% ad val.
437.14	\$1 per oz.	473.12	3.7% ad val.
437.16	2¢ per oz.	473.18	3.7% ad val.
437.18	9¢ per lb.	473.20	3.7% ad val.
437.20	3.7% ad val.	473.44	5.8% ad val.
427.24	Free	473.50	5.8% ad val.
427.32	3.7% ad val.	473.74	3.8% ad val.
437.36	5% ad val.	473.82	3.4% ad val.
437.38	50¢ per lb.	473.84	1.5% ad val.
437.40	3.7% ad val.	473.88	3.1% ad val.
437.44	4.7% ad val.	473.90	5.8% ad val.
		474.02	0.15¢ per piece

-3-

## Section A.(1)--Continued

<u>TSUS</u> Item No.	<u>Rate of duty</u>	<u>TSUS</u> Item No.	<u>Rate of duty</u>
474.04	0.5¢ per piece + 2.8% ad val.	734.54	6% ad val.
		735.07	4.9% ad val.
		741.25	6.7% ad val.
		750.25	8.1% ad val.
474.06	0.4¢ per piece + 3.6% ad val.	770.07	4.4% ad val.
		770.10	6.3% ad val.
		770.30	5.3% ad val.
		770.40	4.2% ad val.
474.08	6.5% ad val. on the en- tire set	770.45	8.1% ad val.
		771.05	1.5¢ per lb.
		771.20	2.9% ad val.
474.20	Free	771.25	3.1% ad val.
474.22	3.1% ad val.	771.30	6.2% ad val.
474.30	3.1% ad val.	771.31	3.7% ad val.
474.35	4.9% ad val.	771.40	3.1% ad val.
474.40	3.1% ad val.	771.43	4.2% ad val.
474.42	Free	771.50	2.7% ad val.
474.44	4¢ per lb.	771.55	5.8% ad val.
474.46	Free	772.03	3.4% ad val.
474.50	3.1% ad val.	772.06	7% ad val.
474.62	3.7% ad val.	772.09	5.3% ad val.
490.14	0.5¢ per lb. + 3.2% ad val.	772.15	3.4% ad val.
		772.20	3% ad val.
		772.25	3.4% ad val.
493.18	4.2% ad val.	772.35	4.2% ad val.
493.22	2.6% ad val.	772.42	4.2% ad val.
493.66	15% ad val.	772.80	6.5% ad val.
493.67	3.4% ad val.	772.85	5.3% ad val.
540.15	4.9% ad val.	773.10	5.3% ad val.
540.27	13.6% ad val.	774.40	Free
		774.45	3.4% ad val.
644.95	4.7% ad val.	774.55	5.3% ad val.
705.85	14% ad val.	790.07	5.3% ad val.
705.86	14% ad val.	790.45	6.6% ad val.
706.30	5.5¢ per lb. + 4.6% ad val.	790.47	4.2% ad val.
		790.55	5.8% ad val.
726.05	5.3% ad val.		
728.25	5.3% ad val.		

(2) Effective as to articles entered, or withdrawn from warehouse for consumption, on and after January 1, 1981:

<u>TSUS</u> Item No.	<u>Rate of duty</u>	<u>TSUS</u> Item No.	<u>Rate of duty</u>
425.70	1.8% ad val.	437.69	1.5% ad val.
425.72	1.8% ad val.	470.55	2.1% ad val.
426.72	1.8% ad val.	473.72	2.2% ad val.
427.44	20% ad val.	474.60	Free
428.50	0.8¢ per lb.		

-4-

(3) Effective as to articles entered, or withdrawn from warehouse for consumption, on and after January 1, 1982:

<u>TSUS</u> <u>Item No.</u>	<u>Rate of duty</u>
426.12	1.5% ad val.
426.36	1.1% ad val.
427.02	1¢ per lb.
437.22	1.8% ad val.
437.30	1.8% ad val.
437.58	1.8% ad val.
474.26	1.8% ad val.

Section B. Effective as to articles entered, or withdrawn from warehouse for consumption, on and after July 1, 1980:

1. Items 169.19 and 169.20 are modified by deleting the rate of duty in the LDDC column for each item.

## Presidential Documents

Executive Order 12222 of June 28, 1980

### Amending the Generalized System of Preferences

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including Title V of the Trade Act of 1974 (19 U.S.C. 2461 *et seq.*), as amended by Section 1111 of the Trade Agreements Act of 1979 (93 Stat. 315), and Section 604 of the Trade Act of 1974 (19 U.S.C. 2483), and as President of the United States or America, in order to provide for the continuation, to the greatest extent possible, of preferential treatment under the Generalized System of Preferences (GSP) for articles which are currently eligible for such treatment from countries designated as beneficiary developing countries, notwithstanding the numerous changes to the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) which have resulted from the enactment of Title II of the Trade Agreements Act of 1979 (93 Stat. 194 *et seq.*) and Proclamation 4768 to Carry Out the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade (the Customs Valuation Code) and for Other Purposes, to make technical corrections to Executive Order No. 11888, of November 24, 1975, as amended, and to make conforming modifications to the TSUS, it is hereby ordered as follows:

Section 1. Annex II of Executive Order No. 11888, as amended, listing articles that are eligible for benefits of the GSP when imported from any designated beneficiary developing country, is further amended as provided in the Annex to this Order, attached hereto and made a part hereof.

Sec. 2. Annex III of Executive Order No. 11888, as amended, listing articles that are eligible for benefits of the GSP when imported from all designated beneficiary countries except those specified in General Headnote 3(c)(iii) of the TSUS, is further amended by deleting items 114.05 and 315.55 therefrom, and adding items 114.04 and 114.06 thereto.

Sec. 3. General Headnote 3(c)(iii) of the TSUS, listing articles that are eligible for benefits of the GSP except when imported from the beneficiary countries listed opposite those articles, is modified by deleting therefrom the following:

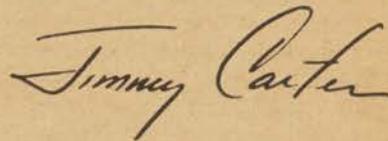
"114.05.....Thailand  
315.55.....Philippines";

and by adding thereto, in numerical sequence, the following:

"114.04.....Thailand  
114.06.....Thailand."

Sec. 4. The amendments made with respect to items 315.55, 470.57, 772.69, 772.70, and 772.71 by Sections 1, 2, and 3 of this Order shall be effective as to articles that are both (1) imported on or after January 1, 1976, and (2) entered, or withdrawn from warehouse for consumption, on or after July 1, 1980.

Sec. 5. The amendments made by Sections 1, 2, and 3 of this Order, with the exception of those listed in Section 4 above, shall be effective as to articles that are exported to the United States on and after July 1, 1980.



THE WHITE HOUSE,  
June 28, 1980.

## ANNEX

Annex II to Executive Order No. 11888, as amended, is further amended—

(a) by deleting the following TSUS item numbers:

403.02	405.06	407.12	408.15
403.04	405.10	407.20	408.20
403.06	405.15	407.25	408.25
403.08	405.20	407.30	408.30
403.10	405.25	407.32	408.35
403.40	405.30	407.35	408.40
403.42	405.35	407.40	408.45
403.44	405.40	407.45	408.60
403.46	405.45	407.50	408.70
403.58	405.55	407.55	408.75
403.70	406.80	407.60	408.80
403.75	407.02	407.70	409.00
403.78	407.04	407.80	470.57
403.79	407.06	407.90	772.69
403.90	407.08	408.05	772.71
405.04	407.10	408.10	

(b) by adding, in numerical sequence, the following TSUS item numbers:

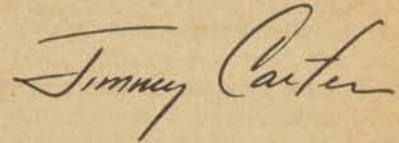
315.55	408.29	409.28	411.20
402.00	408.32	409.30	412.72
402.04	408.36	409.34	412.76
402.08	408.38	409.38	412.80
402.12	408.41	409.42	412.84
402.16	408.44	410.36	412.88
402.20	408.48	410.40	412.92
402.24	408.52	410.44	413.96
402.28	408.54	410.48	413.00
402.32	408.61	410.52	413.04
406.20	408.64	410.56	413.08
406.72	408.68	410.60	413.12
406.86	408.72	410.64	413.16
406.96	408.76	410.66	413.20
407.00	408.81	410.68	413.24
407.09	408.84	410.72	413.28
407.15	408.88	410.76	413.30
408.00	408.92	410.80	413.32
408.08	408.96	410.84	413.36
408.12	409.02	410.88	413.40
408.16	409.06	410.92	413.50
408.21	409.10	410.96	413.51
408.22	409.14	411.00	772.70
408.23	409.18	411.04	
408.24	409.22	411.08	
408.28	409.26	411.10	

## Presidential Documents

Executive Order 12223 of June 30, 1980

### Occupational Safety and Health Programs for Federal Employees

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 7902(c) of Title 5 of the United States Code, and in accord with Section 19 of the Occupational Safety and Health Act of 1970, as amended (29 U.S.C. 668), and in order to provide sufficient time for the development of adequate implementing instructions which will govern the new occupational safety and health programs for Federal employees, Section 1-704 of Executive Order No. 12196 of February 26, 1980, is hereby amended to read, "This Order is effective October 1, 1980."



THE WHITE HOUSE,  
June 30, 1980.

[FR Doc. 80-20100  
Filed 7-1-80; 10:31 am]  
Billing code 3195-01-M

PROFESSIONAL CERTIFICATE

THIS CERTIFICATE IS VALID FOR THE YEAR 1925

GRADUATED: *[Faint text]* STATE OF *[Faint text]*

*[Faint, illegible text, likely a signature or official statement]*

*[Faint text, possibly a date or location]*

*[Faint text in the bottom right corner]*

## Presidential Documents

Proclamation 4769 of June 30, 1980

### Extension of the Orderly Marketing Agreements and Temporary Quantitative Limitations on the Importation Into the United States of Color Television Receivers and Certain Subassemblies Thereof

By the President of the United States of America

#### A Proclamation

1. By Proclamation 4634 of January 26, 1979, the President proclaimed, under the authority of the Constitution and the statutes of the United States, including sections 203(a)(5), (e)(3) and (g)(2) of the Trade Act of 1974 (19 U.S.C. 2253(a)(5), (e)(3) and (g)(2)) (the Trade Act), the implementation of the orderly marketing agreements entered into with Taiwan and with the Republic of Korea which imposed quantitative restrictions on imports from Taiwan and Korea of color television receivers and certain subassemblies thereof. The limitations applied to covered articles entered, or withdrawn from warehouse for consumption, on or after February 1, 1979, and were to continue through June 30, 1980, unless earlier modified or terminated. Proclamation 4759 of May 15, 1980, modified Proclamation 4634. The limitations currently in effect, applicable to articles provided for in items 923.74 through 923.83, inclusive of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202), will terminate at the close of June 30, 1980, unless extended by the President under section 203(h)(3) of the Trade Act (19 U.S.C. 2253(h)(3)).

2. On May 16, 1980, the United States International Trade Commission (USITC), in accordance with sections 203(i) (3) and (5) of the Trade Act (19 U.S.C. 2253(i) (3) and (5)), reported the results of its investigation under section 203(i)(3) of the Trade Act (19 U.S.C. 2253(i)(3)) to the President (USITC Publication 1068). The USITC advised the President that termination of the import relief currently in effect with respect to certain color television receivers and subassemblies thereof will have an adverse effect on the domestic industry producing like or directly competitive products.

3. Section 203(h)(3) and (5) of the Trade Act (19 U.S.C. 2253(h)(3) and (5)) provides that any import relief instituted under the authority of section 203 may be extended by the President at a level no greater than that in effect at the time of extension if the President determines, after considering the advice of the USITC and the factors indicated in section 202(c) of the Trade Act (19 U.S.C. 2252(c)), that such extension is in the national interest.

4. In accordance with section 203(h)(3) of the Trade Act (19 U.S.C. 2253(h)(3)), I have determined that the level of import relief hereinafter proclaimed extends import relief at a level no greater than that in effect for the period of February 1, 1979 through June 30, 1980, and, having considered the advice given by the USITC in its report to the President and the factors indicated in section 202(c) of the Trade Act (19 U.S.C. 2252(c)), I have determined that the extension of the orderly marketing agreements with the Coordinating Council for North American Affairs and the Republic of Korea, covering certain color television receivers and subassemblies thereof as provided in the Annex to this proclamation, is in the national interest.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, acting under the authority vested in me in the Constitution and the statutes of the United States, including section 203 of the Trade Act (19 U.S.C.

