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Friday
July 25, 1980

Highlights

49728 **Grant Programs—Nuclear Power** NRC announces availability of fiscal year 1981 funds for research necessary to provide a technology base to assess the safety of nuclear power; apply between 10–1–80 and 9–30–81

49547 **Income Tax** Treasury/IRS provides final regulations relating to disclosure of tax return information by return preparers; effective 1–1–72

49544 **Income Tax** Treasury/IRS publishes final rules governing claims by aerial applicators for payment of an amount equal to the tax imposed on gasoline and special fuels used on farms for farming purposes

49595 **Housing** HUD/FHC request comments and information on amendments regarding minimum property standards for one and two family dwellings and for multifamily housing; comments by 9–23–80

49876, 49877 **Motor Vehicles** EPA establishes carbon monoxide (CO) emission standards for 1981 model year light-duty vehicles and grants waivers for application effective dates of 1981 carbon monoxide emission standards; effective 7–25–80 (2 documents) (Part IX of this issue)

CONTINUED INSIDE

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

Highlights

49573 **Accounting** CASB proposes requiring single method of allocating the cost of State and local income taxes and franchise taxes based on income; comments by 8–25–80

49586 **Continental Shelf** DOE issues notice of inquiry and request for comments on development of a bidding system with a work commitment component for Outer Continental Shelf oil and gas leasing; comments by 9–5–80

49684 **Coal** Interior/BLM announces coal lease offering by sealed bid

49535 **Nuclear Energy** NRC provides a 1-year pilot program of procedural assistance in adjudicatory proceedings on applications for licenses; effective 7–25–80

49630 **Air Rates and Fares** CAB issues order regarding establishment of standard foreign fare level

49542 **Exports** Commerce/ITA permits unloading of shipments at certain intermediate ports which are not designated on shipping documents and validated license; effective 7–25–80

49553 **Government Procurement** HHS/Sec'y introduces regulations to preclude the use of option articles in cost-reimbursement type contracts; effective 7–25–80

49577 **Government Employees** OPM proposes to implement pay administration features of the Merit Pay System; comments by 8–25–80

49679, 49680 **National Fire Codes** GSA/OFR request comments on National Fire Protection Association (NFPA) technical reports by 10–6–80 and for proposals to amend existing NFPA fire safety standards; various closing dates (2 documents)

49589 **Improving Government Regulations** CFTC publishes semiannual agenda

49737 **Sunshine Act Meetings**

Separate Parts of This Issue

49784 **Part II, Labor/ESA**
49844 **Part III, Interior/FWS**
49850 **Part IV, Interior/FWS**
49854 **Part V, Interior/FWS**
49858 **Part VI, Interior/FWS**
49862 **Part VII, NRC**
49872 **Part VIII, Interior/OSM**
49876 **Part IX, EPA**

Contents

Federal Register
Vol. 45, No. 145
Friday, July 25, 1980

Agricultural Marketing Service
RULES
49534 Lemons grown in Ariz. and Calif.
PROPOSED RULES
Milk marketing orders:
49584 St. Louis-Ozarks et al.

Agricultural Stabilization and Conservation Service
RULES
49520 Conservation and environmental programs

Agriculture Department
See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Animal and Plant Health Inspection Service; Farmers Home Administration; Federal Crop Insurance Corporation; Forest Service; Rural Electrification Administration.

Alcohol, Tobacco and Firearms Bureau
NOTICES
49733 Firearms, granting of relief

Animal and Plant Health Inspection Service
RULES
Plant quarantine, foreign:
49503 Nursery stocks, plants, roots, bulbs, seeds, etc.; treatment for soybean rust infection; emergency rule, hearing and request for comments

Antitrust Division
NOTICES
Competitive impact statements and proposed consent judgments:
49698 Rea Construction Co.

Blind and Severely Handicapped, Committee for Purchase From
NOTICES
49633 Procurement list, 1980; additions and deletions (2 documents)

Chrysler Corporation Loan Guarantee Board
NOTICES
49738 Meetings; Sunshine Act

Civil Aeronautics Board
RULES
49540 Oversales; denied boarding compensation; reporting requirements and liability statement; "total boardings" clarification
NOTICES
49629 Certificates of public convenience and necessity and foreign air carrier permits
Hearings, etc.:
49630 Standard foreign fare level, establishment

Commerce Department
See International Trade Administration; National Bureau of Standards; National Oceanic and Atmospheric Administration; National Technical Information Service; National Telecommunications and Information Administration.

Commodity Futures Trading Commission
PROPOSED RULES
Improving Government regulations:
49589 Regulatory agenda
NOTICES
Futures contracts, proposed; availability:
49634 Chicago Board of Trade; heating oil
49633 Chicago Board of Trade; silver

Community Planning and Development, Office of Assistant Secretary
NOTICES
Authority delegations:
49683 Area and deputy area managers; San Francisco; surplus real property

Comptroller of Currency
RULES
Organization, procedures, and public information:
49537 Forms and instructions; updated list and availability procedures

Copyright Office, Library of Congress
NOTICES
49721 Mandatory deposit of books, etc., after first publication abroad; policy decision

Cost Accounting Standards Board
PROPOSED RULES
Cost accounting standards:
49573 Home office expenses; allocation to segments; use of single method

Customs Service
PROPOSED RULES
49591 Tariff classification of merchandise; issuance of administrative rulings by Regional Commissioner of Customs, Region II

Defense Department
See Navy Department.

Economic Regulatory Administration
NOTICES
Consent orders:
49640 Mosbacher Production Co.
Decisions and orders:
49637 Mitchell Energy Corp.
Powerplant and industrial fuel use; prohibition orders, exemption requests, etc.:
49638 General Motors Corp.
Remedial orders:
49640 Condor Operating Co.

Employment and Training Administration
NOTICES
49701 Employment transfer and business competition determinations; financial assistance applications
Unemployment compensation; extended benefit periods:
49701 Vermont

Employment Standards Administration
PROPOSED RULES
49628 Federal service contract labor standards; comment period extended
NOTICES
49784 Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedeas decisions (Colo., Fla., Ind., Iowa, Md., Minn., Miss., Mo., Mont., N.H., N.Y., Okla., Pa., Tex., Va., Wash., Wisc.)

Energy Department
See also Economic Regulatory Administration; Federal Energy Regulatory Commission.
PROPOSED RULES
Outer Continental Shelf oil and gas leasing:
49586 Bidding systems; development of work commitment component; inquiry
Property management:
49601 Transportation and traffic management; update of regulations due to organizational change
NOTICES
International atomic energy agreements; civil uses; subsequent arrangements:
49635 European Atomic Energy Community
49636, 49637 European Atomic Energy Community and Sweden (3 documents)
49636 European Atomic Energy Community and Switzerland
49634 Interpretation requests filed with General Counsel's Office
Meetings:
49663 Local Government Energy Policy Advisory Committee; change

Environmental Protection Agency
RULES
Air pollution control; new motor vehicles and engines:
49876 Carbon monoxide emission standards; light-duty vehicles, 1981 model year
Air quality implementation plans; approval and promulgation; various States, etc.:
49550 Ohio
Pesticides; tolerances in food:
49542 Bendiocarb
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
49599 Ohio
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
49600 N-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine
Pesticide programs:
49600 Biorational pesticides data requirements, registering guidelines; rebuttable presumption against registration of lindane; meeting
NOTICES
Air pollution control, new motor vehicles and engines:
49877 Carbon monoxide emission standards, light-duty vehicles; 1981 model year; applications for waiver of effective date
Environmental statements; availability, etc.:
49663, 49668 Agency statements; weekly receipts (2 documents)
Pesticide registration, cancellation, etc.:
49667 AMDRO-20 Insecticide et al.
Pesticides; temporary tolerances:
49671 Fisons Inc., bendiocarb
Toxic and hazardous substances control:
49667 Premanufacturing notice review period terminations

Equal Employment Opportunity Commission
NOTICES
49737 Meetings; Sunshine Act

Farmers Home Administration
RULES
Account servicing:
49534 Borrower information; exhibit A, removal from CFR

Federal Communications Commission
PROPOSED RULES
Common carrier services:
49624 MTS and WATS market structure; compensation for use of local telephone exchange facilities for interstate or foreign telecommunications; extension of time
Radio stations; table of assignments:
49626 North Carolina
49625 Wisconsin
NOTICES
49672 FM broadcast applications accepted for filing and notification of cut-off date
Hearings, etc.:
49675 Capital Answering Service, Inc., et al.
49676 Microband Corp. of America et al.
49677 Multi-Communication Services, Inc., et al.
49677 Tony's Truck Tire Repair, Inc.
49737 Meetings; Sunshine Act

Federal Crop Insurance Corporation
RULES
Crop insurance; various commodities:
49515 Forage
49510 Forage seeding
49504 Potatoes

Federal Emergency Management Agency
RULES
Flood insurance; special hazard areas:
49570 Arizona et al.
49556 California et al.
PROPOSED RULES
Flood elevation determinations:
49604 Arkansas et al.
49621 Maryland; correction
49621 Ohio
49620 Washington

Federal Energy Regulatory Commission
PROPOSED RULES
Electric utilities:
49591 Hydroelectric projects with installed capacity of 5 megawatts or less; exemption; availability of draft rule and meetings
NOTICES
Hearings, etc.:
49643 Alleghany Electric Cooperative, Inc., et al.
49644-49645 Ann Arbor, Mich. (4 documents)
49647 ANR Storage Co.
49647 Arkansas Power & Light Co.
49647 Atlantic Power Development Corp.
49649 Bilby, Ralph M.
49641 Black River Falls, Wisc.
49648 BSR Co., Inc.
49649 Channell's Gulf Service
49642 Columbia Gas Transmission Corp. et al.
49642 Consolidated Gas Supply Corp.
49649 De Bretteville, Charles
49656 Du Bain, Myron
49643 Duffy's Car Wash Inc.
49643 Eagle's Chevron Service
49656 Hartford Electric Light Co.
49656 Independent Oil & Tire Co.
49656, 49657 Kansas Power & Light Co. (2 documents)
49657 Madden, Richard B.
49657 Mid Louisiana Gas Co.
49641 New Martinsville, W.Va., et al.
49658 Public Service Electric & Gas Co.
49658 Public Service Co. of Indiana
49659 Saltsburg, Pa., et al.
49659 Sea Robin Pipeline Co.
49660 Sellers Manufacturing Co., Inc.
49660 South Carolina Public Service Authority
49661 Southern Company Services, Inc.
49661 Stax Gas & Truck Stop
49661, 49662 Transcontinental Gas Pipe Line Corp. (3 documents)
49663 Transcontinental Gas Pipe Line Corp. et al.
Natural Gas Policy Act of 1978:
49649 Jurisdictional agency determinations

Federal Home Loan Bank Board
NOTICES
49737 Meetings; Sunshine Act (2 documents)

Federal Housing Commissioner—Office of Assistant Secretary for Housing
PROPOSED RULES
Minium property standards:
49595 One and two family dwellings and multifamily housing; advance notice

Federal Register Office
NOTICES
49679, 49680 National Fire Codes; standards revisions; inquiry (2 documents)

Federal Reserve System
NOTICES
Applications, etc.:
49678 Citizens Banco, Inc.
49678 Escrow Corp. of America, Inc.; correction
49678 F & M Bancshares, Inc.
49678 First Collinsville Corp.
49678 First State Holding Co., Inc.; correction
49679 Kandiyohi Bancshares, Inc.
49737 Meetings; Sunshine Act

Federal Trade Commission
RULES
49542 Wool products labeling; "recycled wool," definition change; correction
PROPOSED RULES
Prohibited trade practices:
49589 American Art Clay Co., Inc.; correction

Fish and Wildlife Service
PROPOSED RULES
Endangered and threatened species:
49854 Gypsum wild buckwheat
49850 Hay's spring amphipod
49844 Shorttailed albatross et al.
49858 Todsens penneyroyal
NOTICES
49687 Chemical and drug registration; cooperative agreements; final policy statement

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
49543 Furazolidone aerosol powder
NOTICES
Medical devices:
49682 Abcor caries detector; reclassification petition; panel recommendation; correction
Meetings:
49681, 49682 Advisory committees, panels, etc. (2 documents)
49681 Consumer participation; information exchange

Forest Service
NOTICES
Environmental statements; availability, etc.:
49629 Spruce Budworm Management Program, Maine

General Services Administration
See Federal Register Office

Government Printing Office
NOTICES
Meetings:
49680 Depository Library Council

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

Health and Human Services Department
See also Food and Drug Administration; National Institutes of Health.
RULES
Procurement:
49553 Cost reimbursement contracts; option articles

Housing and Urban Development Department
See Community Planning and Development, Office of Assistant Secretary; Federal Housing Commissioner—Office of Assistant Secretary for Housing.

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

Internal Revenue Service
RULES
Excise taxes:
49544 Aerial applicators; claims for payment on tax on gasoline and special fuels used for farming purposes
Procedure and administration:
49547 Return preparers; allowable disclosure or use of tax return information
PROPOSED RULES
Income taxes:
49596 Qualified group legal services plans; hearing
NOTICES
Authority delegations:
49735 Assistant Commissioner (Compliance) et al.; confidential expenditures approval

International Trade Administration
RULES
Export licensing:
49542 General destination control requirements; unloading of shipments at intermediate ports

Interstate Commerce Commission
PROPOSED RULES
Motor carriers:
49627 Commercial zones; expansion of Chicago, Ill., into Lake County, Ill.
NOTICES
49689 Hearing assignments
49738 Meetings; Sunshine Act
Motor carriers:
49690, 49691 Finance applications (2 documents)
49694 Intercorporate hauling operations; intent to engage
Railroad operation, acquisition, construction, etc.:
49697 St. Louis Southwestern Railway Co. of Texas
Railroad services abandonment:
49696 Louisville & Nashville Railroad Co.

Justice Department
See Antitrust Division.

Labor Department
See also Employment and Training Administration; Employment Standards Administration; Pension and Welfare Benefit Programs Office; Wage and Hour Division.
NOTICES
Adjustment assistance:
49705 Chippewa Tool & Die, Inc., et al.
49705 Electronic Interconnect Systems, Inc.
49703 Ford Motor Co.
49705 Girard Manufacturing Co.
49708 NL Industries, Inc.
49702 Pea Ridge Iron Ore et al.
49709 Specialty Systems, Inc.

Land Management Bureau
NOTICES
Alaska native claims selections; applications, etc.:
49685, 49686 Cook Inlet Region, Inc. (2 documents)
Coal leases, exploration licenses, etc.:
49684 North Dakota
Meetings:
49684 Craig District Grazing Advisory Board
49684 Pacific Gas Transmission Co.; Rocky Mountain pipeline project
Withdrawal and reservation of lands, proposed, etc.:
49685 Idaho
49685 Wyoming

Management and Budget Office
NOTICES
Meetings:
49732 National Agenda for the Eighties, President's Commission

National Aeronautics and Space Administration
NOTICES
Meetings:
49723 Advisory Council
49723 Space and Terrestrial Applications Steering Committee

National Bureau of Standards
NOTICES
Information processing standards, Federal:
49630 American National Standard Code for Information Interchange (ASCII), additional controls

National Institutes of Health
NOTICES
Committees; establishment, renewals, terminations, etc.:
49683 Aging Review Committee et al.
49683 Biochemical Endocrinology Study Section et al.

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
49571 Groundfish, Gulf of Alaska; apportionment of reserve amounts and domestic annual harvest amounts
NOTICES
Marine mammal permit applications, etc.:
49631 Sovrybflot

National Park Service
RULES
Special regulations:
49549 Fire Island National Seashore; seaplane and amphibious aircraft regulations
NOTICES
Meetings:
49688 Crater Lake National Park winter management plan; workshops
49689 San Antonio Missions Advisory Commission

National Technical Information Service
NOTICES
Patent licenses, exclusive:
49632 Kontes
Procurement:
49632 Commercial or industrial activities; cost comparison reviews

National Telecommunications and Information Administration
NOTICES
Meetings:
49631 Frequency Management Advisory Council

Navy Department
RULES
Navigation:
49548 AALC Jeff(B); compliance with COLREGS; exemption
49548 USS George Philip et al.; compliance with COLREGS; exemption

Nuclear Regulatory Commission
RULES
Practice rules:
49535 Adjudicatory licensing proceedings, procedural assistance
NOTICES
Applications, etc.:
49732 Arizona Public Service Co. et al.
49725 Houston Lighting & Power Co. et al.
49726 Iowa Electric Light & Power Co. et al.
49727 Philadelphia Electric Co. et al.
49727 Portland General Electric Co.
49727 Power Authority of State of New York
49730 Rockwell International Corp.
49731 Southeast Missouri Hospital
49731 Tennessee Valley Authority
49729 Unversity of California Regents
Meetings:
49723, 49724 Reactor Safeguards Advisory Committee (2 documents)
49738 Meetings; Sunshine Act
49728 Nuclear energy process and safety information; financial assistance to enhance technology transfer and dissemination; 1981 fiscal year funds availability
49729 Regulatory guides; issuance and availability

Pension and Welfare Benefit Programs Office
NOTICES
Employee benefit plans:
49709, 49717-49720 Prohibition on transactions; exemption proceedings, applications, hearings, etc. (5 documents)

Personnel Management Office
PROPOSED RULES
49577 Merit pay system; pay administration
Pay administration:
49580 Fair Labor Standards Act; implementation

Rural Electrification Administration
PROPOSED RULES
Electric and telephone borrowers:
49586 Rescission and reclassification of certain bulletins; correction
Electric borrowers:
49585 Computer software costs; accounting interpretation (Bulletin 181-3)
49586 Distribution transformers, remanufactured (Specification D-17); advance notice

Surface Mining Office
RULES
49872 Floodplain management and wetlands protection; final procedures; policy statement
PROPOSED RULES
Permanent program submission; various States:
49597 Wyoming; reopening of comment period

Textile Agreements Implementation Committee
NOTICES
Cotton and man-made textiles:
49632 India

Trade Representative, Office of United States
NOTICES
Unfair trade practices, petitions:
49732 American Institute of Marine Underwriters; Argentina marine insurance practices; suspension

Treasury Department
See Alcohol, Tobacco and Firearms Bureau; Comptroller of Currency; Customs Service; Internal Revenue Service.

Wage and Hour Division
NOTICES
Fair value or reasonable cost determination petitions:
49721 Mid-Hudson Legal Services, Inc.; facilities furnished to employees by various companies

Water Resources Council
NOTICES
Water assessment reports:
49862 Heber Demonstration Plant, Calif.; geothermal binary electric power generation; inquiry

MEETINGS ANNOUNCED IN THIS ISSUE

COMMERCE DEPARTMENT
National Telecommunications and Information Administration—
49631 Frequency Management Advisory Council, 8-22-80

ENERGY DEPARTMENT
Federal Energy Regulatory Commission—
49591 Hydroelectric power projects with a proposed installed capacity of 5 megawatts or less, 8-1 and 8-12-80

ENVIRONMENTAL PROTECTION AGENCY
49600 Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel, 8-13 through 8-15-80

GOVERNMENT PRINTING OFFICE
49680 Depository Library Council to the Public Printer, 9-29 through 10-1-80

HEALTH AND HUMAN SERVICES DEPARTMENT
Food and Drug Administration—
49681 Consumer exchange, 8-13-80
49862 Fertility and Maternal Health Drugs Advisory Committee, 9-15 and 9-16-80
49681 General and Plastic Surgery Device Section of the Surgical and Rehabilitation Devices Panel, 8-22-80

INTERIOR DEPARTMENT
Land Management Bureau—
49684 Craig District Grazing Advisory Board, 8-28 and 8-29-80

National Park Service—
49689 San Antonio Missions Advisory Commission, 8–19–80
49688 Winter management plan for Crater Lake National Park, 8–25 through 8–29–80

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
49723 Space and Terrestrial Applications Steering Committee (STASC) Proposal Evaluation Advisory Subcommittee, 8–12 through 8–14–80
49723 NASA Advisory Council, 8–13 through 8–15–80

NUCLEAR REGULATORY COMMISSION
49724 Reactor Safeguards Advisory Committee, 8–7 through 8–9–80

OFFICE OF MANAGEMENT AND BUDGET
49732 President's Commission for a National Agenda for the Eighties, 8–4–80

CHANGED MEETING

ENERGY DEPARTMENT
49663 Local Government Energy Policy Advisory Committee and Subcommittees, 7–30 through 8–1–80

HEARINGS

AGRICULTURE DEPARTMENT
Animal and Plant Health Inspection Service—
49503 Certain seeds from Brazil, 8–27–80

TREASURY DEPARTMENT
Internal Revenue Service—
49596 Qualified group legal services plans, 9–4–80

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.

4 CFR
Proposed Rules:
403 ... 49573

5 CFR
Proposed Rules:
530 ... 49577
531 ... 49577
540 ... 49577
551 ... 49580

7 CFR
319 ... 49503
401 ... 49504
414 ... 49510
415 ... 49515
422 ... 49504
701 ... 49520
910 ... 49534
1951 ... 49534
Proposed Rules:
1007 ... 49584
1011 ... 49584
1030 ... 49584
1032 ... 49584
1046 ... 49584
1049 ... 49584
1050 ... 49584
1062 ... 49584
1064 ... 49584
1065 ... 49584
1068 ... 49584
1071 ... 49584
1073 ... 49584
1076 ... 49584
1079 ... 49584
1094 ... 49584
1096 ... 49584
1097 ... 49584
1098 ... 49584
1099 ... 49584
1102 ... 49584
1104 ... 49584
1106 ... 49584
1108 ... 49584
1120 ... 49584
1126 ... 49584
1131 ... 49584
1132 ... 49584
1138 ... 49584
1701 (3 documents) ... 49585, 49586

10 CFR
2 ... 49535
Proposed Rules:
376 ... 49586
390 ... 49586

12 CFR
4 ... 49537

14 CFR
250 ... 49540

15 CFR
386 ... 49542

16 CFR
300 ... 49542
301 ... 49542
303 ... 49542
Proposed Rules:
13 ... 49589

17 CFR
Proposed Rules:
Ch. I ... 49589

18 CFR
Proposed Rules:
4 ... 49591

19 CFR
Proposed Rules:
177 ... 49591

21 CFR
193 ... 49542
524 ... 49543

24 CFR
Proposed Rules:
200 ... 49595

26 CFR
48 ... 49544
140 ... 49544
301 ... 49547
Proposed Rules:
1 ... 49596

29 CFR
Proposed Rules:
4 ... 49628

30 CFR
Ch. VII ... 49872
Proposed Rules:
Ch. VII ... 49597

32 CFR
706 (2 document) ... 49548

36 CFR
7 ... 49549

40 CFR
52 ... 49550
86 ... 49876
Proposed Rules:
52 ... 49599
162 ... 49600
163 ... 49600
180 ... 49600

41 CFR
3–1 ... 49553
3–7 ... 49553
Proposed Rules:
109–40 ... 49601

44 CFR
65 (2 documents) ... 49556, 49570
Proposed Rules:
67 (4 documents) ... 49604, 49620, 49621

47 CFR
Proposed Rules:
63 ... 49624
73 (2 documents) ... 49625, 49626

49 CFR
Proposed Rules:
1048 ... 49627

50 CFR
611 ... 49571
672 ... 49571
Proposed Rules:
17 (4 documents) ... 49844, 49850, 49854, 49858

Rules and Regulations

Federal Register
Vol. 45, No. 145
Friday, July 25, 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

Animal and Plant Health Inspection Service

7 CFR Part 319

Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products; Foreign Quarantine Notices

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule and notice of public hearing.

SUMMARY: This document requires certain seeds imported into the United States from Brazil to be treated for possible infection with soybean rust at the time of importation into the United States. This is necessary as an emergency measure in order to prevent the introduction into the United States of soybean rust. This document also gives notice of a request for public comments and notice of a public hearing concerning this final rule.

DATES: Effective date of this document July 22, 1980. Written comments concerning this final rule must be received on or before September 23, 1980. A public hearing concerning this final rule will be held on August 27, 1980.

ADDRESSES: Written comments concerning this final rule should be submitted to: H. V. Autry, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, MD 20782.

Public hearing location: Room 643–A (APHIS Conference Room), Federal Building, 6505 Belcrest Road, Hyattsville, Maryland.

FOR FURTHER INFORMATION CONTACT: H. V. Autry, Chief Staff Officer, Regulatory Support Staff, Plant Protection and Quarantine, APHIS, USDA, Federal Building, 6505 Belcrest Road, Room 635, Hyattsville, MD 20782.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified as "not significant." The emergency nature of this action warrants publication of this final action without completion of a Final Impact Statement. A Final Impact Statement will be developed after public comments have been received.

Harvey L. Ford, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action. Due to the possibility that soybean rust disease could be introduced into the United States, a situation exists requiring immediate action to prevent the introduction into the United States of this disease.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency final action are impracticable and contrary to the public interest; and good cause is found by making this emergency final action effective less than 30 days after publication of this document in the **Federal Register.** Comments have been solicited for 60 days after publication of this document, and this emergency final action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the **Federal Register** as soon as possible.

Written Comments and Public Hearing

Interested persons are invited to submit written comments concerning this final rule. Comments should bear a reference to the date and page numbers of this issue of the **Federal Register.** All written comments made pursuant to this document will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 635, Hyattsville, MD 20782, during regular hours of business, 8 a.m. to 4:30 p.m. Monday through Friday, except holidays, in a manner convenient to the public business (7 CFR 1.27(b)).

The public hearing to consider this final rule wil be held at 1:30 p.m., in Room 643–A (APHIS Conference Room), Federal Building, 6505 Belcrest Road, Hyattsville, Maryland.

A representative of the Animal and Plant Health Inspection Service will preside at the hearing. Also, at the hearing, a representative of the Animal and Plant Health Inspection Service will present a statement explaining the purpose and basis of the final rule. Any interested person may appear and be heard in person, by attorney, or by other representative. Also, any interested person, his attorney, or other representative will be afforded an opportunity to ask relevant questions concerning the final rule.

The hearing will commence at 1:30 p.m., and conclude at 4:30 p.m., local time, unless the presiding official otherwise specifies during the course of the hearing. Persons who wish to be heard are requested to register with the presiding officer prior to the hearing. The prehearing registration will be conducted at the location of the hearing from 1 to 1:30 p.m. Those registered persons will be heard in the order of their registration. However, any other person who wishes to be heard or ask questions at the hearing will be afforded such opportunity, after the registered persons have presented their views. It is requested that duplicate copies of any written statements that are presented be provided to the presiding officer at the hearing.

If the number of preregistered persons and other participants in attendance at the hearing warrants it, the presiding officer may, if it becomes necessary, limit the time for each presentation in order to allow everyone wishing to present a statement the opportunity to be heard.

Background

The regulations in "Subpart—Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products" in Title 7, Code of Federal Regulations (7 CFR 319.37 through 319.37–14) published in the **Federal Register** on May 13, 1980 (45 FR 31572–31597), contain prohibitions and restrictions on the importation of certain classes of nursery stock, and certain other classes of plants, roots, bulbs, seeds, and other plant products. These

regulations became effective June 15, 1980.

These regulations, among other things, provided in 7 CFR 319.37–6(e) that: "Seeds of *Glycine* spp. (soybean); *Dolichos* spp. (lablab); *pachyrhizus* spp. (yam bean root, jicama); *Phaseolus* spp. (bean); *Pueraria* spp. (Chinese yam, kudzu bean, kudzu vine); and *Vigna* spp. (cowpea, catjang, asparagus bean, black-eyed pea, moth bean, adzuki bean) from Africa, Australia, Burma, Cambodia, People's Republic of China, Costa Rica, India, Indonesia, Japan, Korea, Laos, Malaysia, Nepal, New Caledonia, Papua New Guinea, Philippines, Sri Lanka (Ceylon), Taiwan, Thailand, Union of Soviet Socialist Republics, Venezuela, Vietnam, or the West Indies, at the time of importation into the United States shall be treated for possible infection with *Phakopsora pachyrhizi* Syd. (soybean rust) by dusting with Patterson's Multipurpose Fungicide (a zineb-captan formulation) at the rate of 1.05 ounces (approximately 29.77 grams) actual zineb per bushel (approximately 35.24 liters) or by treating with a slurry of Patterson's Multipurpose Fungicide at the rate of 0.74 ounces (approximately 20.98 grams) actual zineb per bushel (approximately 35.24 liters) of seeds."

Soybean rust disease *(Phakopsora pachyrhizi* Syd.) has been found to occur in the countries listed above. It can be carried by seeds of *Glycine* spp., *Dolichos* spp., *Pachyrhizus* spp., *Phaseolus* spp., *Pueraria* spp., and *Vigna* spp. This disease attacks leaves and other parts of plants of the above mentioned genera, and can substantially reduce the yield or marketability of plants or products of these genera. Accordingly, it was necessary to implement restrictions on the importation of such seeds in order to prevent the introduction into the United States of soybean rust disease.

Soybean rust disease would be extremely difficult to detect upon inspection of seeds at the time of importation because it would be in the form of microscopic spores if present. Treatment specified above in § 319.37–6(e) of the regulations would be adequate to prevent the dissemination of the disease. Therefore, such seeds are allowed to be imported from countries and localities where soybean rust disease is known to occur only if they are treated as specified.

Based on a report in the scientific literature, *Fitopatologia Brasileira,* Vol. 4, 337–339, June 1979, it has been determined that soybean rust disease now occurs in Brazil. Under these circumstances, in order to prevent the introduction into the United States of soybean rust disease, it is necessary as an emergency measure to add Brazil to the list of countries in § 319.37–6(e) of the regulations, and thereby require seeds of the above mentioned genera from Brazil to be treated at the time of importation in accordance with provisions of § 319.37–6(e).

§ 319.37–6 [Amended]

Accordingly, § 319.37–6(e) of the regulations, in "Subpart—Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products," Chapter III, Title 7 of the Code of Federal Regulations (7 CFR 319.37–6(e)) is amended by adding "Brazil," immediately before "Burma."

(Section 106; 71 Stat. 33 (7 U.S.C. 150ee); Sections 5 and 9; 37 Stat. 316 and 318 (7 U.S.C. 159, 162); 37 FR 28464, 28477, as amended; 38 FR 19141)

Done at Washington, D.C., this 16th day of July 1980.

Harvey L. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 80–22219 Filed 7–24–80; 8:45 am]

BILLING CODE 3410–34–M

Federal Crop Insurance Corporation

7 CFR Parts 401 and 422

Potato Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule prescribes procedures for insuring potatoes effective with the 1981 crop year. This final rule combines provisions from previous regulations for insuring potatoes in a clearer, shorter, simpler document which will make the program more effective administratively. This rule is promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: July 25, 1980.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone 202–447–3325.

The Final Impact Statement describing options considered in developing this final rule and the impact of implementing each option is available from the above-named individual.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1955 (March 23, 1978), to implement Executive Order No. 12044 (August 25, 1978), and has been classified as "not significant".

The Federal Crop Insurance Corporation (FCIC) published a notice of proposed rulemaking in the **Federal Register** on Wednesday, April 30, 1980 (44 FR 28726–28732), prescribing procedures for insuring potatoes effective with the 1981 crop year.

In the notice, FCIC, under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), proposed that a new Part 422 of Chapter IV in Title 7 of the Code of Federal Regulations be established to prescribe procedures for insuring potato crops beginning with the 1981 crop year to be known as 7 CFR Part 422 Potato Crop Insurance.

All previous regulations applicable to insuring potatoes, as found in 7 CFR 401.101–401.111, and 401.155 (43 FR 14638), will not be applicable to 1981 and succeeding potato crops but will remain in effect for FCIC potato insurance policies issued prior to 1981.

It has been determined that combining all previous regulations for insuring potato crops into one shortened, simplified, and clearer regulation would be more effective administratively.

In addition, the revised 7 CFR Part 422 provides (1) for a premium adjustment table that provides for up to 50 percent premium discount for good insuring experience and premium increases for unfavorable insuring experience, which replaces the present premium discount system, (2) that any premium not paid by the termination date will be increased by a 9 percent charge, with a 9 percent simple interest applying to any balance at the end of each subsequent 12-month period thereafter, (3) that the period for submitting a notice of damage or loss is extended from 15 days to 30 days and eliminates the 60-day period for filing a claim, (4) that three coverage level options be offered in each county with the imposed level being provided on the actuarial table and the conversion level being closest to the present level for the county, (5) for a provision to allow insurability of potatoes any two of the first three years after acreage is originally brought into production, which provision was previously stated on the county actuarial table, (6) that the term "marketable potatoes" is defined as potatoes acceptable for use as certified seed or for human consumption and which meet the standards for sale through market outlets for the area as may be further defined on the county actuarial table, and that the determination of marketable potatoes and the production to count shall be made by the Corporation, and (7) that

the termination date for North Dakota is March 31 instead of April 15, which establishes the date for termination of the contract for nonpayment of premium 15 days earlier.

In addition, § 422.5 of the Potato Crop Insurance Regulations, titled, "Good Faith Reliance on Misrepresentation," reflects an increase in limitation from $5,000 to $20,000 in those cases involving good faith reliance on misrepresentation wherein the Manager of the Corporation (FCIC) is authorized to take action to grant relief.

The Potato Crop Insurance Regulations provide a December 31 cancellation date for all potato producing counties. These regulations, and any amendments thereto, must be placed on file in the Corporation's office for the county in which the insurance is available not later than 15 days prior to the cancellation date in order to afford farmers an opportunity to examine them before the cancellation date.

Under the provisions of Executive Order No. 12044, and the Administrative Procedure Act (5 U.S.C. 553(b) and (c)), the public was given an opportunity to submit written comments, data, and views on the proposed regulations, but none were received. Therefore, with the exception of minor and nonsubstantive corrections to language, the regulations as contained in the proposed rule are hereby issued as a final rule to be in effect starting with the 1981 crop year.

In addition, there is hereby added to the final rule an Appendix "B" which lists the counties where potato crop insurance is available in accordance with the provisions of 7 CFR Part 422.1, which states in part that before insurance is offered in any county there shall be published by appendix to this part the names of the counties where such insurance shall be offered.

PART 401—FEDERAL CROP INSURANCE

§ 401.155 [Reserved]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby deletes and reserves 7 CFR 401.155, with such regulations as are contained therein remaining in effect for FCIC potato policies issued for crop years prior to 1981, and issues a new Part 422 in Chapter IV of Title 7 of the Code of Federal Regulations (7 CFR Part 422) to be known as the Potato Crop Insurance Regulations for the 1981 and Succeeding Crop Years, which shall remain in effect until amended or superseded, to read as follows:

PART 422—POTATO CROP INSURANCE

Subpart—Regulations for the 1981 and Succeeding Crop Years

Sec.

422.1 Availability of potato insurance.
422.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.
422.3 Public notice of indemnities paid.
422.4 Creditors.
422.5 Good faith reliance on misrepresentation
422.6 The contract.
422.7 The application and policy.

Authority: Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended (7 U.S.C. 1506, 1516).

Subpart—Regulations for the 1981 and Succeeding Crop Years

§ 422.1 Availability of potato insurance.

Insurance shall be offered under the provisions of this subpart on potatoes in counties within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation. Before insurance is offered in any county, there shall be published by appendix to this part the names of the counties in which potato insurance will be offered.

§ 422.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for potatoes which shall be shown on the county actuarial table on file in the office for the county and may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect a coverage level and price at which indemnities shall be computed from among those levels and prices shown on the actuarial table for the crop year.