2253), section 604 of the Trade Act (19 U.S.C. 2483), section 301 of Title 3 of the United States Code, and sections 4(b)(2) and 6(b) of the Taiwan Relations Act (22 U.S.C. 3303(b)(2) and 3305(b)), and in accordance with Article XIX of the General Agreement on Tariffs and Trade (GATT) (61 Stat. (pt. 5) A58; 8 UST (pt. 2) 1786), do proclaim that—

(1) Orderly marketing agreements, with respect to trade in certain color television receivers and subassemblies thereof, extending in part those currently in effect, were initialed June 28, 1980 by the Government of the United States of America and the Government of the Republic of Korea, and on June 28, 1980 by the American Institute in Taiwan and the Coordinating Council for North American Affairs. Both agreements will be signed in the near future.

These agreements, which will be made effective July 1, 1980, are to be implemented according to their terms and by the quantitative restrictions as directed in this proclamation, including the Annex.

(2) The Tariff Schedules of the United States (19 U.S.C. 1202) are modified as set forth in the Annex to this proclamation.

(3) The authority of the President under section 203(e)(2) of the Trade Act (19 U.S.C. 2253(e)(2)) to negotiate orderly marketing agreements with other foreign country suppliers of articles subject to this proclamation after any import relief proclaimed pursuant to section 203(a)(1), (2), (3) or (5) of the Trade Act (19 U.S.C. 2253(a)(1), (2), (3) or (5)) takes effect is delegated to the United States Trade Representative (Trade Representative). The authority of the President, under section 203(e)(3) of the Trade Act (19 U.S.C. 2253(e)(3)) to determine that any agreement negotiated pursuant to section 203(a)(4) or (5) or 203(e)(2) of the Trade Act (19 U.S.C. 2253(a)(4) or (5) or 2253(e)(2)) is no longer effective, is delegated to the Trade Representative, to be exercised after consultation with representatives of the member agencies of the Trade Policy Committee. In the event of such a determination, the Trade Representative shall submit to the President a proclamation to implement import relief authorized by section 203(e)(3) of the Trade Act (19 U.S.C. 2253(e)(3)).

(4) The authority of the President in section 203(g)(1) and (2) of the Trade Act (19 U.S.C. 2253(g)(1) and (2)), having been delegated to the Secretary of the Treasury under section 5(b) of Executive Order No. 11846, shall be exercised by the Secretary of the Treasury, upon direction by the Trade Representative, in consultation with representatives of the member agencies of the Trade Policy Committee.

(5) In exercising the authority delegated in paragraphs (3) and (4) above, the Trade Representative shall, in addition to other necessary actions, institute the following actions:

(a) Statistics on imports of articles covered by the agreements shall be collected on a monthly basis.

(b) If, for two years beginning on July 1, 1980, the quantity of imports of the articles covered by the agreements from sources other than those covered by the agreements described in paragraph (1) appears likely to disrupt the effectiveness of the provisions of the orderly marketing agreements described in paragraph (1) above, the Trade Representative may initiate consultations with those countries and may exercise the authority under 203(g)(2) of the Trade Act (19 U.S.C. 2253(g)(2)) to prevent further entry of such articles for the remainder of that restraint period or otherwise moderate or restrict imports of such articles from such countries. Before exercising this authority, the Trade Representative shall consult with representatives of the member agencies of the Trade Policy Committee.

(c) Should the Trade Representative, under the authority of this proclamation, determine to institute import restrictions on articles entered, or withdrawn from warehouse for consumption, from sources other than those covered by the agreements described in paragraph (1) that action shall be effective not less than eight days after the publication in the Federal Register of the determination and any necessary changes in the TSUS.

(6) The Trade Representative shall take those actions and perform those functions for the United States which may be necessary concerning the administration, implementation, modification, amendment or termination of the agreements described in paragraph (1) of this proclamation, and any actions and functions necessary to implement paragraphs (3), (4) and (5) of this proclamation. In carrying out his responsibilities under this paragraph, the Trade Representative is authorized to delegate, to appropriate officials or agencies of the United States, authority to perform any functions necessary for the administration and implementation of the agreements or actions. The Trade Representative is authorized to make any changes in the TSUS which may be necessary to carry out the agreements or actions. Any changes in the agreements shall be effective not less than 8 days following their publication in the Federal Register.

(7) The Commissioner of Customs shall take those actions which the Trade Representative determines are necessary to carry out the agreements described in paragraph (1) of this proclamation and to implement any import relief under the authority of paragraphs (3), (4) and (5) of this proclamation, or any modification of it, with respect to the entry, or withdrawal from warehouse for consumption, into the United States of products covered by the agreements or by other import relief authorized above.

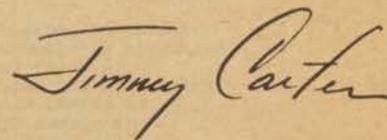
(8) The USITC shall issue reports and conduct the following surveys with respect to the certain color television receivers, and subassemblies thereof the subject of this proclamation:

(a) *Quarterly* surveys by calendar quarter to obtain from producers in the United States monthly data on production, shipments, inventories, employment, man-hours, prices, and other economic factors indicative of conditions in the U.S. industry. The initial surveys shall cover the second quarter of 1980. Subsequent surveys shall cover individual quarters with the last such survey covering the quarter which ends not less than 60 days prior to the termination of the import relief. The USITC shall publish the results of the surveys within 45 days after the end of the surveyed quarter.

(b) *Annual*. Annual surveys to obtain data from producers in the United States by calendar quarter on profits, capacity, and annual data on capital expenditures and research and development expenditures; and to obtain from importers data by calendar quarter on prices, orders, and inventories. The initial surveys shall cover the calendar year 1980, and the results shall be published by March 31, 1981. The results of subsequent surveys shall be published by March 31 of each year thereafter so long as the import relief is in effect.

(9) This proclamation shall be effective as of July 1, 1980, and shall continue in force through June 30, 1982, unless the period of its effectiveness is earlier expressly modified or terminated.

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



#### ANNEX

Subpart A, part 2 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is modified—

(a) by redesignating headnotes 5, 6 and 7 as headnotes 6, 7, and 8, respectively, and by inserting the following new headnote 5 in numerical sequence:

"5. *quantitative limitation on certain color television receivers and certain subassemblies thereof.*—The provisions of this headnote apply to items 923.66 through 923.72, inclusive, of this subpart. The quantitative import limitations imposed are in addition to the duties provided for the restrained articles in schedule 6, part 5. The import restrictions provided for in this subpart do not apply to a single color television receiver if imported for the personal use of the importer.

(a) Definitions.—For the purposes of this subpart—

(i) the term “color television receivers” refers to—

(1) fully assembled color television receivers, whether or not packaged or tested, for distribution to the ultimate purchaser,

(2) kits containing all the parts necessary for assembly of a complete color television receiver, and

(3) assemblies other than the above, which consist at least of, or are covered in the same entry with, a color picture tube and a printed circuit board or ceramic substrate, with components assembled thereon, designed to perform the intermediate frequency amplification functions or the picture and audio demodulation functions of a color television receiver;

(ii) each subassembly for a color television receiver that contains as a component, or is covered in the same entry with, one or more of the following television components, viz., tuner, channel selector assembly, antenna, deflection yoke, degaussing coil, picture tube mounting bracket, grounding assembly, parts necessary for fixing the picture tube or tuner in place, consumer operated controls, or speaker, shall be classified in items 923.69 or 923.72;

(iii) for the purpose of items 923.69 and 923.72, each subassembly shall be counted as a single unit, except that two or more different printed circuit boards or ceramic substrates covered by the same entry and designed for assembly into the same television models shall be counted as one unit;

(iv) the term “exported” refers to the actual date the merchandise finally leaves the country of exportation for the United States as provided for in section 152.1(c) of the U.S. Customs Regulations (19 CFR 152.1(c)).

(b) *Export visa*.—None of the color television receivers provided for herein exported on or after July 1, 1980, may be entered unless such color television receivers are accompanied by an appropriate export visa.

(c) *Color television receivers exported and entered in different restraint periods*.—Color television receivers provided for in items 923.66 through 923.72, inclusive, which are exported during one restraint period, but are entered more than 90 days following the beginning of the subsequent restraint period, shall be counted against the restraint level for that subsequent restraint period. Color television receivers provided for in items 923.66 through 923.72, inclusive, which are exported during one restraint period in excess of the restraint level for such period, may be entered after the beginning of that subsequent restraint period and shall be counted against the restraint level for that subsequent restraint period.

(d) *Carryover*.—If the restraint level for color television receivers has not been filled for the restraint period ending June 30, 1980, or the restraint period ending June 30, 1981, upon appropriate request of the Coordinating Council for North American Affairs (CCNAA) or the Government of the Republic of Korea, the shortfall may be entered during the following restraint period provided that the amount of shortfall so entered does not exceed 11 percent of the restraint level for the restraint period during which the shortfall occurred.

(e) *Exceeding restraint levels*.—Upon appropriate request of the CCNAA or of the Government of the Republic of Korea, the restraint level for item 923.66 or 923.70 may be exceeded by not more than 10 percent. If the restraint level is exceeded, the United States Trade Representative shall make a downward adjustment of the restraint level for item 923.68 or 923.71, in the absolute amount the restraint level for item 923.66 or 923.70 was exceeded.

(b) by deleting headnote 6(f), as redesignated herein, and substituting the following new headnote 6(f) in lieu thereof:

“(f) *Exceeding restraint levels*.—The restraint level for item 923.83 may be exceeded by not more than 50,000 units.”;

(c) by inserting in numerical sequence the following new provisions:

Item	Articles			
	Whenever the respective aggregate quantity of color television receivers and subassemblies thereof specified below for items 923.66 through 923.72, inclusive, the product of Taiwan or of the Republic of Korea has been exported in any restraint period and has been entered, no article in such item the product of Taiwan or of the Republic of Korea exported during such restraint period may be entered except, as provided in headnote 5:			
	Taiwan:			
	Color television receivers, having a single picture tube intended for direct viewing, with a video display diagonal of 12.5 inches and over, provided for in items 685.11 or 685.14:			
923.66	If exported during the period from July 1, 1980, through June 30, 1981, inclusive.....		400,000	
923.68	If exported during the period from July 1, 1981, through June 30, 1982, inclusive..		425,000	
923.69	Printed circuit boards and ceramic substrates with components assembled thereon, for color television receivers; subassemblies containing one or more of such boards or substrates, except tuners or convergence assemblies, all the foregoing not having a picture tube, and entered with components enumerated in headnote 5(a)(ii) and with all or part of a chassis frame, provided for in item 685.15.			No restriction
	Republic of Korea:			
	Color television receivers, having a single picture tube intended for direct viewing, with a video display diagonal of 12.5 inches and over, provided for in items 685.11 or 685.14:			
923.70	If exported during the period from July 1, 1980, through June 30, 1981, inclusive..		385,000	
923.71	If exported during the period from July 1, 1981, through June 30, 1982, inclusive..		575,000	
923.72	Printed circuit boards and ceramic substrates with components assembled thereon, for color television receivers; subassemblies containing one or more of such boards or substrates, except tuners or convergence assemblies, all the foregoing not having a picture tube, and entered with components enumerated in headnote 5(a)(ii) and with all or part of chassis frame, provided for in item 685.15.			No restriction
(d)	by deleting headnote 6, as redesignated herein, and items 923.74 through 923.83, inclusive, including the superior headings thereto, effective October 1, 1980.			



## Presidential Documents

Executive Order 12224 of July 1, 1980

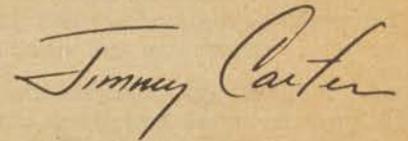
### Implementation of the International Sugar Agreement

By the authority vested in me as President of the United States of America by an Act providing for the Implementation of the International Sugar Agreement, 1977, and for Other Purposes (P.L. 96-236; 94 Stat. 336) and Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

1-101. The functions vested in the President by Public Law 96-236 (94 Stat. 336) are delegated to the United States Trade Representative.