§ 422.3 Public notice of indemnities paid.

The Corporation shall provide for posting annually in each county at each county courthouse a listing of the indemnities paid in the county.

§ 422.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lein, mortgage, garnishment, levy, execution, bankruptcy, or an involuntary transfer shall not entitle the holder of the interest to any benefit under the contract except as provided in the policy.

§ 422.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the potato insurance contract, whenever (a) an insured person under a contract of crop insurance entered into under these regulations, as result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation, (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived, and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $20,000, finds (1) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured person relied thereon in good faith, and (3) that to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

§ 422.6 The contract.

The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. Such acceptance shall be effective upon the date the notice of acceptance is mailed to the applicant. The contract shall cover the potato crop as provided in the policy. The contract shall consist of the application, the policy, the attached appendix, and the provisions of the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. Copies of forms referred to in the contract are available at the office for the county.

§ 422.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's insurable share in the potato crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the office for the county on or before the applicable closing date on file in the office for the county.

(b) The Corporation reserves the right to discontinue the acceptance of applications in any county upon its

determination that the insurance risk involved is excessive, and also, for the same reason, to reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications or contract changes in any county, by placing the extended date on file in the office for the county and publishing a notice in the **Federal Register** upon the Manager's determination that no adverse selectivity will result during the period of such extension: *Provided, however,* That if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1978 and succeeding crop years, a contract in the form provided for under this subpart will come into effect as a continuation of a potato contract issued under such prior regulations, without the filing of a new application.

(d) The provisions of the application and Potato Insurance Policy for the 1981 and succeeding crop years, and the Appendix to the Potato Insurance Policy are as follows:

U.S. Department of Agriculture, Federal Crop Insurance Corporation

Application for 19— and Succeeding Crop Years, Potato Crop Insurance Contract

Contract Number———
Identification Number ———
Name and Address———
Zip Code ———
County ———
State ———
Type of Entity ———
Applicant is over 18 Yes—— No——

A. The applicant, subject to the provisions of the regulations of the Federal Crop Insurance Corporation (herein called "Corporation"), hereby applies to the Corporation for insurance on the applicant's share in the potatoes planted on insurable acreage as shown on the county actuarial table for the above-stated county. The applicant elects from the actuarial table the coverage level and price at which indemnities shall be computed. THE PREMIUM RATES AND PRODUCTION GUARANTEES SHALL BE THOSE SHOWN ON THE APPLICABLE COUNTY ACTUARIAL TABLE FILED IN THE OFFICE FOR THE COUNTY FOR EACH CROP YEAR

Level Election——— Price Election——— —

Example: For the 19— Crop Year Only (100% Share)

Location/ farm No.	Guarantee per acre*	Premium per acre**	Practice

*Your guarantee will be on a unit basis (acres × per acre guarantee × share).

**Your premium is subject to adjustment in accordance with section 5(c) of the policy.

B. WHEN NOTICE OF ACCEPTANCE OF THIS APPLICATION IS MAILED TO THE APPLICANT BY THE CORPORATION, the contract shall be in effect for the crop year specified above, unless the time for submitting applications has passed at the time this application is filed, AND SHALL CONTINUE FOR EACH SUCCEEDING CROP YEAR UNTIL CANCELED OR TERMINATED as provided in the contract. This accepted application, the following potato insurance policy, the attached appendix, and the provisions of the county actuarial table showing the production guarantees, coverage levels, premium rates, prices for computing indemnities, and insurable and uninsurable acreage shall constitute the contract. Additional information regarding contract provisions can be found in the county regulations folder on file in the office for the county. No term or condition of the contract shall be waived or changed except in writing by the Corporation.

(SIGNATURE OF APPLICANT) ———
(CODE NO./WITNESS TO SIGNATURE)——
(DATE) ———, 19——
ADDRESS OF OFFICE FOR COUNTY ———

PHONE ———
LOCATION OF FARM-HEADQUARTERS —

PHONE ———

Potato Crop Insurance Policy

Terms and Conditions

Subject to the provisions in the attached appendix:

1. CAUSES OF LOSS. (a) Causes of loss insured against. The insurance provided is against unavoidable loss of production resulting from adverse weather conditions, insects, plant disease, wildlife, earthquake or fire occurring within the insurance period, subject to any exceptions, exclusions or limitations with respect to causes of loss shown on the actuarial table.

(b) Causes of loss not insured against. The contract shall not cover any loss of production, as determined by the Corporation, due to (1) damage that occurs or becomes evident after the potatoes have been placed in storage, (2) the neglect or malfeasance of the insured, any member of the insured's household, the insured's tenants or employees, (3) failure to follow recognized good farming practices, (4) damage resulting from the backing up of water by any governmental or public utilities dam or reservoir project, or (5) any cause not specified as an insured cause in this policy as limited by the actuarial table.

2. CROP AND ACREAGE INSURED. (a) The crop insured shall be potatoes which are planted for harvest and which are grown on insured acreage and for which the actuarial table shows a guarantee and premium rate per acre.

(b) The acreage insured for each crop year shall be that acreage planted to potatoes on insurable acreage as shown on the actuarial table, and the insured's share therein as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided,* That insurance shall not attach or be considered to have attached, as determined by the Corporation, to any acreage (1) planted with non-certified seed, (2) on which potatoes were planted in either of the two preceding crop years or sunflowers were planted in the preceding crop year unless otherwise provided on the actuarial table; *however,* if acreage has not been previously cultivated, potatoes shall be insurable any two of the first three crop years on such land, (3) where premium rates are established by farming practices on the actuarial table, and the farming practices carried out on any acreage are not among those for which a premium rate has been established, (4) not reported for insurance as provided in section 3 if such acreage is irrigated and an irrigated practice is not provided for such acreage on the actuarial table, (5) which is destroyed and after such destruction it was practical to replant to potatoes and such acreage was not replanted, (6) initially planted after the date on file in the office for the county which has been established by the Corporation as being too late to initially plant and expect a normal crop to be produced, (7) of volunteer potatoes, (8) planted to a type or variety of potato not established as adapted to the area or shown as noninsurable on the actuarial table, (9) planted with another crop, or (10) planted for the development or production of hybrid seed or for experimental purposes.

3. RESPONSIBILITY OF INSURED TO REPORT ACREAGE AND SHARE. The insured shall submit to the Corporation on a form prescribed by the Corporation, a report showing (a) all acreage of potatoes planted in the county (including a designation of any acreage to which insurance does not attach) in which the insured has a share and (b) the insured's share therein at the time of planting. Such report shall be submitted each year not later than the acreage reporting date on file in the office for the county.

4. PRODUCTION GUARANTEES, COVERAGE LEVELS, AND PRICES FOR COMPUTING INDEMNITIES. (a) For each crop year of the contract, the production guarantees, coverage levels, and prices at which indemnities shall be computed shall be those shown on the actuarial table.

(b) The production guarantee per acre shall be reduced by 20 percent for any unharvested acreage.

5. ANNUAL PREMIUM. (a) The annual premium is earned and payable at the time of planting and the amount thereof shall be determined by multiplying the insured acreage times the applicable premium per acre, times the insured's share at the time of planting, times the applicable premium adjustment percentage in subsection (c) of this section.

(b) For premium adjustment purposes, only the years during which premiums were earned shall be considered.

(c) The premium shall be adjusted as shown in the following table:

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% ADJUSTMENTS FOR FAVORABLE CONTINUOUS INSURANCE EXPERIENCE																
	Numbers of Years Continuous Experience Through Previous Year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
Loss Ratio 1/ Through Previous Crop Year	Percentage Adjustment Factor For Current Crop Year															
.00 – .20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21 – .40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41 – .60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61 – .80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81 – 1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

% ADJUSTMENTS FOR UNFAVORABLE INSURANCE EXPERIENCE																
	Number of Loss Years Through Previous Year 2/															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Loss Ratio 1/ Through Previous Crop Year	Percentage Adjustment Factor For Current Crop Year															
1.10 – 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 – 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 – 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 – 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 – 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 – 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 – 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 – 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 – 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 – Up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

1/ Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.

2/ Only the most recent 15 crop years will be used to determine the number of "Loss Years". (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year.)

BILLING CODE 3410-08-C

(d) Any amount of premium for an insured crop which is unpaid on the day following the termination date for indebtedness for such crop shall be increased by a 9 percent service fee, which increased amount shall be the premium balance, and thereafter, at the end of each 12-month period, 9 percent simple interest shall attach to any amount of the premium balance which is unpaid: *Provided,* When notice of loss has been timely filed by the insured as provided in section 7 of this policy, the service fee will not be charged and the contract will remain in force if the premium is paid in full within 30 days after the date of approval or denial of the claim for indemnity; *however,* if any premium remains unpaid after such date, the contract will terminate and the amount of premium outstanding shall be increased by a 9 percent service fee, which increased amount shall be the premium balance. If such premium balance is not paid within 12 months immediately following the termination date, 9 percent simple interest shall apply from the termination date and each year thereafter to any unpaid premium balance.

(e) Any unpaid amount due the Corporation may be deducted from any indemnity payable to the insured by the Corporation or from any loan or payment to the insured under any Act of Congress or program administered by the U.S. Department of Agriculture, when not prohibited by law.

6. INSURANCE PERIOD. Insurance on insured acreage shall attach at the time the potatoes are planted and shall cease upon the earliest of (a) final adjustment of a loss, (b) harvest or removal of the potatoes from the field, (c) October 31 of the calendar year in which potatoes are normally harvested in all states except North Dakota (where insurance ceases October 15), or (d) total destruction of the insured potato crop.

7. NOTICE OF DAMAGE OR LOSS. (a) Any notice of damage or loss shall be given promptly in writing by the insured to the Corporation at the office for the county.

(b) Notice shall be given promptly if, during the period before harvest, the potatoes on any unit are damaged to the extent that the insured does not expect to further care for the crop or harvest any part of it, or if the insured wants the consent of the Corporation to put the acreage to another use. No insured acreage shall be put to another use until the Corporation has made an appraisal of the potential production of such acreage and consents in writing to such other use. Such consent shall not be given until it is too late or impractical to replant to potatoes. Notice shall also be given when such acreage has been put to another use.

(c) In addition to the notices required in subsection (b) of this section, if an indemnity is to be claimed on any unit, the insured shall give written notice thereof to the Corporation at the office for the county at least 72 hours prior to the start of harvest, unless all of the production is to be delivered directly to a processing plant, but not later than *30 days* after the earliest of (1) the date harvest is completed on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire potato crop on the unit is destroyed, as determined by the Corporation. The Corporation reserves the right to provide additional time if it determines there are extenuating circumstances.

(d) Any insured acreage which is not to be harvested and upon which an indemnity is to be claimed shall be left intact until inspected by the Corporation.

(e) The Corporation may reject any claim for indemnity if any of the requirements of this section are not met.

8. CLAIM FOR INDEMNITY. (a) It shall be a condition precedent to the payment of any indemnity that the insured (1) establish the total production of potatoes on the unit and that any loss of production was directly caused by one or more of the insured causes during the insurance period for the crop year for which the indemnity is claimed and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(b) Indemnities shall be determined separately for each unit. The amount of indemnity for any unit shall be determined by (1) multiplying the insured acreage of potatoes on the unit by the applicable production guarantee per acre, which product shall be the production guarantee for the unit, (2) subtracting therefrom the total production of potatoes to be counted for the unit, (3) multiplying the remainder by the applicable price for computing indemnities, and (4) multiplying the result obtained in step (3) by the insured share: *Provided,* That if the premium computed on the insured acreage and share is more than the premium computed on the reported acreage and share, the amount of indemnity shall be computed on the insured acreage and share and then reduced proportionately.

(c) The total production to be counted for a unit shall be determined by the Corporation and shall include all harvested and appraised production.

(1) Any harvested production shall be determined by the Corporation on the basis of marketable potatoes.

(2) Appraised production to be counted shall include: (i) any appraisals by the Corporation for potential production on harvested acreage and for uninsured causes and poor farming practices, (ii) not less than the applicable guarantee for any acreage which is abandoned or put to another use without prior written consent of the Corporation or damaged solely by an uninsured cause or from which the harvested production is disposed of without prior written consent of the Corporation and such disposition prevents accurate determination of marketable potatoes, and (iii) only the appraisal in excess of 20 percent of the production guarantee for all other unharvested acreage.

(d) The Corporation reserves the right to determine the extent of any loss at the time the potatoes are placed in storage or delivered to a processor.

(e) Notwithstanding the provisions of subsection (c) of this section, if potatoes are marketed or stored without an acceptable inspection, the production to count for such potatoes shall be 90 percent of the gross weight so marketed or stored.

(f) The appraised potential production for acreage for which consent has been given to be put to another use shall be counted as production in determinng the amount of loss under the contract. *However,* if consent is given to put acreage to another use and the Corporation determines that any such acreage (1) is not put to another use before harvest of potatoes becomes general in the county, (2) is harvested, or (3) is further damaged by an insured cause before the acreage is put to another use, the indemnity for the unit shall be determined without regard to such appraisal and consent.

9. MISREPRESENTATION AND FRAUD. The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right, including the right to collect any unpaid premiums if, at any time, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

10. TRANSFER OF INSURED SHARE. If the insured transfers any part of the insured share during the crop year, protection will continue to be provided according to the provisions of the contract to the transferee for such crop year on the transferred share, and the transferee shall have the same rights and responsibilities under the contract as the original insured for the current crop year. Any transfer shall be made on an approved form.

11. RECORDS AND ACCESS TO FARM. The insured shall keep or cause to be kept for two years after the time of loss, records of the harvesting, storage, shipments, sale or other disposition of all potatoes produced on each unit including separate records showing the same information for production from any uninsured acreage. Any persons designated by the Corporation shall have access to such records and the farm for purposes related to the contract.

12. LIFE OF CONTRACT: CANCELLATION AND TERMINATION. (a) The contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, either party may cancel the insurance for any crop year by giving a signed notice to the other on or before the cancellation date preceding such crop year.

(b) Except as provided in section 5(d) of this policy, the contract will terminate as to any crop year if any amount due the Corporation under this contract is not paid on or before the termination date for indebtedness preceding such crop year: *Provided,* That the date of payment for premium (1) if deducted from an indemnity claim shall be the date the insured signs such claim or (2) if deducted from payment under another program administered by the U.S. Department of Agriculture shall be the date such payment was approved.

(c) Following are the cancellation and termination dates:

State	Cancellation date	Termination date for indebtedness
All States	Dec. 31	Mar. 31.

(d) In the absence of a notice from the insured to cancel, and subject to the provisions of subsections (a), (b), and (c) of this section, and section 7 of the Appendix, the contract shall continue in force for each succeeding crop year.

Appendix

Additional Terms and Conditions

1. MEANING OF TERMS. For the purposes of potato crop insurance:

(a) "Actuarial table" means the forms and related material for the crop year approved by the Corporation which are on file for public inspection in the office for the county, and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, insurable and uninsurable acreage, and related information regarding potato insurance in the county.

(b) "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown on the actuarial table.

(c) "Crop year" means the period within which the potato crop is normally grown and shall be designated by the calendar year in which the potato crop is normally harvested.

(d) "Harvest" means the digging of potatoes.

(e) "Insurable acreage" means the land classified as insurable by the Corporation and shown as such on the county actuarial table.

(f) "Insured" means the person who submitted the application accepted by the Corporation.

(g) "Marketable potatoes" means potatoes acceptable for use as certified seed or for human consumption and which meet the standards for sale through market outlets for the area and as may be further defined on the county actuarial table. The determination of marketable potatoes and the production to count shall be made by the Corporation.

(h) "Office for the county" means the Corporation's office serving the county shown on the application for insurance or such office as may be designated by the Corporation.

(i) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(j) "Share" means the interest of the insured as landlord, owner-operator, or tenant in the insured potato crop at the time of planting as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, and no other share shall be deemed to be insured: *Provided*, That for the purpose of determining the amount of indemnity, the insured share shall not exceed the insured's share at the earliest of (1) the date of beginning of harvest on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire crop on the unit is destroyed, as determined by the Corporation.

(k) "Tenant" means a person who rents land from another person for a share of the potato crop or proceeds therefrom.

(l) "Unit" means all insurable acreage of potatoes in the county on the date of planting for the crop year (1) in which the insured has a 100 percent share, or (2) which is owned by one entity and operated by another entity on a share basis. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the potato crop on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in the office for the county or by written agreement between the Corporation and the insured. The Corporation shall determine units as herein defined when adjusting a loss, notwithstanding what is shown on the acreage report, and has the right to consider any acreage and share reported by or for the insured's spouse or child or any member of the insured's household to be the bona fide share of the insured or any other person having the bona fide share.

2. ACREAGE INSURED. (a) The Corporation reserves the right to limit the insured acreage of potatoes to any acreage limitations established under any Act of Congress, provided the insured is so notified in writing prior to the planting of potatoes.

(b) If the insured does not submit an acreage report on or before the acreage reporting date on file in the office for the county, the Corporation may elect to determine by units the insured acreage and share or declare the insured acreage on any unit(s) to be "zero." If the insured does not have a share in any insured acreage in the county for any year, the insured shall submit a report so indicating. Any acreage report submitted by the insured may be revised only upon approval of the Corporation.

3. IRRIGATED ACREAGE. (a) Where the actuarial table provides for insurance on an irrigated practice, the insured shall report as irrigated only the acreage for which the insured has adequate facilities and water to carry out a good irrigation practice at the time of planting.

(b) Where irrigated acreage is insurable, any loss of production caused by failure to carry out a good irrigation practice, except failure of the water supply from an unavoidable cause occurring after the beginning of planting, as determined by the Corporation, shall be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities shall not be considered as a failure of the water supply from an unavoidable cause.