1-102. In carrying out the functions delegated to him, the United States Trade Representative shall consult with the Secretary of Agriculture and the Secretary of State. The United States Trade Representative may, with the consent of the head of another Executive agency, redelegate some or all of those functions to the head of such agency.

1-103. This Order is effective July 1, 1980.



THE WHITE HOUSE,  
July 1, 1980.

Provisional Constitution

Approved by the Convention on July 1, 1877

Implementation of the International Convention

The Convention has the honor to inform you that the Convention has adopted the following provisions for the implementation of the International Convention. The Convention has decided to establish a Commission to study the question of the implementation of the Convention. The Commission is to be composed of representatives of the Convention and of representatives of the States which have signed the Convention. The Commission is to report to the Convention at its next meeting. The Convention has also decided to establish a Bureau to assist the Commission in its work. The Bureau is to be composed of representatives of the Convention and of representatives of the States which have signed the Convention. The Bureau is to report to the Commission at its meetings. The Convention has also decided to establish a Secretariat to assist the Bureau in its work. The Secretariat is to be composed of representatives of the Convention and of representatives of the States which have signed the Convention. The Secretariat is to report to the Bureau at its meetings. The Convention has also decided to establish a Council to assist the Secretariat in its work. The Council is to be composed of representatives of the Convention and of representatives of the States which have signed the Convention. The Council is to report to the Secretariat at its meetings. The Convention has also decided to establish a Committee to assist the Council in its work. The Committee is to be composed of representatives of the Convention and of representatives of the States which have signed the Convention. The Committee is to report to the Council at its meetings. The Convention has also decided to establish a Commission to study the question of the implementation of the Convention. The Commission is to be composed of representatives of the Convention and of representatives of the States which have signed the Convention. The Commission is to report to the Convention at its next meeting. The Convention has also decided to establish a Bureau to assist the Commission in its work. The Bureau is to be composed of representatives of the Convention and of representatives of the States which have signed the Convention. The Bureau is to report to the Commission at its meetings. The Convention has also decided to establish a Secretariat to assist the Bureau in its work. The Secretariat is to be composed of representatives of the Convention and of representatives of the States which have signed the Convention. The Secretariat is to report to the Bureau at its meetings. The Convention has also decided to establish a Council to assist the Secretariat in its work. The Council is to be composed of representatives of the Convention and of representatives of the States which have signed the Convention. The Council is to report to the Secretariat at its meetings. The Convention has also decided to establish a Committee to assist the Council in its work. The Committee is to be composed of representatives of the Convention and of representatives of the States which have signed the Convention. The Committee is to report to the Council at its meetings.

THE SECRETARY  
JULY 1, 1877

## Presidential Documents

Proclamation 4770 of July 1, 1980

### Amendment of Proclamation No. 4663 Regarding the Allocation of Quotas on Certain Sugars, Sirups, and Molasses

By the President of the United States of America

#### A Proclamation

1. Proclamation No. 4663 of May 24, 1979, modified Headnote 3 of Subpart A, Part 10, Schedule 1 of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202), authorizing the Secretary of State to allocate the sugar import quota among supplying countries or areas to the extent necessary to conform with the International Sugar Agreement, 1977, which the United States then was applying provisionally.

2. The United States signed the International Sugar Agreement on January 2, 1980. The International Sugar Agreement 1977, Implementation Act (P.L. 96-236; 94 Stat. 336) (the Act) enacted on April 22, 1980, authorized full implementation of United States rights and obligations under that agreement.

3. In order to carry out and enforce the International Sugar Agreement, the Act authorizes the President to limit the entry into the United States of sugar, as defined in the Agreement, which is the product of foreign countries, territories or areas not members of the International Sugar Agreement, to take other action and to issue and enforce rules and regulations necessary or appropriate to enforce U.S. rights and obligations under the Agreement. The President also is authorized to designate agencies or offices of the United States which will exercise the powers and functions conferred by the Act.

4. Reorganization Plan Number 3 of 1979, transferred to the United States Trade Representative the functions of the Secretary of State with respect to commodity agreements. Executive Order No. 12224 of July 1, 1980, delegated the powers and duties of the President to the United States Trade Representative.

5. To reflect the developments described in paragraphs 2, 3, and 4, Proclamation 4663 must be amended. The actions proclaimed below conform with the International Sugar Agreement, 1977, and give due consideration, as required by Headnote 2, of Subpart A, Part 10, Schedule 1 of the TSUS, to the interests of domestic producers of sugar in the United States and of affected contracting parties to the General Agreement on Tariffs and Trade.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, acting under the authority vested in me by the Constitution and statutes of the United States, including the International Sugar Agreement 1977, Implementation Act (P.L. 96-236; 94 Stat. 336) and in conformity with Headnote 2 of Subpart A, Part 10, Schedule 1 of TSUS, do hereby proclaim:

(1) The first paragraph of Headnote 3 of Subpart A, Part 10, Schedule 1 of the TSUS is modified by substituting for the second and third sentences of that paragraph the following:

"The U.S. Trade Representative or his designee may allocate this quantity among supplying countries or areas, and may prescribe further rules, regulations, limitations or prohibitions on the entry of sugar in accordance with the International Sugar Agreement, 1977, and Public Law 96-236. The U.S. Trade Representative or his designee shall inform the Commissioner of Customs of

any such action regarding the importation of sugar, and shall publish notice thereof in the Federal Register".

(2) The provisions of this proclamation are effective July 1, 1980.

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

[FR Doc. 80-20108  
Filed 7-1-80; 11:23 am]  
Billing code 3195-01-M

# Reader Aids

Federal Register

Vol. 45, No. 129

Wednesday, July 2, 1980

## INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing 202-523-5240.

### Federal Register, Daily Issue:

- 202-783-3238 Subscription orders and problems (GPO) "Dial-a-Reg" (recorded summary of highlighted documents appearing in next day's issue);
- 202-523-5022 Washington, D.C.
- 312-663-0884 Chicago, Ill.
- 213-688-6694 Los Angeles, Calif.
- 202-523-3187 Scheduling of documents for publication
- 523-5240 Photo copies of documents appearing in the Federal Register
- 523-5237 Corrections
- 523-5215 Public Inspection Desk
- 523-5227 Index and Finding Aids
- 523-5235 Public Briefings: "How To Use the Federal Register."

### Code of Federal Regulations (CFR):

- 523-3419
- 523-3517
- 523-5227 Index and Finding Aids

### Presidential Documents:

- 523-5233 Executive Orders and Proclamations
- 523-5235 Public Papers of the Presidents, and Weekly Compilation of Presidential Documents

### Public Laws:

- 523-5266 Public Law Numbers and Dates, Slip Laws, U.S. Statutes at Large, and Index
- 5282
- 275-3030 Slip Law Orders (GPO)

### Other Publications and Services:

- 523-5239 TTY for the Deaf
- 523-5230 U.S. Government Manual
- 523-3408 Automation
- 523-4534 Special Projects
- 523-3517 Privacy Act Compilation

## FEDERAL REGISTER PAGES AND DATES, JULY

44245-44916.....	1
44917-45246.....	2

## CFR PARTS AFFECTED DURING JULY

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.

<b>3 CFR</b>	413.....	44311
	999.....	44960
	2859.....	44317
<b>Executive Orders:</b>		
10560 (Revoked by EO 12220).....	44245	
10685 (Revoked by EO 12220).....	44245	
10708 (Revoked by EO 12220).....	44245	
10746 (Revoked by EO 12220).....	44245	
10799 (Revoked by EO 12220).....	44245	
10827 (Revoked by EO 12220).....	44245	
10884 (Revoked by EO 12220).....	44245	
10893 (Revoked by EO 12220).....	44245	
10900 (Revoked by EO 12220).....	44245	
11846 (See Proc. 4768).....	45135	
11888 (Amended by EO 12222).....	45233	
12044 (Revoked by EO 12221).....	44249	
12196 (Amended by EO 12223).....	45235	
12220.....	44245	
12221.....	44249	
12222.....	45233	
12223.....	45235	
12224.....	45243	
<b>Proclamations:</b>		
4707 (Superseded in part by Proc. 4768).....	45135	
4768.....	45135	
4769.....	45237	
4770.....	45245	
<b>8 CFR</b>	204.....	44251
	214.....	44918
<b>9 CFR</b>	78.....	44253
<b>Proposed Rules:</b>		
308.....	44317	
381.....	44317	
<b>10 CFR</b>	436.....	44558
<b>Proposed Rules:</b>		
210.....	44961	
211.....	44961	
212.....	44961	
580.....	45098	
<b>12 CFR</b>	Ch. II.....	44574
	207.....	44256
	1204.....	44919
<b>Proposed Rules:</b>		
204.....	44962	
225.....	44963	
<b>13 CFR</b>	305.....	44257
	309.....	44257
	400.....	44258, 44919
<b>15 CFR</b>	Ch. III.....	44574
<b>16 CFR</b>	13.....	44259, 44260, 44920, 44921
	300.....	44260
	301.....	44260
	303.....	44260
<b>Proposed Rules:</b>		
13.....	44317, 44322, 44324	
<b>17 CFR</b>	240.....	44922
<b>Proposed Rules:</b>		
1.....	44965	
<b>18 CFR</b>	282.....	44923
<b>19 CFR</b>	101.....	44263
<b>20 CFR</b>	725.....	44264

<b>21 CFR</b>	
520.....	44264
1220.....	44265
1304.....	44266
1306.....	44266
<b>Proposed Rules:</b>	
109.....	44325
110.....	44325
225.....	44325
226.....	44325
500.....	44325
509.....	44325
589.....	44326
<b>24 CFR</b>	
255.....	45116
841.....	44267
860.....	44267
<b>26 CFR</b>	
<b>Proposed Rules:</b>	
48.....	44965
<b>28 CFR</b>	
0.....	44267
2.....	44924
55.....	44268
<b>Proposed Rules:</b>	
2.....	44966, 44967
<b>29 CFR</b>	
102.....	44302
2700.....	44301
<b>30 CFR</b>	
45.....	44494
<b>Proposed Rules:</b>	
722.....	44326
943.....	44967
<b>31 CFR</b>	
321.....	44590
322.....	44590
330.....	44600
<b>32 CFR</b>	
1-39.....	44604, 44758, 44818, 44902
<b>32A CFR</b>	
Ch. I.....	44575
Ch. VI.....	44574
Ch. VII.....	44574
Ch. XV.....	44574
Ch. XVIII.....	44587
801.....	44574
<b>36 CFR</b>	
1151.....	44925
<b>Proposed Rules:</b>	
7.....	44969
<b>39 CFR</b>	
265.....	44270
266.....	44270
268.....	44270
<b>40 CFR</b>	
52.....	44273
421.....	44926
<b>Proposed Rules:</b>	
52.....	44970, 45080
58.....	44327
60.....	44329, 44970
81.....	45080
<b>41 CFR</b>	
Ch. 7.....	44275
Ch. 101.....	44951, 44953
7-6.....	44283
7-7.....	44283
<b>42 CFR</b>	
405.....	44287
<b>43 CFR</b>	
2800.....	44518
<b>Proposed Rules:</b>	
35.....	44972
<b>44 CFR</b>	
Ch. I.....	44574
Ch. IV.....	44574
<b>45 CFR</b>	
<b>Proposed Rules:</b>	
177.....	45130
<b>46 CFR</b>	
Ch. II.....	44587
<b>49 CFR</b>	
<b>Proposed Rules:</b>	
Ch. X.....	44351
<b>50 CFR</b>	
17.....	44935, 44939
296.....	44942
674.....	44292
<b>Proposed Rules:</b>	
20.....	44540
219.....	44352
664.....	44972

## 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 41 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	HHS/FDA		DOT/SLSDC	HHS/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

## INTERSTATE COMMERCE COMMISSION

- 37218 6-2-80 / Petition to amend interpretation of operating rights authorizing service as designated airports

## TRANSPORTATION DEPARTMENT

Coast Guard—

- 37212 6-2-80 / Safety approval of cargo containers

## Deadlines for Comments on Proposed Rules for the Week of July 6 through July 12, 1980

## AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

- 42625 6-25-80 / Sweet cherries grown in Washington; grade, size container, and pack requirements; comments by 7-10-80

Farmers Home Administration—

- 30365 5-7-80 / Conservation of petroleum and natural gas through proposed changes in USDA financial assistance programs; comments by 7-7-80

Federal Crop Insurance Corporation—

- 30445 5-8-80 / Oat crop insurance regulations; comments by 7-7-80

Federal Grain Inspection Service—

- 30446 5-8-80 / Official U.S. Standards for corn, soybeans, and mixed grain; comments by 7-7-80

Forest Service—

- 80652 5-9-80 / National forest timber sales; export and substitution restrictions; comments by 7-8-80

## Rural Electrification Administration—

- 29847 5-6-80 / Contract Approval Requirements-Generation; Proposed Supplement to REA Bulletin 40-6; comments by 7-7-80

- 38064 6-6-80 / Proposed revision of REA Bulletins 181-1, Uniform System of Accounts and 181-3, Accounting Interpretations for Rural Electric Borrowers; comments by 7-7-80

## CENTRAL INTELLIGENCE AGENCY

- 29855 5-6-80 / Public access to documents and records and declassification requests; comments by 7-7-80

## CIVIL AERONAUTICS BOARD

- 30087 5-7-80 / Oversales; clarification of carriers' obligations to pay denied boarding compensation; comments by 7-7-80

- 31413 5-13-80 / Oversales and denied boarding compensation; applicability to commuter air carriers and to certificated carriers operating 60 seat or smaller aircraft; reply comments by 7-10-80

- 25817 4-16-80 / Prescribed airline counter and ticket notices; reply comments 7-7-80

- 28342 4-29-80 / Revision and simplification of prescribed airline counter and ticket notices; reply comments by 7-7-80

## COMMERCE DEPARTMENT

Economic Development Administration—

- 30320 5-7-80 / Financial assistance programs regarding energy conservation, miscellaneous amendments; comments by 7-7-80

International Trade Administration—

- 29568 5-5-80 / Revision of Commodity Control List and Advisory Notes; interim rule; comments by 7-7-80

Maritime Administration—

- 29610 5-5-80 / Construction—differential subsidy repayment; total repayment policy; comments by 7-7-80

- 30410 5-7-80 / Energy conservation by recipients of Federal financial assistance; comments by 7-7-80

- National Oceanic and Atmospheric Administration—
- 39876 6-12-80 / Foreign fishing regulations, fees; comments extended to 7-11-80  
[See also 45 FR 36460, 5-30-80]
- COMMODITY FUTURES TRADING COMMISSION**
- 39280 6-10-80 / Reports by contract markets; daily publication of futures prices; comments by 7-10-80
- COMMUNITY SERVICES ADMINISTRATION**
- 31133 5-12-80 / Grantee personnel management policies and procedures for programs funded under Titles II, IV, and VII, of the Economic Opportunity Act of 1964; comments by 7-11-80
- EDUCATION DEPARTMENT**
- 30386 5-7-80 / Petroleum and natural gas conservation; Federal public facilities assistance programs; comments by 7-7-80
- ENERGY DEPARTMENT**
- Economic Regulatory Administration—
- 29234 5-1-80 / Voluntary guideline for automatic adjustment clauses standard under Public Utility Regulatory Policies Act of 1978; comments by 7-10-80
- ENVIRONMENTAL PROTECTION AGENCY**
- 39310 6-10-80 / Approval and promulgation of implementation plans; Ohio; comments by 7-10-80
- 38419 6-9-80 / Approval and promulgation of nonattainment plan for Wisconsin; comments by 7-9-80
- 37699 6-4-80 / Colorado; approval of State Implementation Plan; comments by 7-7-80
- 28922 4-30-80 / Evaporative emission regulation and test procedure for gasoline-fueled heavy-duty vehicles; comments by 7-7-80
- 37700 6-4-80 / Oxalic acid; exemption from tolerances; comments by 7-7-80
- 30374 5-7-80 / Petroleum and natural gas conservation; comments by 7-7-80
- 39450 6-10-80 / Premanufacture notification and review; economic impact; comments by 7-10-80
- 30089 5-7-80 / Prevention of significant deterioration for hydrocarbons, carbon monoxide, nitrogen oxides, ozone, and lead (PSD Set II), comments by 7-7-80
- FEDERAL COMMUNICATIONS COMMISSION**
- 28780 4-30-80 / Adding frequency channelling requirements and restrictions to require monitoring for signal leakage from Cable television systems; reply comments extended to 7-10-80
- 28778 4-30-80 / FM broadcast stations in Alameda and Albuquerque, N. Mex.; proposed changes in table of assignments; reply comments by 7-7-80
- 37466 6-3-80 / FM Broadcast Station in Ashland, Oreg; reply comments by 7-7-80  
[See also 45 FR 23483, 4-7-80]
- 34934 5-23-80 / FM broadcast stations in Beaufort and Ridgeland, S.C.; changes in table of assignments; comments by 7-7-80
- 28771 4-30-80 / FM broadcast station in Eagle, Colo.; proposed changes in table of assignments; reply comments by 7-7-80
- 34934 5-23-80 / FM broadcast station in Elloiee, S.C.; changes in table of assignments; comments by 7-7-80
- 28777 4-30-80 / FM broadcast Station in Falmouth, Mass.; changes in table of assignments; reply comments by 7-7-80
- 34933 5-23-80 / FM broadcast stations in Geneva, Ohio; changes in table of assignments; comments by 7-7-80
- 28768 4-30-80 / FM broadcast stations in Lewisburg and Ronceverte, W. Va.; changes in table of assignments; reply comments by 7-7-80
- 34937 5-23-80 / FM broadcast station in Mount Pleasant S.C.; changes in table of assignments; comments by 7-7-80
- 29870 5-6-80 / FM broadcast station in Quincy, Calif.; changes in table of assignments; reply comments by 7-7-80
- 28769 4-30-80 / FM broadcast stations in Rohnert Park and Sebastopol, Calif; changes in table of assignments; reply comments by 7-7-80
- 29871 5-6-80 / FM broadcast station in Stephenville, Tex.; changes in table of assignments; reply comments by 7-7-80
- 32745 5-19-80 / Providing optimum conditions for utilization of New Jersey television channel assignments; comments by 7-8-80
- 28770 4-30-80 / Television broadcast station in Santa Barbara, Calif.; changes in table of assignments; reply comments by 7-7-80
- FEDERAL HOME LOAN BANK BOARD**
- 31409 5-13-80 / Insured institutions; waiver of annual report requirements; comments by 7-9-80
- 31121 5-12-80 / Policy statement on branching; comments by 7-9-80
- 31408 5-13-80 / Restriction of savings and loan associations' accounting treatment for loan servicing fees by providing that such fees may be credited to current income only to the extent earned; comments by 7-9-80
- FEDERAL MARITIME COMMISSION**
- 37703 6-4-80 / Exemption of husbanding agreements; comments by 7-7-80
- FEDERAL TRADE COMMISSION**
- 23705 4-8-80 / Food advertising; promulgation of trade regulation; comments by 7-7-80
- GENERAL SERVICES ADMINISTRATION**
- 15178 3-10-80 / Revised policy on incoming intercity toll-free telephone services; temporary regulations; comments by 7-8-80
- HEALTH, EDUCATION, AND WELFARE DEPARTMENT**  
[See also Education Department and Health and Human Services Department]
- Office of the Secretary—
- 24211 4-9-80 / Implementation of Section 7(b) of the Indian Self-Determination and Education Assistance Act; intent to develop regulation; comments by 7-8-80
- HEALTH AND HUMAN SERVICES DEPARTMENT**  
[See also Health, Education, and Welfare Department]
- Food and Drug Administration—
- 38049 6-6-80 / Food additives permitted in feed and drinking water of animals; acrylamide-acrylic acid resin; comments by 7-7-80
- 39252 6-10-80 / Indirect food additives; polymers; substances for use as basic components of single and repeated use food contact surfaces; comments by 7-10-80
- Human Development Services Office—
- 35794 5-27-80 / Child abuse and neglect prevention and treatment program; comments by 7-11-80
- HOUSING AND URBAN DEVELOPMENT DEPARTMENT**  
Community Planning and Development, Office of the Assistant Secretary—
- 30328 5-7-80 / Community development block grants; energy conservation provisions; comments by 7-7-80
- 31262 5-12-80 / Community development block grants; requirements governing urban development action grants; comments by 7-11-80
- 30455 5-8-80 / Community development block grants for Indian tribes and Alaska Natives; comments by 7-7-80
- 30330 5-7-80 / Comprehensive planning assistance; energy conservation provisions; comments by 7-7-80

- Federal Housing Commissioner, Office of the Assistant Secretary—
- 30349 5-7-80 / Modernization program—PHA-owned projects; comprehensive modernization; comments by 7-7-80
- 30352 5-7-80 / Supplementary financing for insured project mortgages for energy-related improvements; comments by 7-7-80
- INTERIOR DEPARTMENT**
- Fish and Wildlife Service—
- 24904 4-11-80 / Endangered and threatened wildlife and plants; review of status of five mollusc species; information by 7-11-80
- 39317 6-10-80 / Migratory Bird Hunting and Conservation Stamp Contest; comments by 7-10-80
- Land Management Bureau—
- 30606 5-8-80 / Alaska Native selections; procedures clarified; comments by 7-7-80
- 31284 5-12-80 / Leases, permits, and easements; land use authorizations under the Federal Land Policy and Management Act; comments by 7-11-80
- Surface Mining Reclamation and Enforcement Office—
- 41166 6-18-80 / Coal Mining; research and demonstration of reclamation technology; comments by 7-11-80
- JUSTICE DEPARTMENT**
- Immigration and Naturalization Service—
- 29848 5-6-80 / Nonimmigrant classes; the Effect of a Strike on the Admission and Continued Employment of Certain Nonimmigrant; representations by 7-7-80
- LABOR DEPARTMENT**
- Office of the Secretary—
- 25410 4-15-80 / Labor standards for registration of apprenticeship programs; list of apprenticeable occupations; comments by 7-11-80  
[See also 45 FR 15571, 3-11-80]
- MANAGEMENT AND BUDGET OFFICE**
- Federal Procurement Policy Office—
- 29612 5-5-80 / Contract reporting; draft availability of Federal Acquisition Regulation; comments by 7-7-80
- NUCLEAR REGULATORY COMMISSION**
- 34279 5-22-80 / Nuclear power plant construction; "immediate effectiveness" rule; possible amendments; comments by 7-7-80
- POSTAL SERVICE**
- 38419 6-9-80 / Poisons and controlled substances—nonmailability; deletion of registered mail requirement; Comments by 7-9-80  
[See also 45 FR 20118, 3-27-80 and 45 FR 26983, 4-22-80]
- SMALL BUSINESS ADMINISTRATION**
- 30338 5-7-80 / Energy Conservation; comments by 7-7-80
- TRANSPORTATION DEPARTMENT**
- Coast Guard—
- 34306 5-22-80 / Procedure for exemption from the requirement for segregated ballast tanks, dedicated clean ballast tanks or a crude oil washing system for existing tank vessels; comments by 7-7-80
- 35366 5-27-80 / Stowage of lifeboats and liferafts; comments by 7-11-80
- Federal Aviation Administration—
- 31057 5-12-80 / Air carriers certification and operations; flight attendant seats (final rule); comments by 7-7-80
- 31125 5-12-80 / Aircraft security requirements; petition for rulemaking of Air New England; comments by 7-11-80
- Office of the Secretary—
- 30398 5-7-80 / Energy conservation by recipients of Federal financial assistance; comments by 7-7-80
- VETERANS ADMINISTRATION**
- 30370 5-7-80 / Loan guaranty; Housing programs compliance with E.O. 12185; comments by 7-7-80
- 30392 5-7-80 / Public facilities grants programs; comments by 7-7-80
- Deadlines for Comments on Proposed Rules for the Week of July 13 through July 19, 1980**
- AGRICULTURE DEPARTMENT**
- Agricultural Marketing Service—
- 43789 6-30-80 / Handling of papayas grown in Hawaii; proposed amendments; comments by 7-15-80
- Agricultural Stabilization and Conservation Service—
- 37453 6-3-80 / Beekeeper Indemnity Payment Program (1978-81); comments by 7-18-80
- Federal Grain Inspection Service—
- 32284 5-15-80 / Proposed changes in options to treat insect infested shiplot grain; comments by 7-14-80
- CIVIL AERONAUTICS BOARD**
- 40994 6-17-80 / Domestic passenger fare flexibility; comments by 7-17-80
- COMMERCE DEPARTMENT**
- International Trade Administration—
- 33955 5-21-80 / Revision of foreign policy controls on exports to Syria, Iraq, Libya, and the People's Democratic Republic of Yemen; comments by 7-16-80
- National Oceanic and Atmospheric Administration—
- 34020 5-21-80 / Alaska Salmon Fishery; comments by 7-14-80
- 33649 5-20-80 / Looe Key, Fla. Marine Sanctuary; draft environmental impact statement; comments by 7-15-80
- Office of the Secretary—
- 41153 6-18-80 / Cooperative Generic Technology Program; comments by 7-18-80
- CONSUMER PRODUCT SAFETY COMMISSION**
- 32705 5-19-80 / Bicycle safety requirements; retroreflective rims; comments by 7-18-80
- DEPOSITORY INSTITUTIONS**
- Deregulation Committee—
- 32323 5-16-80 / Provisions relating to premiums, finders fees, and the payment of interest in merchandise; comments by 7-16-80  
[Comments extended at 45 FR 38072, 6-6-80]
- ENERGY DEPARTMENT**
- Conservation and Solar Energy Office—
- 32560 5-16-80 / Municipal waste reprocessing demonstration facilities program; reporting guidelines; comments by 7-15-80
- Federal Energy Regulatory Commission—
- 40617 6-16-80 / Exemption from incremental pricing for distillers who produce fuel grade alcohol blended to form gasohol; comments by 7-18-18
- ENVIRONMENTAL PROTECTION AGENCY**
- 41017 6-17-80 / Ambient air quality monitoring; data reporting, and surveillance provisions for the State of Michigan; comments by 7-17-80
- 40169 6-13-80 / Approval and promulgation of implementation plans; Utah SO<sub>2</sub> control strategy; comments by 7-14-80
- 40175 6-13-80 / Biological agent *Bacillus thuringiensis*, Berliner; proposed tolerance; comments by 7-14-80