4. ANNUAL PREMIUM. (a) If there is no break in the continuity of participation, any premium adjustment applicable under section 5 of the policy shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of death of the insured, (2) the contract of the person who succeeds the insured if such person had previously participated in the farming operation, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

(b) If there is a break in the continuity of participation, any reduction in premium earned under section 5 of the policy shall not thereafter apply; *however*, any previous unfavorable insurance experience shall be considered in premium computation following a break in continuity.

5. CLAIM FOR AND PAYMENT OF INDEMNITY. (a) Any claim for indemnity on a unit shall be submitted to the Corporation on a form prescribed by the Corporation.

(b) In determining the total production to be counted for each unit, production from units on which the production has been commingled will be allocated to such units in proportion to the liability on each unit.

(c) There shall be no abandonment to the Corporation of any insured potato acreage.

(d) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c): *Provided*, That the same is brought within one year after the date notice of denial of the claim is mailed to and received by the insured.

(e) Any indemnity will be payable within 30 days after a claim for indemnity is approved by the Corporation. *However*, in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.

(f) If the insured is an individual who dies, disappears, or is judicially declared incompetent, or the insured is an entity other than an individual and such entity is dissolved after the potatoes are planted for any crop year, any indemnity will be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

(g) The Corporation reserves the right to reject any claim for indemnity if any of the requirements of this section or section 8 of the policy are not met and the Corporation determines that the amount of loss cannot be satisfactorily determined.

6. SUBROGATION. The insured (including any assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made by the Corporation. The Corporation thereafter shall execute all papers required and take appropriate action as may be necessary to secure such rights.

7. TERMINATION OF THE CONTRACT. (a) The contract shall terminate if no premium is earned for five consecutive years.

(b) If the insured is an individual who dies or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution; *however*, if such event occurs after insurance attaches for any crop year, the contract shall continue in force through such crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

8. COVERAGE LEVEL AND PRICE ELECTION. (a) If the insured has not elected on the application a coverage level and price at which indemnities shall be computed from among those shown on the actuarial table, the coverage level and price election which shall be applicable under the contract, and which the insured shall be deemed to have

elected, shall be as provided on the actuarial table for such purposes.

(b) The insured may, with the consent of the Corporation, change the coverage level and/or price election for any crop year on or before the closing date for submitting applications for that crop year.

9. ASSIGNMENT OF INDEMNITY. Upon approval of a form prescribed by the Corporation, the insured may assign to another party the right to an indemnity for the crop year and such assignee shall have the right to submit the loss notices and forms as required by the contract.

10. CONTRACT CHANGES. The Corporation reserves the right to change any terms and provisions of the contract from year to year. Any changes shall be mailed to the insured or placed on file and made available for public inspection in the office for the county at least 15 days prior to the cancellation date preceding the crop year for which the changes are to become effective, and such mailing or filing shall constitute notice to the insured. Acceptance of any changes will be conclusively presumed in the absence of any notice from the insured to cancel the contract as provided in section 12 of the policy.

Appendix "B"

Counties Designated for Potato Crop Insurance—7 CFR Part 422

In accordance with the provisions of 7 CFR 422.1, the following counties are designated for potato crop insurance:

Idaho

Canyon

North Dakota

Walsh

Washington

Grant

Note.—The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942 and OMB Circular A–40.

This action will not have a significant impact specifically on area and community development; therefore, review as required by OMB Circular A–95 is inapplicable.

Approved by the Board of Directors on March 14, 1980.

The Sunset Review Date for these regulations is established as June 1, 1985.

Dated: July 21, 1980.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Everett S. Sharp,

Acting Manager.

[FR Doc. 80–22375 Filed 7–24–80; 8:45 am]

BILLING CODE 3410–08–M

7 CFR Part 414

Forage Seeding Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule prescribes procedures for insuring forage in the seeding stage effective with the 1981 crop year. This final rule is a revision of the previous regulations for insuring forage seeding to include several changes and to reissue the regulations in a clearer, shorter, and simpler document which will make the program easier to understand and more effective administratively. This rule is promulgated under the authority of the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: July 25, 1980.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone 202–447–3325.

The Final Impact Statement describing options considered in developing this final rule and the impact of implementing each option is available upon request from the above-named individual.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1955 (March 23, 1978), to implement Executive Order No. 12044 (August 25, 1978), and has been classified as "not significant".

The Federal Crop Insurance Corporation (FCIC) published a notice of proposed rulemaking in the **Federal Register** on Monday, April 14, 1980 (45 F.R. 25073–25077), prescribing procedures for insuring forage in the seeding stage effective with the 1981 crop year.

In the notice, FCIC, under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), proposed that the Forage Seeding Crop Insurance Regulations (7 CFR 414) be revised and reissued effective with the 1981 and succeeding crop years.

All previous regulations applicable to insuring forage seeding as found at 43 FR 16693–16697, Thursday, April 20, 1978; 43 FR 18537, May 1, 1978; and 44 FR 74796, December 16, 1978, will not be applicable to 1981 and succeeding forage seeding crops but will remain in effect for FCIC forage seeding policies issued prior to 1981.

It has been determined that revising and reissuing 7 CFR 414 into one shortened, simplified, and clearer regulation would be more effective administratively.

In addition to shortening and simplifying the regulations, the revised 7 CFR Part 414 provides (1) for a premium adjustment table that provides for up to 50 percent premium discount for good insuring experience and premium increases for unfavorable insuring experience, which replaces the present premium discount system, (2) that any premium not paid by the termination date will be increased by a 9 percent charge, with a 9 percent simple interest charge applying to any unpaid balance at the end of each subsequent 12-month period thereafter, (3) that the termination date for nonpayment of premium will be March 31 in all States except New York where the date will be September 15, (4) the cancellation date for New York State will be June 30, (5) that the end of the insurance period will be (a) spring-seeded forage: May 21 following the calendar year of seeding or (b) fall-seeded forage: October 15 following the calendar year of seeding.

In addition, § 414.5 of the Forage Seeding Crop Insurance Regulations titled "Good Faith Reliance on Misrepresentation" increases the limitation from $5,000 to $20,000 in those cases involving good faith reliance on misrepresentation, wherein the Manager of the Corporation (FCIC) is authorized to take action to grant relief.

All previous regulations applicable to insuring forage crops at the seeding stage as found in 7 CFR Part 414 will not be applicable to the 1981 and succeeding forage seeding crops but will remain in effect for Federal Crop Insurance Corporation forage seeding insurance policies issued for the crop years prior to 1981.

Under the provisions of Executive Order No. 12044, and the Administrative Procedure Act (7 U.S.C. 553 (b) and (c)), the public was given an opportunity to submit written comments, data, and opinions on the proposed regulations, but none were received. Therefore, with the exception of minor and nonsubstantive corrections to language, the regulations as contained in the proposed rule are hereby issued as a final rule to be effective starting with the 1981 crop year.

In addition, there is hereby added to the final rule an Appendix "B", which lists the counties where forage seeding crop insurance is available in accordance with the provisions of 7 CFR Part 414.1, which states in part that before the insurance is offered in any county, there shall be published by

appendix to this part the names of the counties where such insurance shall be offered.

Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby revises and reissues the Forage Seeding Crop Insurance Regulations (7 CFR 414), with such regulations as are contained in 7 CFR 414, and published in the **Federal Register** at 43 FR 16693–16697, 43 FR 18537, and 44 FR 74796, remaining in effect for FCIC forage seeding policies issued prior to 1981, and hereby revises and reissues 7 CFR 414, which shall remain in effect until amended or superseded for the 1981 and succeeding crop years, to read as follows:

PART 414—FORAGE SEEDING CROP INSURANCE

Subpart—Regulations for the 1981 and Succeeding Crop Years

Sec.

414.1 Availability of Forage Seeding Insurance.
414.2 Premium rates and amounts of insurance.
414.3 Public notice of indemnities paid.
414.4 Creditors.
414.5 Good faith reliance on misrepresentation.
414.6 The contract.
414.7 The application and policy.

Authority: Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended (7 U.S.C. 1506, 1516).

Subpart—Regulations for the 1981 and Succeeding Crop Years

§ 414.1 Availability of Forage Seeding Insurance.

Insurance shall be offered under the provisions of this subpart on forage seeding in counties within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation. Before insurance is offered in any county, there shall be published by appendix to this part the names of the counties in which forage seeding insurance will be offered.

§ 414.2 Premium rates and amounts of insurance.

(a) The Manager shall establish premium rates and amounts of insurance for forage seeding which shall be shown on the county actuarial table on file in the office for the county and may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect an amount of insurance from among those amounts shown on the actuarial table for the crop year.

§ 414.3 Public notice of indemnities paid.

The Corporation shall provide for posting annually in each county at each county courthouse a listing of the indemnities paid in the county.

§ 414.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or an involuntary transfer shall not entitle the holder of the interest to any benefit under the contract except as provided in the policy.

§ 414.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the forage seeding insurance contract, whenever (a) an insured person under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation, (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived, and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $20,000, finds (1) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured person relied thereon in good faith, and (3) that to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

§ 414.6 The contract.

The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. Such acceptance shall be effective upon the date the notice of acceptance is mailed to the applicant. The contract shall cover the forage seeding crop as provided in the policy. The contract shall consist of the application, the policy, the attached appendix, and the provisions of the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. Copies of forms referred to in the contract are available at the office for the county.

§ 414.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's insurable share in the forage seeding crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the office for the county on or before the applicable closing date on file in the office for the county.

(b) The Corporation reserves the right to discontinue the acceptance of applications in any county upon its determination that the insurance risk involved is excessive, and also, for the same reason, to reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications or contract changes in any county, by placing the extended date on file in the office for the county and publishing a notice in the **Federal Register** upon the Manager's determination that no adverse selectivity will result during the period of such extension: *Provided, however,* That if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1978 and succeeding crop years, a contract in the form provided for under this subpart will come into effect as a continuation of a forage seeding contract issued under such prior regulations, without the filing of a new application.

(d) The provisions of the application and Forage Seeding Insurance Policy for the 1981 and succeeding crop years, and the Appendix to the Forage Seeding Insurance Policy are as follows:

U.S. Department of Agriculture, Federal Crop Insurance Corporation

Application for 19— and Succeeding Crop Years, Forage Seeding—Crop Insurance Contract

_____

_____

(Contract number)

_____

_____

(Identification number)

(Name and Address) (ZIP Code)

(County) (State)
Type of entity
Applicant is over 18 Yes— No—

A. The applicant, subject to the provisions of the regulations of the Federal Crop Insurance Corporation (herein called "Corporation"), hereby applies to the Corporation for insurance on the applicant's share in the forage seeded on insurable acreage as shown on the county actuarial table for the above-stated county. The applicant elects from the actuarial table the amount of insurance per acre.

THE PREMIUM RATES AND AMOUNTS OF INSURANCE SHALL BE THOSE SHOWN ON THE APPLICABLE COUNTY ACTUARIAL TABLE FILED IN THE OFFICE FOR THE COUNTY FOR EACH CROP YEAR.

Elected amount of insurance per acre

Example: For the 19— Crop-Year Only (100 Percent Share)

Location/ Farm No.	Amount of Insurance per acre*	Premium Per Acre**	Practice

*Your amount of insurance will be on a unit basis (acres x amount of insurance per acre x share).

**Your premium is subject to adjustment in accordance with section 5(c) of the policy.

B. WHEN NOTICE OF ACCEPTANCE OF THIS APPLICATION IS MAILED TO THE APPLICANT BY THE CORPORATION, the contract shall be in effect for the crop year specified above, unless the time for submitting applications has passed at the time this application is filed, AND SHALL CONTINUE FOR EACH SUCCEEDING CROP YEAR UNTIL CANCELED OR TERMINATED as provided in the contract. This accepted application, the following forage seeding insurance policy, the attached appendix, and the provisions of the county actuarial table showing the amounts of insurance, premium rates, and insurable and uninsurable acreage shall constitute the contract. Additional information regarding contract provisions can be found in the county regulations folder on file in the office for the county. No term or condition of the contract shall be waived or changed except in writing by the Corporation.

(Signature of applicant)

19—

(Code No./Witness to Signature)

(Date)
Address of Office for County:

Phone
Location of Farm Headquarters:

Phone

Forage Seeding Crop Insurance Policy

Terms and Conditions

Subject to the provisions in the attached appendix:

1. CAUSES OF LOSS. (a) Causes of loss insured against. The insurance provided is against unavoidable loss of or failure to establish a stand or forage resulting from adverse weather conditions, insects, plant disease, wildlife, earthquake or fire occurring within the insurance period, subject to any exceptions, exclusions or limitations with respect to causes of loss shown on the actuarial table.

(b) Causes of loss not insured against. The contract shall not cover any loss, as determined by the Corporation, due to (1) the neglect or malfeasance of the insured, any member of the insured's household, the insured's tenants or employees, (2) failure to follow recognized good farming practices, (3) damage resulting from the backing up of water by any governmental or public utilities dam or reservoir project, or (4) any cause not specified as an insured cause in this policy as limited by the actuarial table.

2. CROP AND ACREAGE INSURED. (a) The crop insured shall be forage seeded to establish a stand of forage intended for harvest as livestock feed, for which the actuarial table shows an amount of insurance and premium rate per acre and which is seeded on insured acreage.

(b) The acreage insured for each crop year shall be that acreage seeded to the crop on insurable acreage as shown on the actuarial table, and the insured's share therein as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided*, That insurance shall not attach or be considered to have attached, as determined by the Corporation, to any acreage (1) where premium rates are established by farming practices on the actuarial table, and the farming practices carried out on any acreage are not among those for which a premium rate has been established, (2) not reported for insurance as provided in section 3 if such acreage is irrigated and an irrigated practice is not provided for such acreage on the actuarial table, (3) which is destroyed and after such destruction it was practical to reseed to the insured crop and such acreage was not reseeded, (4) initially seeded after the date on file in the office for the county which has been established by the Corporation as being too late to initially seed and expect a normal stand to be established, (5) of volunteer forage, (6) seeded to a type, variety or mixture not established as adapted to the area or shown as noninsurable on the actuarial table, (7) seeded with another crop (excluding nurse crops), or (8) seeded for the development or production of hybrid seed or for experimental purposes.

3. RESPONSIBILITY OF INSURED TO REPORT ACREAGE AND SHARE. The insured shall submit to the Corporation on a form prescribed by the Corporation, a report showing (a) all acreage of forage seeding in the county (including a designation of any acreage to which insurance does not attach) in which the insured has a share and (b) the insured's share therein at the time of seeding. Such report shall be submitted each year not later than the acreage reporting date on file in the office for the county.

4. AMOUNTS OF INSURANCE. For each crop year of the contract, the amounts of insurance shall be those shown on the actuarial table.

5. ANNUAL PREMIUM. (a) The annual premium is earned and payable at the time of seeding and the amount thereof shall be determined by multiplying the insured acreage times the applicable premium per acre, times the insured's share at the time of seeding, times the applicable premium adjustment percentage in subsection (c) of this section.

(b) For premium adjustment purposes, only the years during which premiums were earned shall be considered.

(c) The premium shall be adjusted as shown in the following table:

Percentage Adjustments for Favorable Continuous Insurance Experience

Loss ratio[1] through previous crop year	Numbers of years continuous experience through previous year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
	Percentage adjustment factor for current crop year															
00-.20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	65	50
21-.40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41-.60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61-.80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81-1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

Percentage Adjustments for Unfavorable Insurance Experience

Loss ratio [1] through previous crop year	Number of loss years through previous year [2]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Percentage adjustment factor for current crop year															
1.10–1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20–1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40–1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70–1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00–2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50–3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25–3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00–4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00–5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00–Up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

[1] Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.
[2] Only the most recent 15 crop years will be used to determine the number of "Loss Years". (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year.)

(d) Any amount of premium for an insured crop which is unpaid on the day following the termination date for indebtedness for such crop shall be increased by a 9 percent service fee, which increased amount shall be the premium balance, and thereafter, at the end of each 12-month period, 9 percent simple interest shall attach to any amount of the premium balance which is unpaid: *Provided,* When notice of loss has been timely filed by the insured as provided in section 7 of this policy, the service fee will not be charged and the contract will remain in force if the premium is paid in full within 30 days after the date of approval or denial of the claim for indemnity; *however,* if any premium remains unpaid after such date, the contract will terminate and the amount of premium outstanding shall be increased by a 9 percent service fee, which increased amount shall be the premium balance. If such premium balance is not paid within 12 months immediately following the termination date, 9 percent simple interest shall apply from the termination date and each year thereafter to any unpaid premium balance.

(e) Any unpaid amount due the Corporation may be deducted from any indemnity payable to the insured by the Corporation or from any loan or payment to the insured under any Act of Congress or program administered by the U.S. Department of Agriculture, when not prohibited by law.

6. INSURANCE PERIOD. Insurance on insured acreage shall attach at the time of seeding and shall cease upon the earliest of (a) final adjustment of a loss, (b) harvest of the forage crop, (c) spring-seeded forage: May 21 following the calendar year of seeding, (d) fall-seeded forage: October 15 following the calendar year of seeding, or (e) total destruction of the insured crop.

7. NOTICE OF DAMAGE OR LOSS. (a) Any notice of damage or loss shall be given promptly in writing by the insured to the Corporation at the office for the county.

(b) Notice shall be given promptly if (1) during the period before harvest, the forage seeding on any unit is damaged to the extent that the insured does not expect to further care for the crop or intends to reseed insured fall-seeded acreage in the spring by the final seeding date for spring-seeded acreage, or (2) the insured wants the consent of the Corporation to put the acreage to another use. No insured acreage shall be put to another use until the Corporation has made an appraisal of such acreage and consents in writing to such other use. Such consent shall not be given until it is too late or impractical to reseed to forage. Notice shall also be given when such acreage has been put to another use or reseeded.