- 33260 5-19-80 / Financial requirements for owners and operators of hazardous waste management facilities; comments by 7-18-80
- 33290 5-19-80 / Consolidated Permit Regulations; comments by 7-15 and 7-18-80
- 33280 5-19-80 / Hazardous Waste Management: Interim status requirements for underground injection; comments by 7-18-80
- 33066 5-19-80 / Hazardous Waste Management System: General; comments by 7-18-80
- 33084 5-19-80 / Hazardous Waste Management System: Identification and listing of hazardous waste; comments by 7-18-80
- 33136 5-19-80 / Identification and listing of hazardous wastes; comments by 7-18-80
- 40623 6-16-80 / Revisions to the new source review provisions of regulations in the Washington State Implementation Plan governing Kraft and Sulfite Pulping Mills and primary Aluminum Plants; comments by 7-16-80
- 33140 5-19-80 / Standards for generators of hazardous waste; comments by 7-18-80
- 33150 5-19-80 / Standards for transporters of hazardous waste; comments by 7-18-80
- FEDERAL COMMUNICATIONS COMMISSION**
- 42622 6-25-80 / Common carriers; second compute inquiry; oppositions to petitions for reconsideration by 7-14-80  
[See 45 FR 31319, 5-13-80]
- 40188 6-13-80 / Clarification of aeronautical enroute station rules and addition of two frequencies for use by small aircraft operating agencies; comments by 7-14-80
- 37238 6-2-80 / FM Broadcast Service; assignment of second Class A FM channel to Indio, Calif.; comments by 7-18-80
- 37240 6-2-80 / FM Broadcast Stations in Bradford, Kane and Warren, Pa.; Changes in table of assignments; comments by 7-18-80
- 29867 5-6-80 / FM Broadcast station in Bullhead City, Ariz.; Proposed changes in table of assignments; reply comments by 7-14-80
- 37244 6-2-80 / FM Broadcast Stations in Cameron and Temple, Tex.; changes in table of assignments; comments by 7-18-80
- 30094 5-7-80 / FM Broadcast Station in Lawton, Okla.; Proposed changes in table of assignments; reply comments by 7-14-80
- 37242 6-2-80 / FM Broadcast Station in Lewistown, Pa.; Changes in table of assignments; comments by 7-18-80
- 37243 6-2-80 / FM Broadcast Station in Mifflintown, Pa.; Changes in table of assignments; comments by 7-18-80
- 29868 5-6-80 / FM Broadcast Station in Missoula, Mont.; Proposed changes in table of assignments; reply comments by 7-14-80
- 30656 5-9-80 / FM Broadcast Station in Pecos, N. Mex.; Changes in table of assignments; reply comments by 7-14-80
- 20872 5-6-80 / FM Broadcast Station in West Salem, Wis.; Proposed changes in table of assignments; reply comments by 7-14-80
- 37239 6-2-80 / FM Broadcast Station in Wilson, N.C.; changes in table of assignments; comments by 7-18-80
- 30656 5-9-80 / FM Broadcast Station in Santa Fe, N. Mex.; Changes in table of assignments; reply comments by 7-14-80
- 40626 6-16-80 / Increase in presunrise broadcasting service; Class II daytime—only AM stations; comments by 7-14-80
- 33657 5-20-80 / Regulatory policies concerning resale and shared use of common carrier international communications services; reply comments by 7-18-80
- 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; reply comments 7-15-80
- 25418 4-15-80 / Station identification requirements in the Amateur Radio Service; comments by 7-16-80
- FEDERAL HOME LOAN BANK BOARD**
- 40132 6-13-80 / Federal savings and loan system; conversion from State stock to Federal stock charter; comments by 7-14-80
- FEDERAL MARITIME COMMISSION**
- 17029 3-17-80 / Independent ocean freight forwarders; licensing requirements; comments by 7-15-80
- FEDERAL RESERVE SYSTEM**
- 40130 6-13-80 / Extensions of credit by Federal Reserve Banks; comments by 7-15-80
- 38388 6-9-80 / Federal reserve requirements on all depository institutions that maintain transaction accounts of nonpersonal time deposits; comments by 7-15-80
- FEDERAL TRADE COMMISSION**
- 31416 5-13-80 / Beneficial Corp., et al.; consent agreement with analysis to aid public comment; comments by 7-14-80
- GENERAL SERVICES ADMINISTRATION**
- National Archives and Records Service—
- 32012 5-15-80 / Establishment and management of effective directives systems; comments by 7-14-80
- HEALTH AND HUMAN SERVICES DEPARTMENT**
- [See also Health, Education, and Welfare Department]
- Food and Drug Administration—
- 32324 5-16-80 / Affirmation of GRAS status for lactic acid and calcium lactate for direct human food ingredients; comments by 7-15-80
- 31422 5-13-80 / Over-the-counter (OTC) category III policy; authorization for ingredient marketing or other product condition after monograph establishment; comments by 7-14-80
- 25652 4-15-80 / Viral and Rickettsial Vaccines; classification of products into Category I and IIIA and proposed amendments to biological regulations; comments by 7-14-80
- HOUSING AND URBAN DEVELOPMENT DEPARTMENT**
- Federal Housing Commission—Office of the Assistant Secretary for Housing—
- 31896 5-14-80 / Low cost and moderate income mortgage insurance; existing multifamily housing demonstration; comments by 7-14-80
- INTERIOR DEPARTMENT**
- Fish and Wildlife Service—
- 40958 6-16-80 / Endangered and threatened species; Kangaroos; completion of five year status review and proposed commercial importation; comments by 7-16-80
- Land Management Bureau—
- 41024 6-17-80 / Surface management of mining claims located on the public lands; comments by 7-16-80
- Surface Mining Reclamation and Enforcement Office—
- 38088 6-8-80 / Arkansas Permanent Regulatory Program; comments by 7-16-80
- 40619 6-16-80 / Kansas Permanent Program submission; comments by 7-14-80

- 41162 6-18-80 / North Dakota Permanent Regulatory Program; comments by 7-18-80
- INTERSTATE COMMERCE COMMISSION**
- 39874 6-12-80 / Air Terminal Zone—Lambert—St. Louis International Airport; comments by 7-14-80
- 39519 6-11-80 / Proposal to repeal existing credit regulations for railroads, motor carriers, water carriers, and freight forwarders, and authorize individual carriers to establish their own nondiscriminatory credit terms; comments by 7-15-80  
[See also 45 FR 31766, 5-14-80]
- 36460 5-30-80 / Railroad cost recovery procedures; comments period extended to 7-17-80  
[See also 45 FR 29103, 5-1-80]
- JUSTICE DEPARTMENT**  
Attorney General—
- 40159 6-13-80 / Historic, architectural and archeological properties; procedures for identification and protection; comments by 7-14-80
- LABOR DEPARTMENT**  
Employment and Training Administration—
- 29854 5-6-80 / Labor Certification Process for the Temporary Employment of Aliens in Agriculture; Adverse Effect Wage Rate Methodologies; extension of comment period 7-14-80  
[See also 45 FR 15914, 3-11-80]
- NATIONAL CREDIT UNION ADMINISTRATION**
- 41438 6-19-80 / Premiums, finders fees and the payment of dividends in merchandise; comments extended to 7-16-80  
[Originally published at 45 FR 35346, 5-27-80]
- NUCLEAR REGULATORY COMMISSION**
- 31393 5-13-80 / Technical criteria for regulating geologic disposal high-level radioactive waste; comments by 7-14-80
- PERSONNEL MANAGEMENT OFFICE**
- 31379 5-13-80 / Clarification of applicability of transfer of function provisions of reduction in force regulations; comments by 7-14-80
- 31382 5-13-80 / Common policies, systems, and practices for fixing and administering pay of prevailing rate employees as required by prevailing rate systems legislation; comments by 7-14-80
- 31379 5-13-80 / Pay Administration; allotment of pay by civilian employees; comments by 7-14-80
- SECURITIES AND EXCHANGE COMMISSION**
- 38407 6-9-80 / Amendment to definition of terms "employee" and "Officer" for fidelity bonding purposes; comments by 7-18-80
- STATE DEPARTMENT**
- 37456 6-3-80 / Freedom of Information and Privacy Acts; access provisions of the Ethics in Government Act; comments by 7-14-80
- TRANSPORTATION DEPARTMENT**  
Federal Aviation Administration—
- 32700 5-19-80 / Petition for rulemaking of Air Transport Association of America to allow an extension not to exceed 3-6-82 of the Compliance time regarding flight attendant seats; comments by 7-14-80
- Next Week's Meetings**
- AGRICULTURE DEPARTMENT**  
Animal and Plant Health Inspection Service—
- 36427 5-30-80 / Animal Welfare, Kansas City, Mo. (open), 7-10-80
- 41683 6-20-80 / General Conference Committee of the National Poultry Improvement Plan, New Orleans, La. (open), 7-7 through 7-10-80
- Forest Service—
- 39877 6-12-80 / Malheur National Forest Grazing Advisory Board, John Day, Ore. (open), 7-10-80
- 38092 6-6-80 / Black Hills National Forest Grazing Advisory Board, Deadwood, S.D. (open), 7-10-80
- ARMS CONTROL AND DISARMAMENT AGENCY**
- 41472 6-19-80 / General Advisory Committee, Washington, D.C. (closed), 7-10 and 7-11-80
- ARTS AND HUMANITIES, NATIONAL FOUNDATION**
- 39366 6-10-80 / Dance Panel (Services to the Field, sponsors, Presentation), Washington, D.C. (closed), 7-9 and 7-10-80
- 41251 6-18-80 / Visual Arts Panel (Photograph Fellowships), Washington, D.C. (closed), 7-12 and 7-14-80
- CIVIL RIGHTS COMMISSION**
- 40630 6-16-80 / Michigan Advisory Committee, East Lansing, Michigan (open), 7-11-80
- 40630 6-16-80 / Minnesota Advisory Committee, St. Paul, Minnesota, (open), 7-11-80
- 40630 6-16-80 / Washington Advisory Committee, Seattle, Washington, (open), 7-8-80
- COMMERCE DEPARTMENT**  
National Oceanic and Atmospheric Administration—
- 41476 6-19-80 / Gulf of Mexico Fishery Management Council, Mobile, Ala., 7-8 through 7-10-80
- 42362 6-24-80 / Mid-Atlantic Fishery Management Council, New Brunswick, New Jersey, (open), 7-9-80
- 41476 6-19-80 / Pacific Fishery Management Council's Anchovy/Jack Mackerel Subpanel, Los Angeles, Calif. (open), 7-9-80
- National Oceanic and Atmospheric Administration—
- 37250 6-2-80 / Pacific Fishery Management Council; Scientific and Statistical Committee, Groundfish Subpanel, and Budget Subcommittee, Los Angeles, Calif. (partially open), 7-7 through 7-10-80
- DEFENSE DEPARTMENT**  
Army Department—
- 40632 6-16-80 / Armed Forces Institute of Pathology Scientific Advisory Board, Washington, D.C. (open), 7-10 and 7-11-80
- 40633 6-16-80 / Army Science Board, Norfolk, Virginia, (open), 7-7 through 7-11-80
- 40633 6-16-80 / Board of Visitors, U.S. Military Academy, West Point, New York, (open), 7-8 and 7-9-80
- 40632 6-16-80 / ROTC Affairs Army Advisory Panel, Fort Bragg, North Carolina, (open), 7-8-80
- 40633 6-16-80 / United States Army Medical Research and Development Panel Ad Hoc Study Group on Surgery, San Francisco, Calif., (partially open), 7-11-80
- Navy Department—
- 28793 4-30-80 / Naval Discharge Review Board, Dallas, Tex., Kansas City, Mo.; Memphis, Tenn.; Chicago, Ill.; Minneapolis, Minn., 7-7 through 7-18-80
- Office of the Secretary—
- 38433 6-9-80 / Defense Intelligence Agency Advisory Committee Panel, Rosslyn, Va., (closed), 7-9 and 7-10-80
- 39330 6-10-80 / Defense Science Board Summer Study Panel on Chemical Warfare Advisory Committee, Washington, D.C. (closed), 7-7 and 7-8-80
- 35854 5-28-80 / Wage Committee, Washington, D.C. (closed), 7-8-80
- 42003 6-23-80 / Wage Committee, Washington, D.C. (closed), 8-12-80
- EDUCATION DEPARTMENT**
- 41693 6-20-80 / Program Effectiveness and Evaluation Committee, National Advisory Council on Adult Education, Washington, D.C. (open) 7-10 through 7-12-80

- ENERGY DEPARTMENT**  
Economic Regulatory Administration—
- 39331 6-10-80 / Burlington Unit 7 Generating Station, Burlington, N.J. (open) 7-7-80
- 37721 6-4-80 / Deep Water Unit 8 Generating Station, N.J.; environmental impact statement scoping meeting, Pennsville, N.J. (open) 7-8-80
- Environment Office—
- 38102 6-6-80 / Atmospheric Carbon Dioxide Advisory Committee, Washington, D.C. (open), 7-7-80
- ENVIRONMENTAL PROTECTION AGENCY**
- 40646 6-16-80 / National Air Pollution Control Techniques Advisory Committee, Alexandria, Virginia (open), 7-9 and 7-10-80
- 41498 6-19-80 / National Drinking Water Advisory Council, Washington, D.C. (open), 7-10 and 7-11-80
- 42023 6-23-80 / Science Advisory Board, Subcommittee on Energy—Related Health Effects Research, Washington, D.C. (open), 7-8 and 7-9-80
- 40646 6-16-80 / Technology Assessment and Pollution Control Committee (TAPCC) of the Science Advisory Board, Washington, D.C., (open), 7-8 and 7-9-80
- FEDERAL PREVAILING RATE ADVISORY COMMITTEE**
- 41701 6-20-80 / Meeting; Washington, D.C. (partially open), 7-10-80
- FINE ARTS COMMISSION**
- 64863 11-8-79 / Meeting, Washington, D.C. (open), 7-8-80
- HEALTH AND HUMAN SERVICES DEPARTMENT**  
Alcohol, Drug Abuse, and Mental Health Administration—
- 42864 6-25-80 / Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism, Treatment and Rehabilitation Work Group; Rockville, Md. 7-10-80
- Food and Drug Administration—
- 41069 6-17-80 / Microbiology Section of the Immunology and Microbiology Devices Panel, Silver Spring, Md. (open) 7-7 through 7-9-80
- National Institutes of Health—
- 42040 6-23-80 / Cancer Special Program Advisory Committee, Bethesda, Md. (partially open), 7-10 and 7-11-80
- 42039 6-23-80 / Clerical Applications and Prevention Advisory Committee, Heart and Vascular Diseases Division, Bethesda, Md. (open), 7-10-80
- Office of the Secretary—
- 36169 5-29-80 / White House Conference on Families, Los Angeles, Calif. (open), 7-10 through 7-12-80
- 40239 6-13-80 / White House Conference on Families, Los Angeles, Calif. (open), 7-10 through 7-12-80
- INTERIOR DEPARTMENT**  
Indian Affairs Bureau—
- 35016 5-23-80 / Scoping meeting on environmental statement for Tulalip Tribes fish hatchery, Tulalip Indian Reservation, Washington (open), 7-8-80
- Land Management Bureau—
- 37893 6-5-80 / Intergovernmental Planning Program; Gulf of Mexico Regional Technical Working Group, New Orleans, La. (open), 7-10-80
- 36171 5-29-80 / Winnemucca District Grazing Advisory Board, Winnemucca, Nev. (open), 7-9-80
- National Park Service—
- 42040 6-23-80 / Cape Code National Seashore Advisory Commission, South Wellfleet, Mass. (open), 7-11-80
- Nuclear Regulatory Commission
- 42431 6-24-80 / Reactor Safeguards Advisory Committee, Fire Protection Subcommittee, Wash., D.C. (open), 7-9-80
- 42092 6-23-80 / Reactor Safeguards Advisory Committee Subcommittee on Reactor Safety Research, Washington, D.C. (open), 7-8-80
- 42432 6-24-80 / Reactor Safeguards Advisory Committee, Sequoyah Nuclear Plant Subcommittee, Wash., D.C. (open), 7-9-80
- 42904 6-25-80 / Reactor Safeguards Advisory Committee; Washington, D.C. (open), 7-10 through 7-12-80
- 42431 6-24-80 / Reactor Safeguards Advisory Committee on Advanced Reactors, Wash., D.C. (open), 7-9-80
- PEACE AND CONFLICT RESOLUTION, COMMISSION ON PROPOSALS FOR NATIONAL ACADEMY**
- 41476 6-19-80 / Meeting, Honolulu, Hawaii (open), 7-7 and 7-8-80
- PRESIDENT'S COMMISSION FOR THE STUDY OF ETHICAL PROBLEMS IN MEDICINE AND BIOMEDICAL AND BEHAVIORAL RESEARCH**
- 42099 6-23-80 / Meeting, Washington, D.C. (open), 7-11 and 7-12-80
- SMALL BUSINESS ADMINISTRATION**
- 41560 6-19-80 / Region VII Advisory Council Executive Board, Kansas City, MO., 7-11-80
- SOCIAL SECURITY NATIONAL COMMISSION**
- 41095 6-17-80 / Health Insurance Program, Washington, D.C. (open), 7-11 and 7-12-80
- 33747 5-20-80 / Meeting, Washington, D.C. (open), 7-11 and 7-12-80
- STATE DEPARTMENT**  
Office of the Secretary—
- 41561 6-19-80 / International Investment, Technology, and Development Advisory Committee, Washington, D.C. (open), 7-9-80
- 41752 6-20-80 / Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea, Washington, D.C. (open), 7-9-80
- TRANSPORTATION DEPARTMENT**  
Federal Aviation Administration—
- 39994 6-12-80 / Radio Technical Commission for Aeronautics (RTCA) Special Committee 137—Airborne Area Navigation Systems, Denver, Colo. (open), 7-8 through 7-10-80
- Federal Highway Administration—
- 42106 6-23-80 / National Advisory Committee on Outdoor Advertising and Motorist Information, Arlington, Va. (open), 7-9 and 7-10-80
- National Highway Traffic Safety Administration—
- 37938 6-5-80 / Safety, Bumper, and Consumer Information Programs, Ann Arbor, Mich. (open), 7-9-80
- TREASURY DEPARTMENT**  
Comptroller of the Currency—
- 38470 6-9-80 / Review of the fair housing lending enforcement program, Washington, D.C. (open), 7-8-80
- Internal Revenue Service—
- 39869 6-12-80 / Coordination of vesting and discrimination requirements for qualified plans, Washington, D.C., 7-10-80
- VETERANS ADMINISTRATION**
- 41754 6-20-80 / Wage Committee, Washington, D.C. (closed), 7-10-80
- WAGE AND PRICE STABILITY COUNCIL**
- 42364 6-24-80 / Price Advisory Council, Wash., D.C. (open), 7-9-80

## Next Week's Public Hearings

## AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

- 42315 6-24-80 / Filberts grown in Oregon and Washington; new method for setting marketing policy and change in dates of marketing policy and fiscal years, Portland, Oreg., 7-9-80

## COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

- 37870 6-5-80 / Caribbean Fishery Management Council: Arecibo, Puerto Rico, 7-7-80; Humacao, Puerto Rico, 7-8-80; Cabo Rojo, Puerto Rico, 7-9-80; Vieques, Puerto Rico, 7-11-80
- 39511 6-11-80 / Designation of Gray's Reef, Ga., as a Marine Sanctuary; availability of funds for public participation; Brunswick, Ga., 7-7-80; Savannah, Ga., 7-8-80
- 41047 6-17-80 / Draft Environmental Impact Statements on proposed Gray's Reef Marine Sanctuary; Brunswick, Ga., 7-7-80 and Savannah, Ga., 7-8-80

## DEFENSE DEPARTMENT

Navy Department—

- 41691 6-20-80 / Naval Discharge Review Board, 7-7 through 7-18-80; Dallas, Tex.; Kansas City, Mo.; Memphis, Tenn.; Chicago, Ill.; Minneapolis, Minn.

## ENERGY DEPARTMENT

Economic Regulatory Administration—

- 34846 5-22-80 / Gasohol pricing and allocation; Washington, D.C., 7-8-80

[Corrected at 45 FR 37697, 6-4-80]

## ENVIRONMENTAL PROTECTION AGENCY

- 33290 5-19-80 / Consolidated Permit Regulations, Washington, D.C., 7-8-80
- 32769 5-19-80 / Environmental Impact Statement, Proposed Sludge Management Program, Los Angeles, Cal., 7-8, 7-9 and Carson, Cal., 7-10-80
- 33280 5-19-80 / Hazardous Waste Management: Interim status requirements for underground injection, Washington, D.C., 7-8-80

## INTERIOR DEPARTMENT

Fish and Wildlife Service—

- 36038 5-28-80 / Coachella Valley fringe-toed lizard, Palm Springs, Calif., 7-7-80
- Land Management Bureau—
- 35916 5-28-80 / Mountain Valley Planning Area, Utah; environmental impact statement on rangeland management program: Junction, Utah, 7-8-80; Manti, Utah, 7-9-80; Richfield, Utah, 7-10-80

- 39344 6-10-80 / Proposed Grazing Management Program for the San Juan Environmental Impact Statement Area, San Juan, Rio, Arriba, and Sandoval Counties, N. Mex.; 7-8-80; Farmington, N. Mex.; 7-9-80; Albuquerque, N. Mex.

Office of Surface Mining Reclamation and Enforcement—

- 38088 6-8-80 / Arkansas Permanent Program Submission; Fort Smith, Arkansas (open); 7-8-80
- 41166 6-18-80 / Coal Mining; Research and Demonstration of Reclamation Technology, Washington, D.C., 7-10-80

## TREASURY DEPARTMENT

Internal Revenue Service—

- 28365 4-29-80 / Income tax; limitations on benefits and contributions under qualified plans, Washington, D.C., 7-8-80

## UNITED STATES TRADE REPRESENTATIVE OFFICE

- 42107 6-23-80 / Certain U.S. Television Licensees, Washington, D.C. (open), 7-9-80

## List of Public Laws

## Last Listing July 1, 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).

- H.R. 2759 / Pub. L. 96-283 "Deep Seabed Hard Mineral Resources Act". (June 28, 1980; 94 Stat. 553) Price \$2.

- S. 2460 / Pub. L. 96-284 "Uniformed Services Health Professionals Special Pay Act of 1980". (June 28, 1980; 94 Stat. 587) Price \$1.