(c) In addition to the notices required in subsection (b) of this section, if an indemnity is to be claimed on any unit, the insured shall give written notice thereof to the Corporation at the office for the county not later than *30 days* after the earlier of (1) the calendar date for the end of the insurance period, or (2) the date the entire forage seeding on the unit is destroyed, as determined by the Corporation. The Corporation reserves the right to provide additional time if it determines there are extenuating circumstances.

(d) Any insured acreage which is not to be harvested and upon which an indemnity is to be claimed shall be left intact until inspected by the Corporation.

(e) The Corporation may reject any claim for indemnity if any of the requirements of this section are not met.

8. CLAIM FOR INDEMNITY. (a) It shall be a condition precedent to the payment of any indemnity that the insured (1) furnish proof of acreage seeded on the unit and that any loss has been directly caused by one or more of the insured causes during the insurance period for which the indemnity is claimed and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(b) Indemnities shall be determined separately for each unit. The amount of indemnity for any unit shall be determined by (1) multiplying the insured acreage of forage seeding on the unit by the applicable amount of insurance per acre, which product shall be the amount of insurance for the unit, (2) subtracting therefrom the amount obtained by multiplying the sum of acres with an established stand plus 10 percent of the seeded acres for the unit by the applicable amount of insurance per acre, and (3) multiplying the result obtained in step (2) by the insured share: *Provided,* That if the premium computed on the insured acreage and share is more than the premium computed on the reported acreage and share, the amount of indemnity shall be computed on the insured acreage and share and then reduced proportionately.

(c) Acres with an established stand for a unit shall be determined by the Corporation and shall include the following: (1) Any acreage having at least 75 percent of a normal stand as determined by the Corporation, (2) any acreage abandoned or put to another use without the prior written consent of the Corporation, (3) any acreage damaged solely by an uninsured cause, or (4) any harvested acres.

(d) A reseeding payment will be made on any insured fall-seeded acreage with less than a 75 percent stand on which the Corporation has given written consent, and is reseeded in the next succeeding spring by the final spring seeding date, equal to 50 percent of the amount of indemnity determined in accordance with subsection (b) of this section.

9. MISREPRESENTATION AND FRAUD. The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right, including the right to collect any unpaid premiums if, at any time, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

10. TRANSFER OF INSURED SHARE. If the insured transfers any part of the insured share during the crop year, protection will continue to be provided according to the provisions of the contract to the transferee for such crop year on the transferred share, and the transferee shall have the same rights and responsibilities under the contract as the original insured for the current crop year. Any transfer shall be made on an approved form.

11. RECORDS AND ACCESS TO FARM. The insured shall keep or cause to be kept for

two years after the time of loss, records of the seeding on each unit including separate records showing the same information for seeding on any uninsured acreage. Any persons designated by the Corporation shall have access to such records and the farm for purposes related to the contract.

12. LIFE OF CONTRACT: CANCELLATION AND TERMINATION. (a) The contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, either party may cancel the insurance for any crop year by giving a signed notice to the other on or before the cancellation date preceding such crop year.

(b) Except as provided in section 5(d) of this policy, the contract will terminate as to any crop year if any amount due the Corporation under this contract is not paid on or before the termination date for indebtedness preceding such crop year: *Provided,* That the date of payment for premium (1) if deducted from an indemnity claim shall be the date the insured signs such claim or (2) if deducted from payment under another program administered by the U.S. Department of Agriculture shall be the date such payment was approved.

(c) Following are the cancellation and termination dates:

State	Cancellation date	Termination date for indebtedness
New York	June 30	Sept. 15.
All other States	Dec. 31	Mar. 31.

(d) In the absence of a notice from the insured to cancel, and subject to the provisions of subsections (a), (b), and (c) of this section, and section 7 of the Appendix, the contract shall continue in force for each succeeding crop year.

Appendix.

Additional Terms and Conditions

1. MEANING OF TERMS. For the purposes of forage seeding crop insurance:

(a) "Actuarial table" means the forms and related material for the crop year approved by the Corporation which are on file for public inspection in the office for the county, and which show the amounts of insurance, premium rates, insurable and uninsurable acreage, and related information regarding forage seeding insurance in the county.

(b) "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown on the actuarial table.

(c) "Crop year" means the period within which the seeding is or normally would become established and shall be designated by the calendar year in which the seeding is made for spring-seeded acreage and the next succeeding calendar year for fall-seeded acreage.

(d) "Harvest" means the severance of the forage plant from the land for the intended use as livestock feed.

(e) "Insurable acreage" means the land classified as insurable by the Corporation and shown as such on the county actuarial table.

(f) "Insured" means the person who submitted the application accepted by the Corporation.

(g) "Office for the county" means the Corporation's office serving the county shown on the application for insurance or such office as may be designated by the Corporation.

(h) "Reseed" means mechanical incorporation into the soil of seed at not less than 50 percent of the original seeding rate.

(i) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(j) "Share" means the interest of the insured as landlord, owner-operator, or tenant in the insured forage crop at the time of seeding as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, and no other share shall be deemed to be insured: *Provided,* That for the purpose of determining the amount of indemnity, the insured share shall not exceed the insured's share at the earliest of (1) the date of beginning of harvest on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire crop on the unit is destroyed, as determined by the Corporation.

(k) "Tenant" means a person who rents land from another person for a share of the forage crop or proceeds therefrom.

(l) "Unit" means all insurable acreage of either fall-seeded forage or spring-seeded forage in the county on the date of seeding for the crop year (1) in which the insured has a 100 percent share, or (2) which is owned by one entity and operated by another entity on a share basis. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the forage crop on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to the applicable guidelines on file in the office for the county or by written agreement between the Corporation and the insured. The Corporation shall determine units as herein defined when adjusting a loss, notwithstanding what is shown on the acreage report, and has the right to consider any acreage and share reported by or for the insured's spouse or child or any member of the insured's household to be the bona fide share of the insured or any other person having the bona fide share.

2. ACREAGE INSURED. (a) The Corporation reserves the right to limit the insured acreage of the crop to any acreage limitations established under any Act of Congress, provided the insured is so notified in writing prior to the seeding of forage.

(b) If the insured does not submit an acreage report on or before the acreage reporting date on file in the office for the county, the Corporation may elect to determine by units the insured acreage and share or declare the insured acreage on any unit(s) to be "zero". If the insured does not have a share in any insured acreage in the county for any year, the insured shall submit a report so indicating. Any acreage report submitted by the insured may be revised only upon approval of the Corporation.

3. IRRIGATED ACREAGE. (a) Where the actuarial table provides for insurance on an irrigated practice, the insured shall report as irrigated only the acreage for which the insured has adequate facilities and water to carry out a good irrigation practice at the time of seeding.

(b) Where irrigated acreage is insurable, any loss of production caused by failure to carry out a good irrigation practice, except failure of the water supply from an unavoidable cause occurring after the beginning of seeding, as determined by the Corporation, shall be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities shall not be considered as a failure of the water supply from an unavoidable cause.

4. ANNUAL PREMIUM. (a) If there is no break in the continuity of participation, any premium adjustment applicable under section 5 of the policy shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of death of the insured, (2) the contract of the person who succeeds the insured if such person had previously participated in the farming operation, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

(b) If there is a break in the continuity of participation, any reduction in premium earned under section 5 of the policy shall not thereafter apply; *however,* any previous unfavorable insurance experience shall be considered in premium computation following a break in continuity.

5. CLAIM FOR AND PAYMENT OF INDEMNITY. (a) Any claim for indemnity on a unit shall be submitted to the Corporation on a form prescribed by the Corporation.

(b) There shall be no abandonment to the Corporation of any insured forage acreage.

(c) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c); *Provided,* That the same is brought within one year after the date notice of denial of the claim is mailed to and received by the insured.

(d) Any indemnity will be payable within 30 days after a claim for indemnity is approved by the Corporation. *However,* in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.

(e) If the insured is an individual who dies, disappears, or is judicially declared incompetent, or the insured is an entity other than an individual and such entity is dissolved after the crop is seeded for any crop year, any indemnity will be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

(f) The Corporation reserves the right to reject any claim for indemnity if any of the requirements of this section or section 8 of the policy are not met and the Corporation determines that the amount of loss cannot be satisfactorily determined.

6. SUBROGATION. The insured (including any assignee or transferee) assigns to the Corporation all rights of recovery against any

person for loss or damage to the extent that payment hereunder is made by the Corporation. The Corporation thereafter shall execute all papers required and take appropriate action as may be necessary to secure such rights.

7. TERMINATION OF THE CONTRACT. (a) The contract shall terminate if no premium is earned for five consecutive years.

(b) If the insured is an individual who dies or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution; *however*, if such event occurs after insurance attaches for any crop year, the contract shall continue in force through such crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

8. AMOUNT OF INSURANCE. (a) If the insured has not elected on the application an amount of insurance from among those shown on the actuarial table, the amount of insurance which shall be applicable under the contract, and which the insured shall be deemed to have elected, shall be as provided on the actuarial table for such purposes.

(b) The insured may, with the consent of the Corporation, change the amount of insurance for any crop year on or before the closing date for submitting applications for that crop year.

9. ASSIGNMENT OF INDEMNITY. Upon approval of a form prescribed by the Corporation, the insured may assign to another party the right to an indemnity for the crop year and such assignee shall have the right to submit the loss notices and forms as required by the contract.

10. CONTRACT CHANGES. The Corporation reserves the right to change any terms and provisions of the contract from year to year. Any changes shall be mailed to the insured or placed on file and made available for public inspection in the office for the county at least 15 days prior to the cancellation date preceding the crop year for which the changes are to become effective, and such mailing or filing shall constitute notice to the insured. Acceptance of any changes will be conclusively presumed in the absence of any notice from the insured to cancel the contract as provided in section 12 of the policy.

Appendix B

Counties Designated for Forage Seeding Crop Insurance—7 CFR Part 414

In accordance with the provisions of 7 CFR Part 414.1, the following counties are designated for forage seeding crop insurance:

New York

Ontario

North Dakota

Morton

Wisconsin

Dane

Note.—The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942 and OMB Circular A–40.

This action will not have a significant impact specifically on area and community development; therefore, review as required by OMB Circular A–95 is inapplicable.

Approved by the Board of Directors on March 14, 1980.

The Sunset Review Date established for these regulations is June 1, 1985.

Dated: July 21, 1980.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Everett S. Sharp,

Acting Manager.

[FR Doc. 80–22376 Filed 7–24–80; 8:45 am]

BILLING CODE 3410–08–M

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7 CFR Part 415

Forage Production Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: This final rule prescribed procedures for insuring forage in the production stage effective with the 1981 crop year. This final rule is a revision of the previous regulations for insuring forage production to include several changes and to reissue the regulations in a clearer, shorter, simpler document which will make the program easier to understand and more effective administratively. This rule is promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: July 25, 1980.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone 202–447–3325.

The Final Impact Statement describing options considered in developing this final rule and the impact of implementing each option is available upon request from the above-named individual.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1955 (March 23, 1978), to implement Executive Order No. 12044 (August 25, 1978), and has been classified as "not significant".

The Federal Crop Insurance Corporation (FCIC) published a notice of proposed rulemaking in the **Federal Register** on Monday, April 14, 1980 (45 FR 25068–25073), prescribing procedures for insuring forage in the production stage effective with the 1981 crop year.

In the notice, FCIC, under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), proposed that the Forage Production Crop Insurance Regulations (7 CFR 415) be revised and reissued effective with the 1981 and succeeding crop years. All previous regulations applicable to insuring forage production, as found at 43 FR 38682 (Wednesday, August 30, 1978), will not be applicable to 1981 and succeeding forage production crops but will remain in effect for FCIC forage production insurance policies issued prior to 1981.

It has been determined that revising and reissuing 7 CFR 415 into one shortened, simplified, and clearer regulation would be more effective administratively.

In addition to shortening and simplifying the regulations, the revised 7 CFR Part 415 provides (1) for a premium adjustment table that provides for up to 50 percent premium discount for good insuring experience and premium increases for unfavorable insuring experience, which replaces the present premium discount system, (2) that any premium not paid by the termination date will be increased by a 9 percent charge, with a 9 percent simple interest applying to any unpaid balance at the end of each subsequent 12-month period thereafter, (3) that the termination date for nonpayment of premium will be October 10, (4) that insurance on insured acreage with an established stand shall attach on October 16 except for acreage seeded in the spring, in which case, insurance shall not attach the first year until May 22 following the year of seeding, (5) for three coverage level options in each county, and (6) that the actuarial table will provide the level which will be applicable to contracts unless a different level is elected by the insureds. The conversion level will be the one closest to the percent level in each county, which means it can vary by counties.

In addition, § 415.5 of the Forage Production Crop Insurance Regulations, titled "Good Faith reliance on Misrepresentation," increases the limitation from $5,000 to $20,000 in those cases involving good faith reliance on misrepresentation wherein the Manager of the Corporation (FCIC) is authorized to take action to grant relief.

Under the provisions of Executive Order No. 12044, and the Administrative

Procedure Act (7 U.S.C. 553 (b) and (c)), the public was given an opportunity to submit written comments, data, and opinions on the proposed regulations, but none were received. Therefore, with the exception of minor and non-substantive corrections to language, the regulations as contained in the proposed rule are hereby issued as a final rule to be effective starting with the 1981 crop year.

In addition, there is hereby added to the final rule an Appendix "B", which lists the counties where forage production crop insurance is available in accordance with the provisions of 7 CFR Part 415.1, which states in part that before insurance is offered in any county, there shall be published by appendix to this part the names of the counties where such insurance shall be offered.

Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby revises and reissues the Forage Production Crop Insurance Regulations (7 CFR 415), with such regulations as are contained in 7 CFR 415, and published in the **Federal Register** at 43 FR 38682, remaining in effect for FCIC forage production policies issued prior to 1981. The revised 7 CFR 415 for the 1981 and succeeding crop years, which shall remain in effect until amended or superseded, reads as follows:

PART 415—FORAGE PRODUCTION CROP INSURANCE

Subpart—Regulations for the 1981 and Succeeding Crop Years

Sec.

415.1 Availability of Forage Production Insurance.
415.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.
415.3 Public notice of indemnities paid.
415.4 Creditors.
415.5 Good faith reliance on misrepresentation.
415.6 The contract.
415.7 The application and policy.

Authority: Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended (7 U.S.C. 1506, 1516).

Subpart—Regulations for the 1981 and Succeeding Crop Years

§ 415.1 Availability of Forage Production Insurance.

Insurance shall be offered under the provisions of this subpart on forage production in counties within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation. Before insurance is offered in any county, there shall be published by appendix to this part the names of the counties in which forage production insurance will be offered.

§ 415.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for forage production which shall be shown on the county actuarial table on file in the office for the county and may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect a coverage level and price at which indemnities shall be computed from among those levels and prices shown on the actuarial table for the crop year.

§ 415.3 Public notice of indemnities paid.

The Corporation shall provide for posting annually in each county at each county courthouse a listing of the indemnities paid in the county.

§ 415.4 Creditors.

An interest of a person in an insured crop existing by virtues of a lien, mortgage, garnishment, levy, execution, bankruptcy, or an involuntary transfer shall not entitle the holder of the interest to any benefit under the contract except as provided in the policy.

§ 415.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the forage production insurance contract, whenever (a) an insured person under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation, (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived, and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $20,000, finds (1) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured person relied thereon in good faith, and (3) that to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

§ 415.6 The contract.

The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. Such acceptance shall be effective upon the date the notice of acceptance is mailed to the applicant. The contract shall cover the forage production crop as provided in the policy. The contract shall consist of the application, the policy, the attached appendix, and the provisions of the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. Copies of forms referred to in the contract are available at the office for the county.

§ 415.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's insurable share in the forage crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the office for the county on or before the applicable closing date on file in the office for the county.

(b) The Corporation reserves the right to discontinue the acceptance of applications in any county upon its determination that the insurance risk involved is excessive, and also, for the same reason, to reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications or contract changes in any county, by placing the extended date on file in the office for the county and publishing a notice in the **Federal Register** upon the Manager's determination that no adverse selectivity will result during the period of such extension: *Provided, however,* That if adverse conditions should

develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1979 and succeeding crop years, a contract in the form provided for under this subpart will come into effect as a continuation of a forage production contract issued under such prior regulations, without the filing of a new application.

(d) The provisions of the application and Forage Production Insurance Policy for the 1981 and succeeding crop years, and the Appendix to the Forage Production Insurance Policy are as follows:

U.S. Department of Agriculture, Federal Crop Insurance Corporation

Application for 19— and Succeeding Crop Years, Forage Production—Crop Insurance Contract

_____

(Contract number)

_____

(Identification number)

_____

_____

(Name and address) (Zip code)

_____

(County) (State)

Type of entity _____

Applicant is over 18 Yes— No—

A. The applicant, subject to the provisions of the regulations of the Federal Crop Insurance Corporation (herein called "Corporation"), hereby applies to the Corporation for insurance on the applicant's share in the forage production on insurable acreage as shown on the county actuarial table for the above-stated county. The applicant elects from the actuarial table the coverage level and price at which indemnities shall be computed. THE PREMIUM RATES AND PRODUCTION GUARANTEES SHALL BE THOSE SHOWN ON THE APPLICABLE COUNTY ACTUARIAL TABLE FILED IN THE OFFICE FOR THE COUNTY FOR EACH CROP YEAR.

LEVEL ELECTION_____ _____

PRICE ELECTION_____ _____

Example: For the 19— Crop Year Only (100 Percent Share)

Location/ Farm No.	Guarantee per acre*	Premium per acre**	Practice
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

*Your guarantee will be on a unit basis (acres x per acre guarantee x share).