- H.R. 6022 / Pub. L. 96-285 To establish the Tensas River national Wildlife Refuge. (June 28, 1980; 94 Stat. 595) Price \$1.

- H.J. Res. 569 / Pub. L. 96-286 To provide for a temporary increase in the public debt limit. (June 28, 1980; 94 Stat. 598) Price \$1.

- H.R. 5926 / Pub. L. 96-287 To establish the Biscayne National Park, to improve the administration of the Fort Jefferson, National Monument, to enlarge the Valley Forge National Historical Park, and for other purposes. (June 28, 1980; 94 Stat. 599) Price \$1.

- H.R. 6169 / Pub. L. 96-288 To establish the Bogue Chitto National Wildlife Refuge. (June 28, 1980; 94 Stat. 603) Price \$1.

- H.R. 6614 / Pub. L. 96-289 To authorize appropriations to carry out the national sea grant program for fiscal years 1981, 1982, and 1983, and for other purposes. (June 28, 1980; 94 Stat. 605) Price \$1.

- H.R. 4887 / Pub. L. 96-290 To authorize appropriations for the San Francisco Bay National Wildlife Refuge, and for other purposes. (June 28, 1980; 94 Stat. 607) Price \$1.

- H.R. 4889 / Pub. L. 96-291 To extend the authorization period for the Great Dismal Swamp National Wildlife Refuge. (June 28, 1980; 94 Stat. 608) Price \$1.

- H.R. 5259 / Pub. L. 96-292 To name a certain Federal building in Santa Fe, New Mexico, the "Joseph M. Montoya Federal Building and U.S. Courthouse". (June 28, 1980; 94 Stat. 609) Price \$1.

## 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

- 42586 6-24-80 / ED—Basic Educational Opportunity Grant Program; 1980-81 family contribution schedules

Note.—See document for information on effective date.

- 42284 6-24-80 / ED—Law School Clinical Experience Program

Note.—See document for information on effective date.

- 42572 6-24-80 / ED—Student Assistance General Provisions; National Direct Student Loan Program; College Work-Study Program; Guaranteed Student Loan Program; and Basic Educational Opportunity Grant Program

Note.—See document for information on effective date.

**APPLICATIONS DEADLINES**

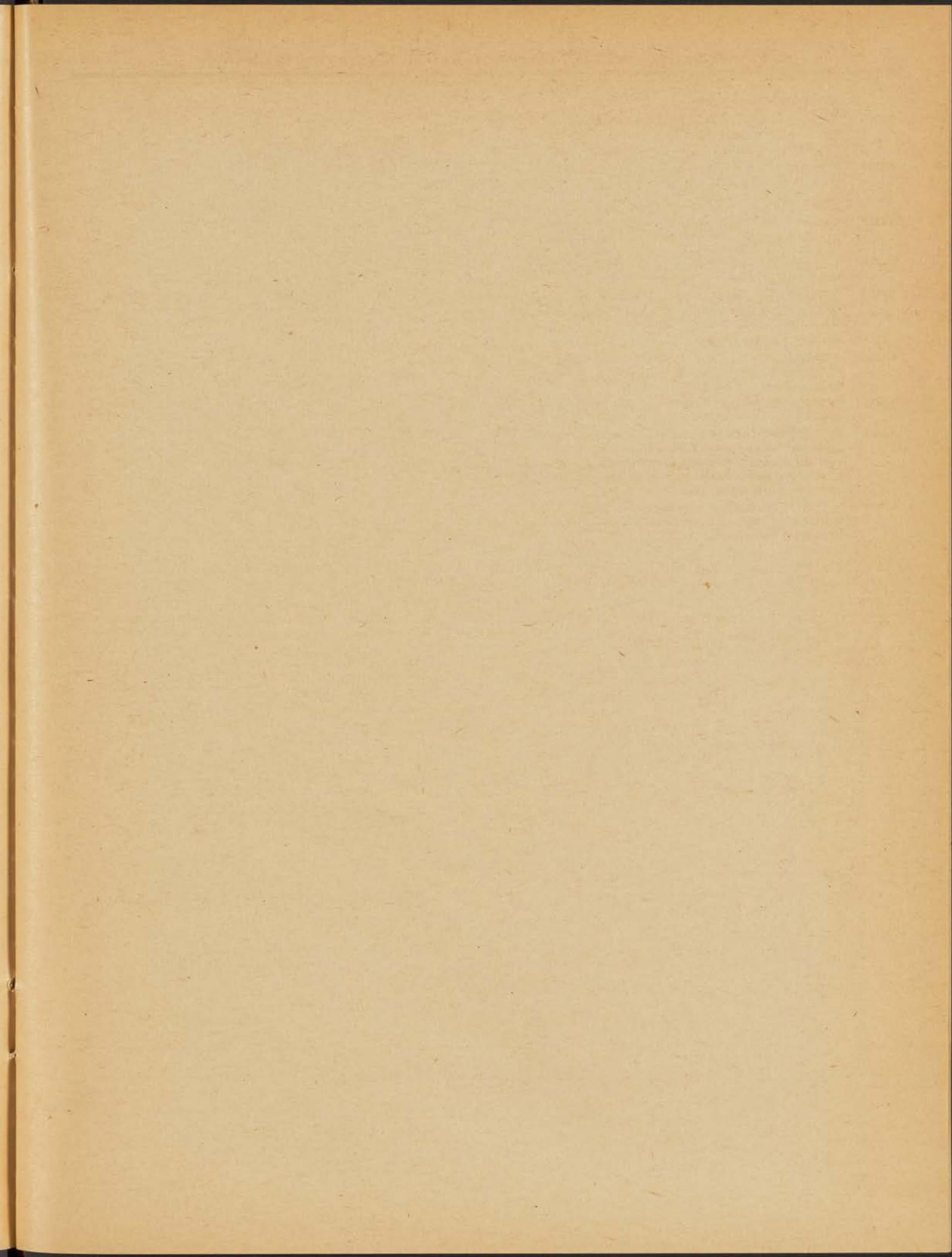
- 43243 6-26-80 / Commerce/NOAA—Development of Federal and State Cooperative Climate activities, availability of FY 1980 funds; apply by 7-20-80
- 42365 6-24-80 / ED—Rehabilitation Short-Term Training Program of National Scope; apply by 8-8-80

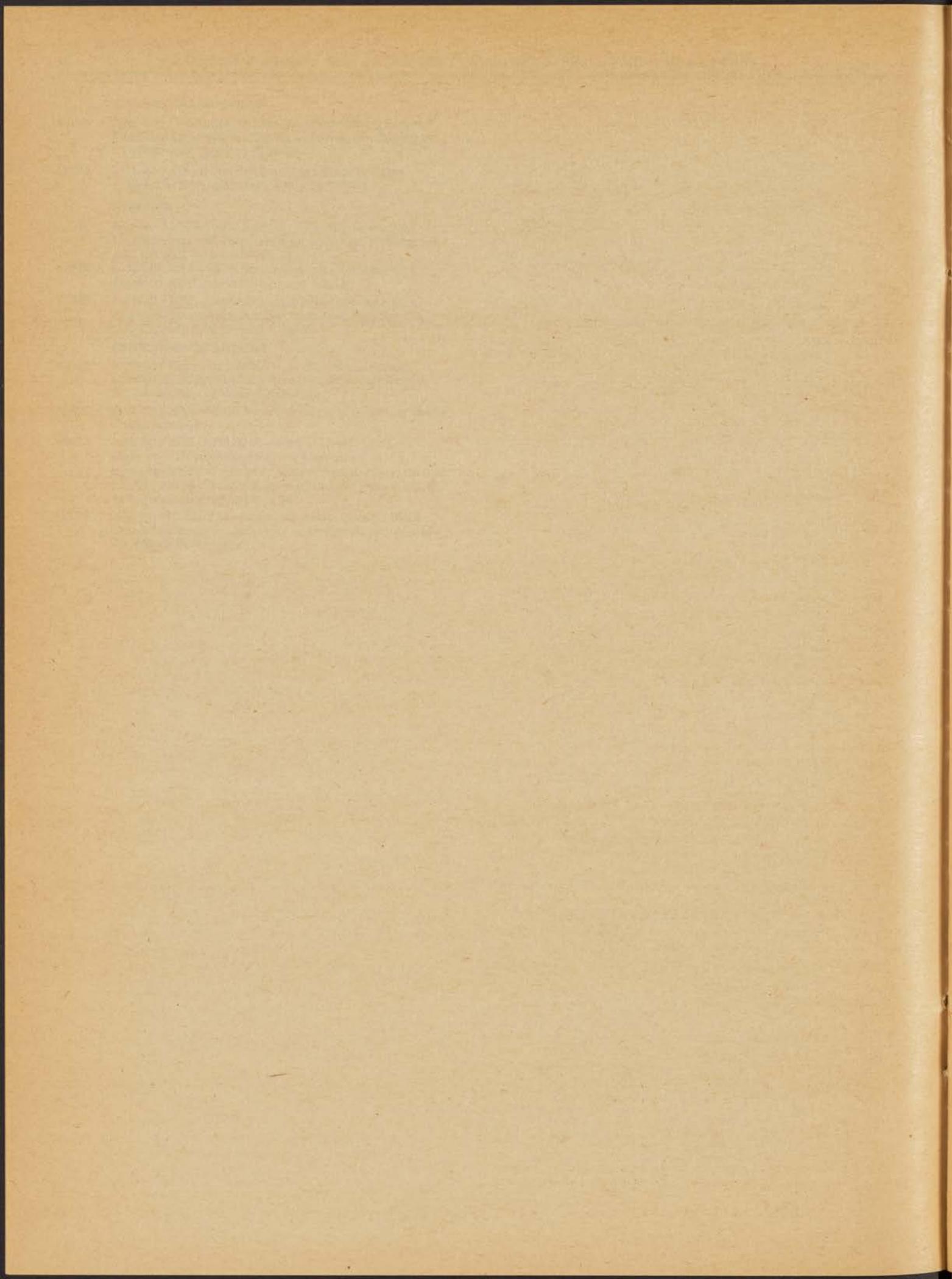
**MEETINGS**

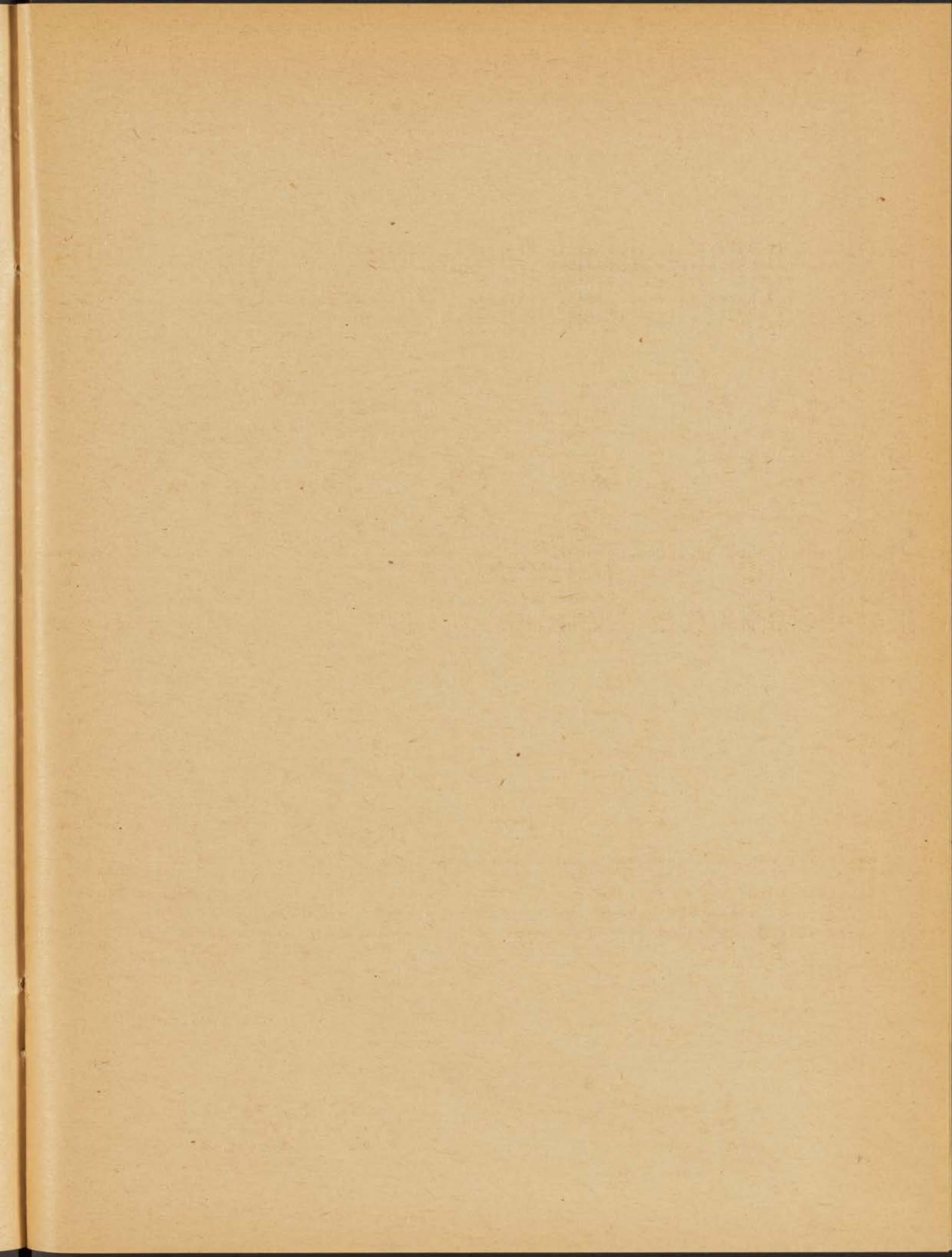
- 43288 6-26-80 / NSF—Earth Sciences Advisory Committee, Geochemistry and Petrology Subcommittee, Washington, D.C. (closed), 7-30 and 7-31-80
- 43288 6-26-80 / NSF—Earth Sciences Advisory Committee, Stanford, Calif. (closed), 7-24 and 7-25-80
- 43288 6-26-80 / NSF—Ocean Sciences Advisory Committee, Ocean Sciences Research Subcommittee, Washington, D.C. (closed), 7-23 through 7-25-80