**Your premium is subject to adjustment in accordance with section 5(c) of the policy.

B. WHEN NOTICE OF ACCEPTANCE OF THIS APPLICATION IS MAILED TO THE APPLICANT BY THE CORPORATION, the contract shall be in effect for the crop year specified above, unless the time for submitting applications has passed at the time this application is filed, AND SHALL CONTINUE FOR EACH SUCCEEDING CROP YEAR UNTIL CANCELLED OR TERMINATED as provided in the contract. This accepted application, the following forage production insurance policy, the attached appendix, and the provisions of the county actuarial table showing the production guarantees, coverage levels, premium rates, prices for computing indemnities, and insurable and uninsurable acreage shall constitute the contract. Additional information regarding contract provisions can be found in the county regulations folder on file in the office for the county. No term or condition of the contract shall be waived or changed except in writing by the Corporation.

_____

(SIGNATURE OF APPLICANT)

_____

(CODE NO./WITNESS TO SIGNATURE)

_____, 19—

(Date)

Address of office for county:

_____

_____

Phone _____

Location of farm headquarters:

_____

Phone _____

Forage Production Crop Insurance Policy

Terms and Conditions

Subject to the provisions in the attached appendix:

1. CAUSES OF LOSS. (a) Causes of loss insured against. The insurance provided is against unavoidable loss of production resulting from adverse weather conditions, insects, plant disease, wildlife, earthquake or fire occurring within the insurance period, subject to any exceptions, exclusions or limitations with respect to causes of loss shown on the actuarial table.

(b) Causes of loss not insured against. The contract shall not cover any loss of production, as determined by the Corporation, due to (1) the neglect or malfeasance of the insured, any member of the insured's household, the insured's tenants or employees, (2) failure to follow recognized good farming practices, (3) damage resulting from the backing up of water by any governmental or public utilities dam or reservoir project, or (4) any cause not specified as an insured cause in this policy as limited by the actuarial table.

2. CROP AND ACREAGE INSURED. (a) The crop insured shall be forage which is intended for harvest as livestock feed and which is grown on insured acreage and for which the actuarial table shows a guarantee and premium rate per acre.

(b) The acreage insured for each crop year shall be that acreage of forage grown on insurable acreage as shown on the actuarial table, and the insured's share therein as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided*, That insurance shall not attach or be considered to have attached, as determined by the Corporation, to any acreage (1) where premium rates are established by farming practices on the actuarial table, and the farming practices carried out on any acreage are not among those for which a premium rate has been established, (2) not reported for insurance as provided in section 3 if such acreage is irrigated and an irrigated practice is not provided for such acreage on the actuarial table, (3) where forage ground cover is less than 75 percent at the beginning of the insurance period as determined by the Corporation, (4) which has reached the fourth and subsequent crop years after the year of establishment for alfalfa or the sixth and subsequent crop years after the year of establishment for alfalfa-grass mixtures, unless otherwise approved by the Corporation, (5) seeded to a type, variety or mixture not established as adapted to the area or shown as noninsurable on the actuarial table, (6) seeded with another crop, except as otherwise provided herein, or (7) grown for experimental purposes.

3. RESPONSIBILITY OF INSURED TO REPORT ACREAGE AND SHARE. The insured shall submit to the Corporation on a form prescribed by the Corporation, a report showing (a) all acreage of insurable types of forage grown in the county (including a designation of any acreage to which insurance does not attach) in which the insured has a share and (b) the insured's share therein at the time insurance attaches. Such report shall be submitted each year not later than the acreage reporting date on file in the office for the county.

4. PRODUCTION GUARANTEES, COVERAGE LEVELS, AND PRICES FOR COMPUTING INDEMNITIES. (a) For each crop year of the contract, the production guarantees, coverage levels, and prices at which indemnities shall be computed shall be those shown on the actuarial table.

(b) The production guarantee per acre shall be reduced 20 percent for any unharvested acreage.

5. ANNUAL PREMIUM. (a) The annual premium is earned and payable at the time insurance attaches and the amount thereof shall be determined by multiplying the insured acreage times the applicable premium per acre, times the insured's share at the time insurance attaches, times the applicable premium adjustment percentage in subsection (c) of this section.

(b) For premium adjustment purposes, only the years during which premiums were earned shall be considered.

(c) The premium shall be adjusted as shown in the following table:

Percentage Adjustments for Favorable Continuous Insurance Experience

Loss ratio [1] through previous crop year	Number of years of continuous experience through previous year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
	Percentage adjustment factor for current crop year															
00-.20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21-.40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41-.60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61-.80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81-1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

Percentage Adjustments for Unfavorable Insurance Experience

Loss ratio [1] through previous crop year	Number of loss years through previous year [2]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Percentage adjustment factor for current crop year															
1.10-1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20-1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40-1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70-1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00-2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50-3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25-3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00-4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00-5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00-Up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

[1] Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.

[2] Only the most recent 15 crop years will be used to determine the number of "Loss Years". (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year.)

(d) Any amount of premium for an insured crop which is unpaid on the day following the termination date for indebtedness for such crop shall be increased by a 9 percent service fee, which increased amount shall be the premium balance, and thereafter, at the end of each 12-month period, 9 percent simple interest shall attach to any amount of the premium balance which is unpaid: *Provided,* When notice of loss has been timely filed by the insured as provided in section 7 of this policy, the service fee will not be charged and the contract will remain in force if the premium is paid in full within 30 days after the date of approval or denial of the claim for indemnity; *however,* if any premium remains unpaid after such date, the contract will terminate and the amount of premium outstanding shall be increased by a 9 percent service fee, which increased amount shall be the premium balance. If such premium balance is not paid within 12 months immediately following the termination date, 9 percent simple interest shall apply from the termination date and each year thereafter to any unpaid premium balance.

(e) Any unpaid amount due the Corporation may be deducted from any indemnity payable to the insured by the Corporation or from any loan or payment to the insured under any Act of Congress or program administered by the U.S. Department of Agriculture, when not prohibited by law.

6. INSURANCE PERIOD. Insurance on insured acreage with an established stand shall attach on October 16 except for acreage seeded in the spring in which case insurance will not attach the first year until May 22 following the year of seeding. Insurance shall cease on the earliest of (a) final adjustment of a loss, (b) total destruction of the insured forage crop, (c) removal of the forage from the windrow or field following final harvest, or (d) October 15 of the crop year.

7. NOTICE OF DAMAGE OR LOSS. (a) Any notice of damage or loss shall be given promptly in writing by the insured to the Corporation at the office for the county.

(b) Notice shall be given promptly if (1) during the period before harvest, the forage on any unit is damaged to the extent that the insured does not expect to further care for the crop or harvest any part of it, (2) a loss occurs on any harvested acres before forage is removed from the windrow or the field, or (3) the insured wants the consent of the Corporation to put the acreage to another use. No insured acreage shall be put to another use until the Corporation has made an appraisal of the potential production of such acreage and consents in writing to such other use. Notice shall also be given when such acreage has been put to another use.

(c) In addition to the notices required in subsection (b) of this section, if an indemnity is to be claimed on any unit, the insured shall give written notice thereof to the Corporation at the office for the county not later than 30 *days* after the earliest of (1) the date harvest is completed on the unit, (2) the calendar date for the end of the insurance period, (3) the date the entire forage crop on the unit is destroyed, as determined by the Corporation. The Corporation reserves the right to provide additional time if it determines there are extenuating circumstances.

(d) Any insured acreage which is not to be harvested and upon which an indemnity is to be claimed shall be left intact until inspected by the Corporation.

(e) The Corporation may reject any claim for indemnity if any of the requirements of this section are not met.

8. CLAIM FOR INDEMNITY. (a) It shall be a condition precedent to the payment of any indemnity that the insured (1) establish the total production of forage on the unit and that any loss of production was directly caused by one or more of the insured causes during the insurance period for the crop year for which the indemnity is claimed and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(b) Indemnities shall be determined separately for each unit. The amount of indemnity for any unit shall be determined by (1) multiplying the insured acreage of forage on the unit by the applicable production guarantee per acre, which product shall be the production guarantee for the unit, (2) subtracting therefrom the total production of forage to be counted for the unit, (3) multiplying the remainder by the applicable price for computing indemnities, and (4) multiplying the result obtained in step (3) by the insured share: *Provided,* That if the premium computed on the insured acreage and share is more than the premium computed on the reported acreage and share, the amount of indemnity shall be computed on the insured acreage and share and then reduced proportionately.

(c) The total production to be counted for a unit shall be determined by the Corporation and shall include all harvested and appraised production.

(1) Any harvested production from volunteer plants growing with the forage crop shall be counted as forage on a weight basis.

(2) Appraised production to be counted shall include: (i) the greater of the appraised production or 50 percent of the applicable guarantee for any acreage which, with the consent of the Corporation, is seeded to any crop, including forage, insurable on such acreage (excluding small grains normally maturing for harvest in the following crop year), (ii) any appraisals by the Corporation for potential production on harvested acreage and for uninsured causes and poor farming practices, (iii) not less than the applicable guarantee for any acreage which is abandoned or put to another use without prior written consent of the Corporation or damaged solely by an uninsured cause, and (iv) only the appraisal in excess of 20 percent of the production guarantee for all other unharvested acreage.

(d) Notwithstanding the provisions of subsection (b) of this section, when forage is harvested as other than air-dry hay, the production to be counted shall be adjusted to the equivalent of air-dry hay, as determined by the Corporation.

(e) The appraised potential production for acreage for which consent has been given to be put to another use shall be counted as production in determining the amount of loss under the contract. *However,* if consent is given to put acreage to another use and the Corporation determines that any such acreage (1) is not put to another use before harvest of forage becomes general in the county, (2) is harvested, or (3) is further damaged by an insured cause before the acreage is put to another use, the indemnity for the unit shall be determined without regard to such appraisal and consent.

9. MISREPRESENTATION AND FRAUD. The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right, including the right to collect any unpaid premiums if, at any time, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

10. TRANSFER OF INSURED SHARE. If the insured transfers any part of the insured share during the crop year, protection will continue to be provided according to the provisions of the contract to the transferee for such crop year on the transferred share, and the transferee shall have the same rights and responsibilities under the contract as the original insured for the current crop year. Any transfer shall be made on an approved form.

11. RECORDS AND ACCESS TO FARM. The insured shall keep or cause to be kept for two years after the time of loss, records of the harvesting, storage, shipments, sale or other disposition of all forage produced on each unit including separate records showing the same information for production from any uninsured acreage. Any persons designated by the Corporation shall have access to such records and the farm for purposes related to the contract.

12. LIFE OF CONTRACT: CANCELLATION AND TERMINATION. (a) the contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, either party may cancel the insurance for any crop year by giving a signed notice to the other on or before the cancellation date preceding such crop year.

(b) Except as provided in section 5(d) of this policy, the contract will terminate as to any crop year if any amount due the Corporation under this contract is not paid on or before the termination date for indebtedness preceding such crop year: *Provided,* That the date of payment for premium (1) if deducted from an indemnity claim shall be the date the insured signs such claim or (2) if deducted from payment under another program administered by the U.S. Department of Agriculture shall be the date such payment was approved.

(c) Following are the cancellation and termination dates:

State	Cancellation date	Termination date for indebtedness
All states	Sept. 15	Oct. 10.

(d) In the absence of a notice from the insured to cancel, and subject to the provisions of subsections (a), (b), and (c) of this section, and section 7 of the Appendix, the contract shall continue in force for each succeeding crop year.

Appendix

(Additional Terms and Conditions)

1. MEANING OF TERMS. For the purposes of forage production crop insurance:

(a) "Actuarial table" means the forms and related material for the crop year approved by the Corporation which are on file for public inspection in the office for the county, and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, insurable and uninsurable acreage, and related information regarding forage production insurance in the county.

(b) "Alfalfa" means a pure stand of alfalfa or a stand of alfalfa and any other forage in which 60 percent or more of the ground cover is alfalfa.

(c) "Alfalfa-grass mixtures" means a mixed stand of alfalfa and grass or other forage in which alfalfa comprises more than 25 percent but less than 60 percent of the ground cover.

(d) "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown on the actuarial table.

(e) "Crop year" means the period from the date insurance attaches until harvest is normally completed and shall be designated by the calendar year in which the forage crop is normally harvested.

(f) "Established stand" means having at least 75 percent of the stand which is considered by the Corporation as normal.

(g) "Harvest" means the severance of the forage plant from the land for the purpose of livestock feed.

(h) "Insurable acreage" means the land classified as insurable by the Corporation and shown as such on the county actuarial table.

(i) "Insured" means the person who submitted the application accepted by the Corporation.

(j) "Office for the county" means the Corporation's office serving the county shown on the application for insurance or such office as may be designated by the Corporation.

(k) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(l) "Share" means the interest of the insured as landlord, owner-operator, or tenant in the insured forage crop at the time insurance attaches as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, and no other share shall be deemed to be insured: *Provided,* That for the purpose of determining the amount of indemnity, the insured share shall not exceed the insured's share at the earliest of (1) the date of beginning of harvest on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire crop on the unit is destroyed, as determined by the Corporation.

(m) "Tenant" means a person who rents land from another person for a share of the forage crop or proceeds therefrom.

(n) "Unit" means all insurable acreage of forage in the county on the date insurance attaches for the crop year (1) in which the insured has a 100 percent share, or (2) which is owned by one entity and operated by another entity on a share basis. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the forage crop on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in the office for the county or by written agreement between the Corporation and the insured. The Corporation shall determine units as herein defined when adjusting a loss, notwithstanding what is shown on the acreage report, and has the right to consider any acreage and share reported by or for the insured's spouse or child or any member of the insured's household to be the bona fide share of the insured or any other person having the bona fide share.

(o) "Year of establishment" for spring-seeded forage means the calendar year in which the forage is seeded, and for fall-seeded forage means the calendar year immediately following the year in which the forage is seeded.

2. ACREAGE INSURED. (a) The Corporation reserves the right to limit the insured acreage of forage to any acreage limitations established under any Act of Congress, provided the insured is so notified in writing prior to the time insurance attaches.

(b) If the insured does not submit an acreage report on or before the acreage reporting date on file in the office for the county, the Corporation may elect to determine by units the insured acreage and share or declare the insured acreage on any unit(s) to be "zero". If the insured does not have a share in any insured acreage in the

county for any year, the insured shall submit a report so indicating. Any acreage report submitted by the insured may be revised only upon approval of the Corporation.

3. IRRIGATED ACREAGE. (a) Where the actuarial table provides for insurance on an irrigated practice, the insured shall report as irrigated only the acreage for which the insured has adequate facilities and water to carry out a good irrigation practice at the time insurance attaches.

(b) Where irrigated acreage is insurable, any loss of production caused by failure to carry out a good irrigation practice, except failure of the water supply from an unavoidable cause occurring after insurance attaches, as determined by the Corporation, shall be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities shall not be considered as a failure of the water supply from an unavoidable cause.

4. ANNUAL PREMIUM. (a) If there is no break in the continuity of participation, any premium adjustment applicable under section 5 of the policy shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of death of the insured, (2) the contract of the person who succeeds the insured if such person had previously participated in the farming operation, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

(b) If there is a break in the continuity of participation, any reduction in premium earned under section 5 of the policy shall not thereafter apply; *however*, any previous unfavorable insurance experience shall be considered in premium computation following a break in continuity.

5. CLAIM FOR AND PAYMENT OF INDEMNITY. (a) Any claim for indemnity on a unit shall be submitted to the Corporation on a form prescribed by the Corporation.

(b) In determining the total production to be counted for each unit, production from units on which the production has been commingled will be allocated to such units in proportion to the liability on each unit.

(c) There shall be no abandonment to the Corporation of any insured forage acreage.

(d) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c): *Provided*, That the same is brought within one year after the date notice of denial of the claim is mailed to and received by the insured.

(e) Any indemnity will be payable within 30 days after a claim for indemnity is approved by the Corporation. *However*, in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.

(f) If the insured is an individual who dies, disappears, or is judicially declared incompetent, or the insured is an entity other than an individual and such entity is dissolved after insurance attaches for any crop year, any indemnity will be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

(g) The Corporation reserves the right to reject any claim for indemnity if any of the requirements of this section or section 8 of the policy are not met and the Corporation determines that the amount of loss cannot be satisfactorily determined.

6. SUBROGATION. The insured (including any assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made by the Corporation. The Corporation thereafter shall execute all papers required and take appropriate action as may be necessary to secure such rights.

7. TERMINATION OF THE CONTRACT. (a) The contract shall terminate if no premium is earned for five consecutive years.

(b) If the insured is an individual who dies or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution; *however*, if such event occurs after insurance attaches for any crop year, the contract shall continue in force through such crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

8. COVERAGE LEVEL AND PRICE ELECTION. (a) If the insured has not elected on the application a coverage level and price at which indemnities shall be computed from among those shown on the actuarial table, the coverage level and price election which shall be applicable under the contract, and which the insured shall be deemed to have elected, shall be as provided on the actuarial table for such purposes.

(b) The insured may, with the consent of the Corporation, change the coverage level and/or price election for any crop year on or before the closing date for submitting applications for that crop year.

9. ASSIGNMENT OF INDEMNITY. Upon approval of a form prescribed by the Corporation, the insured may assign to another party the right to an indemnity for the crop year and such assignee shall have the right to submit the loss notices and forms as required by the contract.

10. CONTRACT CHANGES. The Corporation reserves the right to change any terms and provisions of the contract from year to year. Any changes shall be mailed to the insured or placed on file and made available for public inspection in the office for the county at least 15 days prior to the cancellation date preceding the crop year for which the changes are to become effective, and such mailing or filing shall constitute notice to the insured. Acceptance of any changes will be conclusively presumed in the absence of any notice from the insured to cancel the contract as provided in section 12 of the policy.

Appendix B

Counties Designated for Forage Production Crop Insurance—7 CFR Part 415

In accordance with the provisions of 7 CFR Part 415.1, the following counties are designated for forage production crop insurance:

New York

Ontario

North Dakota

Morton

Wisconsin

Dane

Note.—The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942, and OMB Circular A–40.