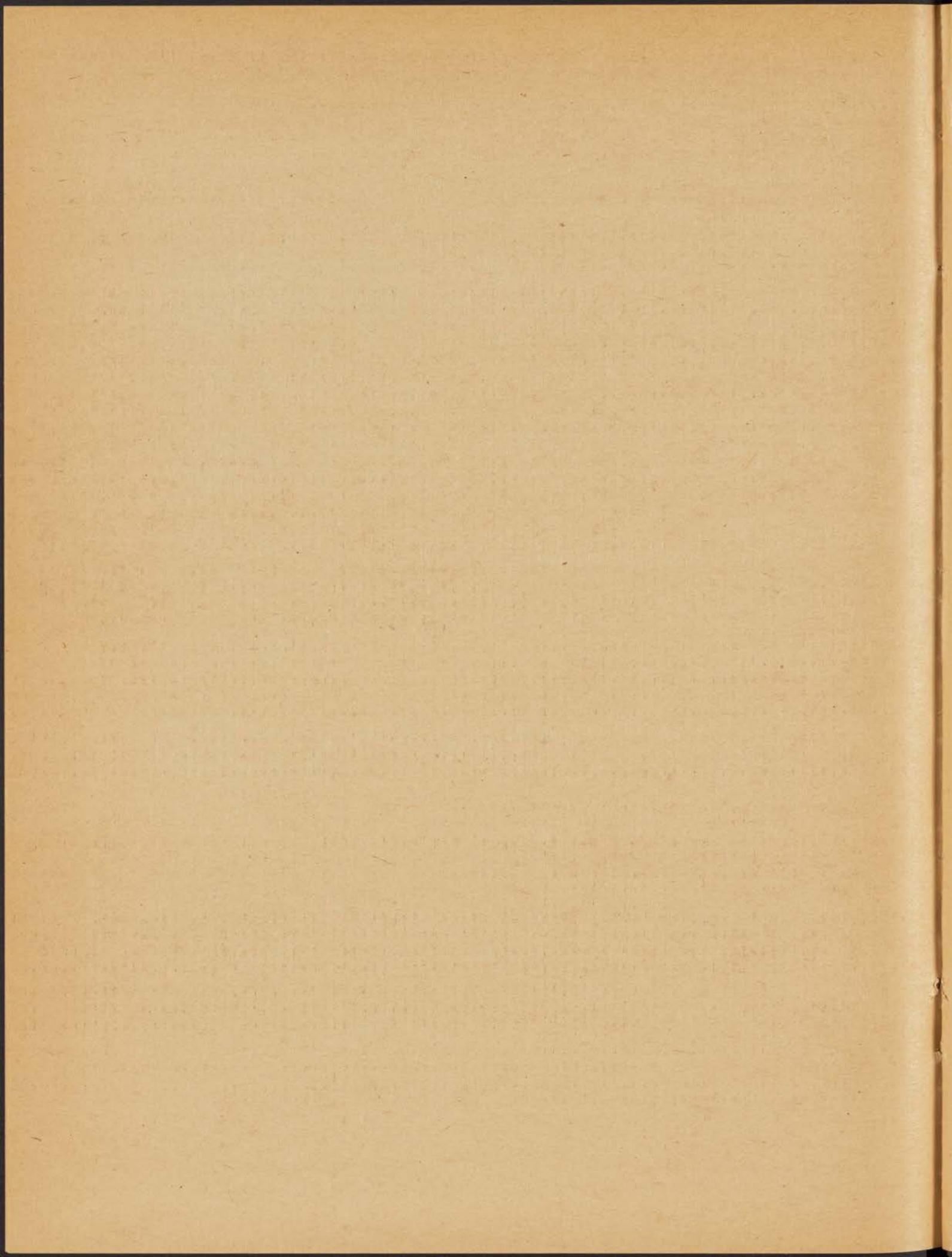
**OTHER ITEMS OF INTEREST**

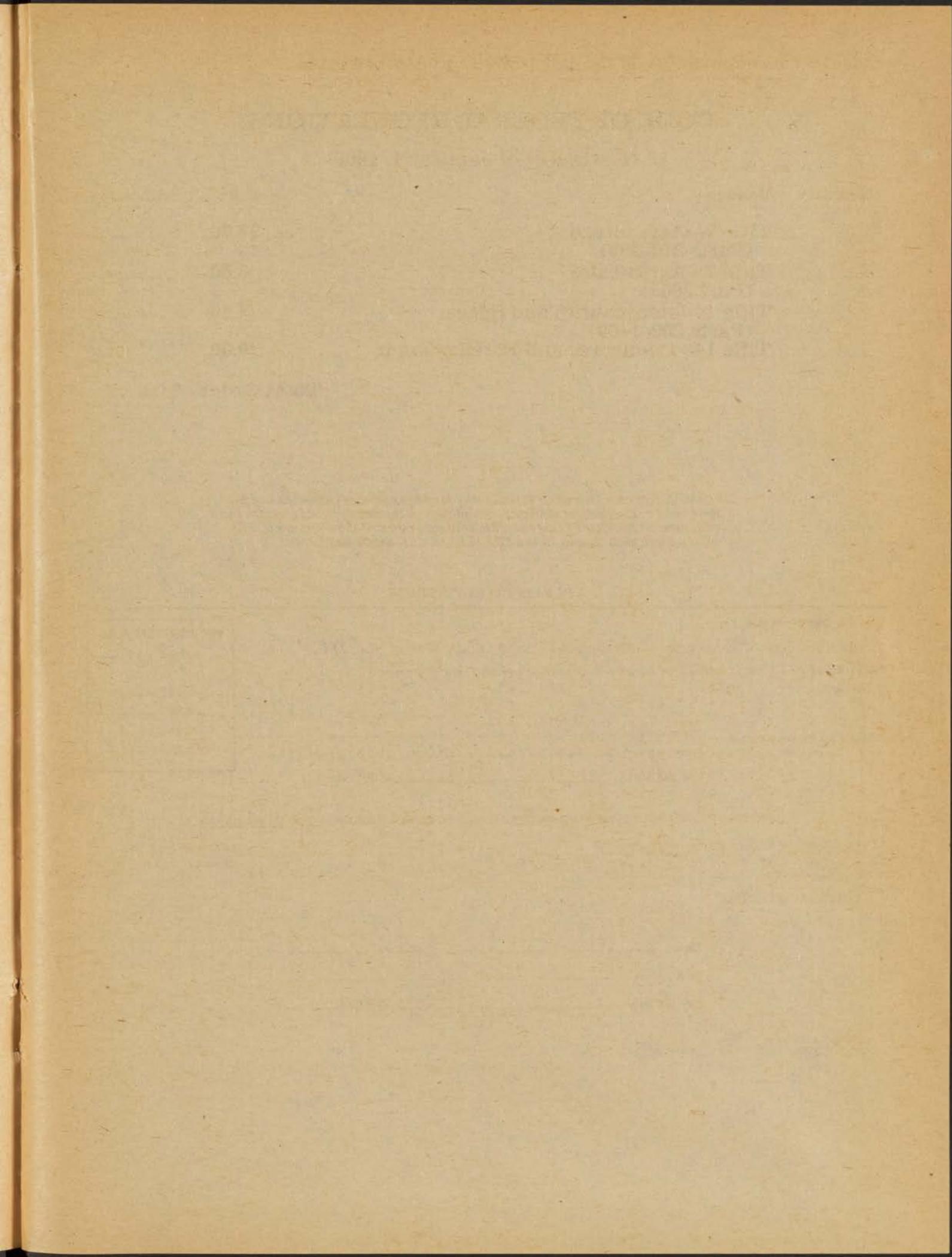
- 43456 6-27-80 / Commerce/MBOA—Financial assistance; solicitation of applications from Standard Metropolitan Statistical Area of Washington, D.C.
- 43468 6-27-80 / EPA—Grant for construction of treatment works; class deviation
- 42863 6-25-80 / HHS/ADAMHA—Mental Health Service Manpower Development Review Committee, et al.; reestablishment of Advisory Committees to advise on the educational and technical merit of applications for grants and cooperative agreements, etc.
- 42604 6-25-80 / HUD/CPD—Community Development Block Grants; clarifying amendments on Secretarial Review of Recipient's Performance











Advance Orders are now Being Accepted for Delivery in About 6 Weeks

## CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1980)

<u>Quantity</u>	<u>Volume</u>	<u>Price</u>	<u>Amount</u>
_____	Title 7—Agriculture (Parts 210-299)	\$7.00	\$ _____
_____	Title 7—Agriculture (Part 2852)	8.50	_____
_____	Title 14—Aeronautics and Space (Parts 200-1199)	8.00	_____
_____	Title 14—Commerce and Foreign Trade	9.00	_____
<b>Total Order</b>			<b>\$ _____</b>

[A Cumulative checklist of CFR issuances for 1980 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).]

PLEASE DO NOT DETACH

**MAIL ORDER FORM To:**

Superintendent of Documents, Government Printing Office, Washington, D.C. 20402

Enclosed find \$ \_\_\_\_\_ (check or money order) or charge to my Deposit Account No. \_\_\_\_\_

Please send me \_\_\_\_\_ copies of:

PLEASE FILL IN MAILING LABEL  
BELOW

Name \_\_\_\_\_  
Street address \_\_\_\_\_  
City and State \_\_\_\_\_ ZIP Code \_\_\_\_\_

**FOR USE OF SUPT. DOCS.**

Enclosed \_\_\_\_\_  
To be mailed \_\_\_\_\_  
later \_\_\_\_\_  
Subscription \_\_\_\_\_  
Refund \_\_\_\_\_  
Postage \_\_\_\_\_  
Foreign handling \_\_\_\_\_

FOR PROMPT SHIPMENT, PLEASE PRINT OR TYPE ADDRESS ON LABEL BELOW, INCLUDING **YOUR ZIP CODE**

SUPERINTENDENT OF DOCUMENTS  
U.S. GOVERNMENT PRINTING OFFICE  
WASHINGTON, D.C. 20402  
**OFFICIAL BUSINESS**

POSTAGE AND FEES PAID  
U.S. GOVERNMENT PRINTING OFFICE  
375  
SPECIAL FOURTH-CLASS RATE  
BOOK

Name \_\_\_\_\_  
Street address \_\_\_\_\_  
City and State \_\_\_\_\_ ZIP Code \_\_\_\_\_