This action will not have a significant impact specifically on area and community development; therefore, review as required by OMB Circular A–95 is inapplicable.

Approved by the Board of Directors on March 14, 1980.

The Sunset Review Date for these regulations has been established as June 1, 1985.

Dated: July 21, 1980.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Everett S. Sharp,

Acting Manager.

[FR Doc. 80-22377 Filed 7-24-80; 8:45 am]

BILLING CODE 3410-08-M

Agricultural Stabilization and Conservation Service (Agricultural Adjustment)

7 CFR Part 701

Conservation and Environmental Programs

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

ACTION: Final rule.

SUMMARY: This rule amends the Agricultural Stabilization and Conservation Service (ASCS) regulations at 7 CFR Part 701. The regulations governing the Agricultural Conservation Program (ACP) are amended to conform with the provisions of the Agriculture Rural Development and Related Agencies Appropriations Act of 1980 (Pub. L. 96–108, 93 Stat. 821). The existing Forestry Incentives Program (FIP) regulations are revised to reflect changes mandated by the

Cooperative Forestry Assistance Act of 1978 (Pub. L. 95–313, 92 Stat. 365). The Emergency Conservation Program (ECP) procedures are amended to comply with changes provided for in the Agricultural Credit Act of 1978 (Pub. L. 95–334, 92 Stat. 433). Further, this rule deletes the subpart pertaining to the Drought and Flood Conservation Program (DFCP) (Pub. L. 95–26, 91 Stat. 63; Pub. L. 95–97, 91 Stat. 824; Pub. L. 95–240, 92 Stat. 108) since the authority for the program expired on September 30, 1978. This rule also simplifies and clarifies the existing regulations as previously published.

EFFECTIVE DATE: July 25, 1980.

FOR FURTHER INFORMATION CONTACT: Alan D. Durick, Director, Conservation and Environmental Protection Division, ASCS, U.S. Department of Agriculture, Room 3096, South Building, Washington, D.C. 20013, (202) 447–6221. Final Impact Statements describing the options considered in developing this final rule and the impact of implementing the programs are available on request from the above-named individual.

SUPPLEMENTARY INFORMATION: Titles and numbers from the "Catalog of Federal Domestic Assistance" are: Agricultural Conservation Program, 10.063; Forestry Incentives Program, 10.064; and Emergency Conservation Program, 10.054. This action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A–95 was not used to assure that units of local government are informed of this action. This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified as "not significant". In compliance with Secretary's Memorandum 1955 and the Secretary's final report entitled "Improving USDA Regulations" (43 FR 50933), initiation of review of these regulations for need, currency, clarity and effectiveness will be made within the next five years. The Agriculture, Rural Development and Related Agencies Appropriations Acts, Fiscal Year 1980, Pub. L. 96–108, 93 Stat. 821; the Cooperative Forestry Assistance Act of 1978, Pub. L. 95–313, 92 Stat. 365; and the Agricultural Credit Act of 1978, Pub. L. 95–334, 92 Stat. 433 contain new specific legislative authorities for administering these three resource conservation and environmental programs. In order to conform with these specific statutory provisions, the following changes affecting these programs are being made in 7 CFR Part 701.

Subpart: Agricultural Conservation Program

This action revises regulations implementing the Agricultural Conservation Program to incorporate changes mandated by the Agriculture, Rural Development and Related Agencies Appropriations Act of 1980, Pub. L. 96–108, 93 Stat. 821. The Agricultural Conservation Program provides financial and technical assistance to agricultural producers for the performance of enduring conservation and environmental enhancement measures, including those practices or programs which are deemed to be essential to maintain soil productivity, prevent soil depletion, or prevent increased cost of production, thus assuring a continuous supply of food and fiber necessary for the maintenance of a strong and healthy people and economy. The substantive legislative changes reflected in the regulations include an increase in the maximum annual cost-share limitation per participant for practices carried out other than under pooling agreements from $2,500 to $3,500. A second legislative change provides that the practices or program implemented in each county shall be determined and recommended by the county committees and approved by the State committees and the Secretary. In recent years, the practices and program implemented in the counties did not require the approval of the State committee and the Secretary. A third legislative change provides that cost-sharing will not be used for carrying out measures and practices that are primarily production oriented or that have little or no conservation or pollution abatement benefits. This was not a requirement under previous rules. Since all changes in these regulations are mandated by statute or are merely for the purpose of clarity, no Notice of Proposed Rulemaking has been published with respect to changes in these regulations governing the Agricultural Conservation Program.

Subpart: Forestry Incentives Program

This action revises the regulations promulgated to carry out the Forestry Incentives Program to include changes mandated by Section 4 of the Cooperative Forestry Assistance Act of 1978 (Pub. L. 95–313, 92 Stat. 365). That Act authorizes the Secretary of Agriculture, in consultation with a committee of at least five State foresters or equivalent State officials, to develop and implement a forestry incentive program to encourage the development, management and protection of the Nation's nonindustrial private forest lands. The purpose of the program is to encourage landowners to apply forestry practices that will provide for afforestation of suitable open lands and reforestation of cutover or other non-stocked or understocked forest lands, and to encourage intensive multipurpose forest resource management and protection, so as to provide for cost-effective timber production and other forest resource needs.

Several changes are made in the regulations governing the Forestry Incentives Program in order to conform with legislative authority. First, eligibility requirements for the program have been modified. According to the revised regulations, landowners eligible for cost-sharing shall own 1,000 acres or less of private nonindustrial forest land, except that cost-sharing may be approved for landowners owning more than 1,000 acres of such land where the State committee, with the concurrence of the State forester, determine that significant public benefits will accrue from approval of large ownerships. No ownerships larger than 5,000 acres will be approved for cost-sharing. Also, under the new rules, corporations whose stocks are publicly traded are excluded from participation in the program. This latter determination was made in order to conform with the Congressional intent to exclude from the Forestry Incentives Program, "all firms principally engaged in the manufacture of wood products as well as all other large business firms regardless of their business activities." See H.R. Rep. No. 95–1183, 95th Cong., 2nd Sess. 14 (1978). As is made clear in the legislative history, Congress intended the Forestry Incentives Program to be essentially a cost-sharing program for small forest landowners and others owning land of sufficient size and quantity that they can efficiently produce crops of industrial wood, either of softwood or hardwood species or both. The previous rule regarding eligibility for cost-sharing provided that eligibility was limited to a private individual, group, association, corporation, or other legal entity, which owned not more than 500 acres. The previous rule further provided that the Director, Conservation and Environmental Protection Division, ASCS, after consulting with appropriate representatives of the U.S. Forest Service, could approve tracts of more than 500 acres where it was deemed to have significant public benefits.

A second principal change in the regulations required by statute provides that the Federal cost-share level shall be that portion of the cost determined

necessary to carry out the forestry practices agreed upon by the Secretary and the landowner. However, in no event shall cost be paid by the Government which amounts to more than 75 percent of the actual cost incurred by the landowner. The prior rule provided for Federal cost-share levels between 50 and 75 percent of the actual costs of carrying out the program.

A third change in the regulations provides that under the program more emphasis shall be placed upon secondary benefits relating to forestry incentive practices, such as production and protection of related forest resources in addition to timber production. Related resources values include watershed, forage production and improved aesthetics. Finally, the revised regulations provide that the Department shall administer the program in accordance with regulations developed in consultation with a committee of not less than five State foresters or equivalent officials selected by a majority of such officials from States participating in the program. Previous rules provided that the program was to be developed based upon recommendations formulated by the National program development group. These revised regulations were developed in consultation with State Foresters and U.S. Forest Service representatives. Since all changes in these regulations were mandated by statute or are merely for the purpose of clarity, no Notice of Proposed Rulemaking has been published with respect to these changes in the regulation governing Forestry Incentives Program.

Subpart—Emergency Conservation Program

The Emergency Conservation Program is authorized by Title IV of the Agricultural Credit Act of 1978 (Pub. L. 95–334, 92 Stat. 433). These regulations implementing the Emergency Conservation Program are designed to provide cost-share funds for emergency assistance to meet only the critical needs of agricultural producers due to severe drought or other natural disasters.

This action amends the current regulations by: (1) Changing the program name from the Emergency Conservation Measures Program to the Emergency Conservation Program; (2) including in the program water conservation and water enhancement practices to provide for drought emergency cost-share assistance to eligible persons during periods of severe drought, as formerly provided under the Drought and Flood Conservation Program, which terminated on September 30, 1978; and (3) changing procedures so that practices dealing with flood and windstorm disasters are more responsive to land rehabilitation needs. This action also provides that the Deputy Administrator, State and County Operations, ASCS, shall make the determination to implement the program when severe drought conditions exist. An advanced notice of proposed rulemaking was filed in the **Federal Register** on July 25, 1979 (44 FR 43477) requesting public comment by August 8, 1979, with respect to the administration of the Emergency Conservation Program authorized by Title IV of the Agricultural Credit Act of 1978 (Pub. L. 95–334, 92 Stat. 433). ASCS received only one response relating to the prenotice and that response was considered in developing the proposed rule. A proposed rule was published in the **Federal Register** on September 25, 1979 (44 FR 55183), requesting public comments by November 24, 1979, with respect to the administration of the Emergency Conservation Program. Sixteen comments were received. Several influenced minor procedural changes in administering the program. However, no comments were of sufficient significance to require major changes from the proposed regulations.

The following is a summary of the comments received and actions taken:

Comment

Four respondents commented that cost-share assistance should be provided for installing rock riprap along streambanks to prevent erosion.

Response

This practice is not included in the program principally because it is expensive to implement and, with the limited funds available, much more conservation and pollution abatement can be achieved by using funds for other less expensive practices.

Comment

Six respondents recommended that county committees should have the authority to implement the Emergency Conservation Program in a severe drought.

Response

It was determined that the Deputy Administrator, State and County Operations, should approve Emergency Conservation Program assistance for each county since drought is usually widespread and involves several counties. This would also allow a more consistent determination to be made nationwide.

Comment

Six respondents recommended that the county committee establish maximum funding limits per participant when administering the Emergency Conservation Program.

Response

The decision was made to retain the language of § 701.56 payment approved as set forth in the proposed rule as follows: "The county committee is authorized to approve payments not to exceed $10,000 per person, per disaster. Cost-share assistance in excess of $10,000 must be approved by the Deputy Administrator, State and County Operations." The previous rules did not contain a maximum payment limitation except that prior approval of the State committee was required for cumulative cost-share requests in excess of $10,000 per person per disaster. Because of the diverse nature of disasters in different parts of the nation, the rule was retained to insure uniformity between States.

Several nonsubstantive changes have also been made in Part 701 to eliminate gender reference. Further, references in Part 701 to "Deputy Administrator, Programs, have been changed to Deputy Administrator, State and County Operations".

Final Rule

Accordingly, 7 CFR Part 701, including the table of contents and all subpart-headings, is revised to read as follows:

PART 701—CONSERVATION AND ENVIRONMENTAL PROGRAMS

Sec.

701.1 Background.
701.2 Definitions.

Subpart—Agricultural Conservation Program

701.3 Program objective.
701.4 State funds.
701.5 County funds.
701.6 Availability of funds.
701.7 Eligible person.
701.8 Eligible land.
701.9 Conservation practices.
701.10 County programs.
701.11 State programs.
701.12 Selection of practices.
701.13 Levels and rates of cost-sharing.
701.14 Starting of practices.
701.15 Method of approval.
701.16 Long-term agreements.
701.17 Replacement, enlargement, or restoration.
701.18 Pooling agreements.
701.19 Special provisions for low-income farmers and ranchers.
701.20 [Reserved]
701.21 Conservation materials and services.
701.22 [Reserved]
701.23 Maximum cost-share limitation.
701.24 Completion of practices.
701.25 Time of filing payment application.
701.26 Other program provisions.

Subpart—Forestry Incentives Program

Sec.

701.27 Program objective.
701.28 [Reserved]
701.29 Designated counties.
701.30 Eligible person, land, and ownerships.
701.31 Program funds.
701.32 Eligible practices and cost-share requirements.
701.33 The National program.
701.34 Development of State programs.
701.35 Development of county programs.
701.36 Adaption of practices.
701.37 Levels and rates of cost-sharing.
701.38 Prior approval for cost-sharing.
701.39 Methods of approval.
701.40 Long-term agreements.
701.41 Restoration of practices.
701.42 Maximum cost-share limitation.
701.43 Completion of practice.
701.44 Time of filing payment application.
701.45 Other program provisions.

Subpart—Emergency Conservation Program

701.46 Program objective.
701.47 Program availability.
701.48 Eligibility of person and land.
701.49 Emergency conservation program practices.
701.50 Practice approval.
701.51 Extent of cost-sharing.
701.52 Eligible costs.
701.53 Filing requests.
701.54 Approving requests.
701.55 Pooling agreements.
701.56 Payment approval.
701.57 Other program provisions.

Subpart—General Provisions

701.58 Restriction on program eligibility.
701.59 Delegation of authority.
701.60 Practice specifications.
701.61 Responsibility for technical phases of practices.
701.62 Items of costs on which rates of cost-sharing may be based.
701.63 Handbooks, bulletins, instructions and forms.
701.64 Opportunity for requesting cost-shares.
701.65 Repair, upkeep and maintenance of practices.
701.66 Public benefits when installing practices.
701.67 Payments for uncompleted practices.
701.68 Practices involving the establishment or improvement of vegetative cover.
701.69 Failure to meet minimum requirements or failure to comply fully with program provisions.
701.70 Practices carried out with aid from ineligible persons.
701.71 Division of cost-shares.
701.72 Death, incompetency, or disappearance.
701.73 Applying cost-share limitations.
701.74 Persons eligible to file application for payment of cost-shares.
701.75 Time and manner of filing application and required information.
701.76 Appeals.
701.77 Performance based on advice or action of county or State committee.
701.78 Compliance with regulatory measures.
701.79 Maintenance and use of practices.
701.80 Actions defeating purpose of program.
701.81 Depriving others of cost-shares.
701.82 Filing of false claims.
701.83 Cost-shares not subject to claims.
701.84 Assignments.
701.85 Environmental considerations.

Authority: Pub. L. 74–46, Secs. 4, 7–15, 16(a), 16(f), 16A, 17, 49 Stat. 163, as amended (16 U.S.C. 590d, 590g–590o, 590p (a), 590q); Pub. L. 93–86, Secs. 1001–1009, 87 Stat. 241 (16 U.S.C. 1501–1510); Pub. L. 95–313, Secs. 4, 8(a), 10, 92 Stat. 365 (16 U.S.C. 1510, 1606, 2101–2111); Pub. L. 95–334, Secs. 401–405, 92 Stat. 433 (16 U.S.C. 2201–2205); Pub. L. 96–108, 93 Stat. 821.

§ 701.1 Background.

(a) Through the conservation and environmental programs administered by the Department of Agriculture, the Federal Government will share with farmers, ranchers, and other eligible private landowners in the United States and the applicable territories and possessions of the United States, the cost of carrying out:

(1) Approved soil and water conservation and pollution abatement practices, including related wildlife conservation practices,

(2) Approved forestry practices, and

(3) Emergency conservation measures, in accordance with the provisions of this part and such modificaitons there of as may hereafter be made.

(b) Cost-sharing may be made available to eligible program participants by the Agricultural Stabilization and Conservation Service for:

(1) Soil and water conservation and pollution abatement practices under the Agricultural Conservation Program;

(2) Forestry practices under the Agricultural Conservation Program or Forestry Incentives Program;

(3) Practices to correct damage to land or conservation practices caused by natural disaster under the Emergency conservation Program; and

(4) Installation of water conservation measures under the Emergency Conservation Program during periods of severe drought.

(c) Information on the practices for which costs will be shared, the exact specifications and rates of cost-sharing for such practices, and the eligibility requirements for participating in the programs, may be obtained from the Agricultural Stabilization and Conservation county committee (hereinafter referred to as "county committee") for the county in which the farm, ranch or other eligible land is located or from the Agricultural Stabilization and Conservation State committee (hereinafter referred to as "State committee"), for the State in which such county is located.

§ 701.2 Definitions.

(a) "County program development group" consists of the county committee; the county extension agent; a representative of the Soil Conservation Service; a representative of the U.S. Forest Service; a representative of the Farmers Home Administration; a representative of the State forestry agency or its equivalent, when the representative accepts an invitation to be a member of the group; and a representative of the conservation district in the county, where the governing board of the district accepts an invitation to designate a representative (if there is more than one district in the county, the governing boards of the districts may jointly designate only one person to represent all of the districts). The county program development group shall have the responsibilities as provided for in §§ 701.10 and 701.35.

(b) "Farm" or "ranch" means that area of land considered as a farm under the regulations governing reconstitution of farms, allotments, and bases, Part 719 of this chapter, as amended, and, for the forestry incentives program, "farm" or "ranch" means eligible land (or ownership tracts) as provided in § 701.30.

(c) "National program development group" consists of representatives of the Agricultural Stablization and Conservation Service; Soil Conservation Service; U.S. Forest Service; Science and Education Administration; Economics, Statistics, and Cooperatives Service; Farmers Home Administration; Office of the General Counsel, U.S. Department of Agriculture; Office of Budget Planning and Evaluation, U.S. Department of Agriculture; Environmental Protection Agency; and Office of Management and Budget. The national program development group is responsible for recommending changes in program administrative procedures and policy guidelines, and evaluations of program effectiveness and operating arrangements.

(d) "Program year" means the Federal fiscal year for accounting purposes.

(e) "State" means any one of the United States, Puerto Rico, the Virgin Islands, and in the case of Forestry Incentives Program includes Guam, the American Samoa, the Commonwealth of the Northern Marianas Islands, the Trust Territory of the Pacific Islands and the Territories and possessions of the United States.

(f) "State program development group" consists of the State committee,

the State Director of Extension; the State Conservationist of the Soil Conservation Service; a representative of the U.S. Forest Service; a representative of the Farmers Home Administration; a representative of the State forestry agency, or its equivalent, when the representative accepts an invitation to be a member of the group; a representative of the State Soil Conservation Committee, or its equivalent, when the representative accepts an invitation to be a member of the group; and a representative of the State Water Quality Agency, or its equivalent when it accepts an invitation to be a member of the group. The State program development group has the responsibility provided for in § 701.11.

(g) "State forestry committee," or its equivalent, consists of the State forester or equivalent State official, who serves as chairperson; and a head or representative at the State level of the following USDA agencies: Agricultural Stabilization and Conservation Service; U.S. Forest Service; Science and Education Administration; Farmers Home Administration; Soil Conservation Service. At the discretion of the committee, State and local interests may also be involved. The function of the State forestry committee is to coordinate forestry budget proposals, agency roles in education, technical assistance, technology transfers, and forestry incentives.

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

Subpart—Agricultural conservation program

§ 701.3 Program objective.

(a) The objective of the Agricultural Conservation Program (hereinafter referred to in this subpart as the "program") is to assure the continued supply of food and fiber necessary for the maintenance of a strong and healthy people and economy, and to provide for environmental conservation or enhancement.

(b) This will be accomplished through a program that has been formulated and is to be carried out, taking into consideration:

(1) The need to control erosion and sedimentation from agricultural land and conserve the water resources on such land;

(2) The need to control pollution from animal wastes;

(3) The need to facilitate sound resource management systems through soil and water conservation;

(4) The need to encourage voluntary compliance by agricultural producers with Federal and State requirements to solve point and non-point sources of pollution;

(5) National priorities reflected in the National Environmental Policy Act of 1969 and other congressional and administrative actions;

(6) The degrees to which the measures contribute to the national objective of assuring a continuous supply of food and fiber necessary for the maintenance of a strong and healthy people and economy; and

(7) The type of conservation measures needed to improve water quality in rural America.

§ 701.4 State funds.

Funds available for practices to be performed under the program will be distributed among the States in accordance with conservation needs as determined by the Secretary.

§ 701.5 County funds.

The State committee will allocate the funds available for practices among the counties within the State consistent with the program objective, and will give particular consideration to the furtherance of special projects, watershed conservation projects, resources conservation development projects, approved State water quality plans, and other conservation and pollution abatement projects sponsored by local people and organizations.

§ 701.6 Availability of funds.

(a) The provisions of the program are subject to such legislation as the Congress of the United States may hereafter enact; the paying of the cost-shares provided herein is contingent upon such appropriation as the Congress may provide for such purpose; and the amounts of such cost-shares will be within the limits finally determined by such appropriation.

(b) Funds available for the Agricultural Conservation Program may be made available as needed for practices to be performed under the Naval Stores Conservation Program, in accordance with instructions issued by the Deputy Administrator, State and County Operations.

§ 701.7 Eligible person.

An eligible person is a farmer or rancher who as an individual, partnership, association, corporation, estate, trust, or other business enterprise, or other legal entity (excluding districts which have taxing authority, Federal agencies, States and State agencies, but not excluding political subdivisions of a State) and, as an owner, landlord, tenant, or sharecropper, participates in the operation of a farm or ranch.

§ 701.8 Eligible land.

(a) The program is applicable to:

(1) Privately-owned lands;

(2) Land owned by a State or political subdivision of a State;

(3) Lands owned by corporations which are partly owned by the United States;

(4) Lands temporarily owned by the United States or a corporation wholly owned by it, which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the U.S. Department of Defense, or by any other government agency designated by the Deputy Administrator, State and County Operations;

(5) Any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it;

(6) Indian lands, except that where grazing operations are carried out on Indian lands administered by the Department of the Interior, such lands are within the scope of the program only if covered by a written agreement approved by the Department of the Interior giving the operator an interest in the grazing and forage growing on the land and a right to occupy the land in order to carry out the grazing operations; and

(7) Noncropland owned by the United States on which practices are performed by private persons where such practices directly conserve or benefit nearby or adjoining privately-owned lands of the persons performing the practices and such persons maintain and use such federally-owned noncropland under agreement with the Federal agency having jurisdiction thereof.

(b) The program is not applicable to:

(1) Noncropland owned by the United States which was acquired or reserved for conservation purposes, or which is to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service of the U.S. Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act), or the Fish and Wildlife Service of the U.S. Department

of the Interior, except as indicated in paragraph (a)(7) of this section; and

(2) Nonprivate persons for performance of practices on any land owned by the United States or a corporation wholly owned by it.

§ 701.9 Conservation practices.

Conservation practices as specified by the Deputy Administrator, State and County Operations, ASCS, are made available nationally under the Agricultural Conservation Program and may be included in the State and county programs. Practices shall not be primarily production oriented or have little or no conservation or pollution abatement benefits. The practices are designed to be consistent with the agricultural conservation policy stated in section 7 of the Soil Conservation and Domestic Allotment Act, as amended, and national program policy, and are developed primarily to meet a definite need to accomplish one or more of the following:

(a) Establish long-lasting protective cover.

(b) Improve or sustain existing protective cover.

(c) Conserve or safely dispose of water.

(d) Benefit wildlife.

(e) Establish or improve stands of forest trees.

(f) Give protection against soil erosion.

(g) Prevent or abate agricultural-related pollution of water, land, and air.

(h) Meet special State or county conservation needs.

§ 701.10 County programs.

(a) A program shall be developed in each county by the county committee, in consultation with the county program development group, in accordance with the National and State development guidelines and policies provided. At least one public meeting per year shall be held for this purpose.

(b) The county program shall be that approved by the State committee and the Secretary or designee.

§ 701.11 State programs.

(a) The State committee, in consultation with the State program development group, shall develop recommendations for the State program. The chairperson of the State program development group may also invite others with conservation or water quality interests to participate in such deliberations. At least one public meeting per year shall be held for this purpose.

(b) The State program shall consist of the guidelines and practices selected by the State committee after considering the recommendations submitted by the county committee to the State development group and approved by the Secretary or designee.

§ 701.12 Selection of practices.

The practices to be included in the State or county program shall be only those practices for which cost-sharing is essential to permit accomplishment of the program objective.

§ 701.13 Levels and rates of cost-sharing.

(a) The maximum level of cost-sharing for each practice shall be the percentage of the average cost of performing the practice considered necessary to obtain the needed performance of the practice, but at a level such that the participant will make a significant contribution to the cost of performing the practice.

(b) Levels of cost-sharing under annual agreements for each practice shall not be in excess of 90 percent of the average cost of the eligible components of the practice carried out as determined by the county committee except where a higher level is specifically authorized by the Deputy Administrator, State and County Operations. (See § 701.19 for special provisions for low-income farmers.)

(c) Levels of cost-sharing under long term agreements shall not be in excess of 75 percent nor less than 50 percent of the average cost for each practice as determined by the county committee.

(d) For the purpose of establishing rates of cost-sharing, the average cost of performing a practice may be the average cost for a county or a part of a county, as determined by the county committee.

§ 701.14 Starting of practices.

Cost will not be shared for practices, or components of practices, which are started before a formal or informal request is filed. For practices for which approval was given under the preceding year's program, performance was started but not completed during that program year, and the county committee believes the extension of the approval to the current year's program is justified under the provisions of the current year's program, the filing of the request for cost-sharing under the preceding year's program shall be regarded as meeting the requirement of the current year's program that a request for cost-sharing be filed before performance of the practice is started.

§ 701.15 Method of approval.

The county committee will determine the extent to which Federal funds will be made available to share the cost of each approved practice, taking into consideration the county allocation, the conservation and environmental problems in the county, the land involved, and the practices for which requested cost-sharing is considered by the county committee as most needed. The method approved shall provide for the issuance of notices of approval showing for each approved practice the number of units of the practice for which the Federal Government will share in the cost and the amount of the cost-share for the performance of that number of units of the practice. To the extent practicable, notices of approved practices shall be issued before performance of the practice is started. No practice may be approved for cost-sharing except as authorized by the county program, or in accordance with procedures incorporated therein. Available funds for cost-sharing shall not be allocated on a pro-rata basis, but shall be directed to the accomplishment of the most enduring benefits attainable.

(a) Cost-sharing may be approved under annual agreements or long-term agreements.

(b) Annual agreements may be approved in all counties. Long-term agreements are limited to farms or ranches which are within Soil Conservation Districts (or comparable districts) through which the Soil Conservation Service provides planning and technical services, except:

(1) Farms and ranches located within a county designated for the Great Plains Conservation Program are only eligible for long-term agreements that cover part of a farm. Long-term agreements that cover whole farms shall not be approved in these counties.

(2) Farms and ranches not located within a Soil Conservation District (or comparable district) may be eligible for a long-term agreement, provided conservation plans of operations are developed by the farmer or rancher in cooperation with the Soil Conservation Service and approved by an appropriate State official or, in cases where an appropriate State official is not available, approved by the Soil Conservation Service.

§ 701.16 Long-term agreements.

(a) The period of a long-term agreement will be for not less than three (3) program years nor more than ten (10) program years. The county committee and the signatories to the agreement in consultation with the Soil Conservation Service representative, will mutually determine the period of the agreement.

(b) The long-term agreement will be based on a conservation plan of operations for the farm or ranch or

portion thereof which has been approved by the Soil Conservation District (or comparable district) or, for farms or ranches not located in a Soil Conservation District (or comparable district), by an appropriate State Official or the Soil Conservation Service, as applicable.

(c) The long-term agreement will provide that the farmer or rancher will carry out those measures in the conservation plan of operations which are determined to be essential to meeting the basic conservation needs of the farm or ranch, or portion thereof, whether or not cost-sharing is approved for such measures.

(d) The owner of the farm or ranch will be required to be a signatory to a long-term agreement, whether or not that person contributes to the cost of approved practices thereon.

(e) Any signatory to a long-term agreement who is not an owner of the farm or ranch must provide assurance of control of the land for the duration of the period of the agreement.

(f) The level of cost-sharing, as provided in § 701.13, in effect for practices in all years of a long-term agreement shall be the level in effect for the beginning year of the agreement. The rate of cost-sharing for payment purposes for such practice will be based on the average cost of performing the practice at the time the practice is performed.

(g) A long-term agreement may be cancelled for failure to comply with the terms of the agreement if, after consulting with the Soil Conservation District (or comparable district) board or, if none exists, with a representative of the Soil Conservation Service, the county committee and State committee find that the seriousness of the irregularities warrant such action. If the agreement is cancelled, the signatories to the agreement are jointly and severally responsible for refunding all cost-shares paid and will forfeit all rights to further payments under the agreement. In such a case, no other refund or forfeiture provisions of these regulations apply.

(h) A long-term agreement may be revised in accordance with instructions issued by the Deputy Administrator, State and County Operations, by mutual agreement between the signatories to the agreement and the county committee based on approved changes in the Conservation plan of operations for the farm or ranch.

(i) An eligible person who acquires control of land under an approved agreement may elect to become a successor in interest under such agreement.

(j) An agreement will be terminated with respect to land for which loss of control has occurred and where the person acquiring control of such land elects not to become a successor in interest under the agreement. If the loss of control is for reasons beyond the control of the signatories to the agreement, the county committee will determine whether or not any cost-shares previously paid shall be refunded, but in no event shall the refund be greater than would be required in cases where loss of control is voluntary. If the loss of control is voluntary on the part of the signatories to the agreement, the signatories will be jointly and severally responsible for refunding all cost-shares paid and will forfeit all rights to further payments, with respect to the land for which control is lost. However, a refund will not be required for cost-shares where, the county committee and the State committee determine, after consulting with a representative of the Soil Conservation Service, that failure to perform the remaining practices in the agreement will not impair the effectiveness of the practices which have been performed and that the completed practices have provided conservation benefits consistent with the cost-shares which have been paid.

(k) An agreement may be terminated by the county committee, after considering the recommendation of the Soil Conservation District (or comparable district) board or, if none exists, with a representative of the Soil Conservation Service, if such action is in the public interest. The county committee will determine the amount of cost-shares previously paid that shall be refunded.

(l) An agreement may be terminated by the county committee upon the written request of the participant(s) to an agreement where no cost-shares have been paid for any of the scheduled practices and where the participant(s) does(do) not intend to perform any of the scheduled practices.

§ 701.17 Replacement, enlargement, or restoration.

The establishment or installation of a practice, for the purposes of the program shall be deemed to include the replacement, enlargement, or restoration of a practice for which cost-sharing has been allowed if the practice has served for its normal lifespan, or if all of the following conditions exist:

(a) Replacement, enlargement, or restoration of the practice is needed to solve the problem;

(b) The failure of the original practice was not due to the lack of proper maintenance by the current operator; and

(c) The county committee believes that the replacement, enlargement or restoration of the practice merits consideration under the program to an equal extent with other practices.

§ 701.18 Pooling agreements.

Farmers, ranchers, or eligible landowners in any local area may agree in writing, with the approval of the county committee, to perform designated practices which, by conserving or improving resources of the community, will solve a mutual conservation, pollution, or other environmental problem on the land of the participants. For purposes of eligibility for cost-sharing, practices carried out under such an approved written agreement shall be regarded as having been carried out on the land of the persons who performed the practices.

§ 701.19 Special provisions for low-income farmers and ranchers.

(a) Notwithstanding any other provisions of this subpart, except as provided for in § 701.13(c), the county committee may approve, in the case of low-income farmers and ranchers as defined in this section, levels of cost-sharing of up to 90 percent of the average cost of performing practices.

(b) A low-income farmer or rancher is one who, as determined by the county committee is a small producer who is largely dependent on the farm or ranch for his/her livelihood, and whose prospective income and financial resources for the current year are such that he/she could not reasonably be expected to perform needed conservation practices at the level of cost-sharing applicable to other persons in the county.

(c) In approving requests for cost-sharing the county committee shall give special consideration to requests filed by low-income farmers and ranchers.

§ 701.20 [Reserved]

§ 701.21 Conservation materials and services.

(a) *Availability.* Cost-share payments by ASCS for an approved practice may be in the form of conservation materials and services provided at the option of the State committee where the committee determines that participants would not reasonably be able to obtain conservation materials and services through the assignment of the Agricultural Conservation Program payments, or other available methods. Part or all of the cost-share for an approved practice may be in the form of

conservation materials or services furnished through the program for use in carrying out the practice. Materials or services may not be furnished to persons who are indebted to the Federal Government, as indicated by the claim record maintained in the office of the county committee, except in those cases where the agency to which the debt is owed waives its rights to set off its claim against program payments in order to permit the furnishing of materials and services.

(b) *Cost to farmer or rancher.* The farmer or rancher shall be responsible for paying that part of the cost of the material or service which is in excess of the amount to be advanced toward the purchase of the material or service. The maximum amount which may be advanced toward the purchase of the material or service is that portion of the cost-share attributable to the use of the material or service, or upon request by the farmer or rancher and approval by the county committee, the entire cost-share for those components of the practice which are likely to be completed under the program for which approved, but not in excess of the cost of the material or service.

(c) *Responsibility for materials and services.* (1) If the materials or services are improperly used in carrying out the practice with respect to which they were furnished, recovery of the amount advanced toward the purchase of the materials or services will be made from the persons who share in the cost-share payment for the practice, in the proportion in which they share in the cost-share payment. If the materials or services are not used for the purpose for which they were furnished, the person to whom they were furnished shall be indebted to the Federal Government for the amount advanced toward the cost of the materials or services.

(2) All persons to whom materials are furnished shall be responsible to the Federal Government for any damage to the materials, unless such persons show that the damage was caused by circumstances beyond their control.

(d) *Eligibility to furnish conservation materials and services.* (1) To be eligible to furnish conservation materials or services on the basis of purchase orders issued by the county committee, a vendor must agree to fill purchase orders without regard to the race, sex, religion, color, or national origin of the person to whom the purchase order is issued. Vendors shall not be eligible to furnish conservation materials and services if they have performed any of the actions which would warrant suspension as stated in paragraph (d)(3) of this section.

(2) A vendor who is found by the State committee or county committee to have knowingly misused a purchase order will be subject to payment of liquidated damages for such misuse, in addition to being jointly and severally responsible with the farmer to refund any overpayment made to the vendor by the Government. The liquidated damages will be determined in accordance with instructions issued by the Deputy Administrator, State and County Operations. The assessment of liquidated damages is not in lieu of other remedies and will in no way bar, mitigate, or be a substitute for any other remedies the Government may have against a vendor for knowingly misusing a purchase order. If the facts warrant it, the vendor will be suspended from furnishing conservation materials and services.

(3) A vendor shall be suspended by the State committee or county committee from furnishing conservation materials and services if the vendor:

(i) Is currently on the Department's list of debarred, ineligible, and suspended bidders or contractors or is currently suspended or debarred under the CCC Suspension and Debarment Regulations;

(ii) Knowingly misused a purchase order contrary to the vendor's agreement and such misuse has a material and significant adverse effect on the administration of the program;

(iii) Is currently suspended or debarred under any other Department program; or

(iv) Has committed acts of misconduct, including but not limited to fraudulent activities, showing such serious lack of business integrity as to warrant suspension.

(4) A vendor's employee who has performed any of the actions which would warrant suspension of a vendor as stated in paragraph (d)(3) of this section shall be prohibited from handling purchase orders for an otherwise eligible vendor.

(5) The State committee or county committee will determine the period during which:

(i) A vendor shall be declared ineligible to furnish conservation materials and services in accordance with paragraph (d)(1) of this section;

(ii) A vendor shall be suspended in accordance with paragraph (d)(3) of this section or

(iii) An employee of a vendor shall be prohibited from handling purchase orders in accordance with paragraph (d)(4) of this section.

(6) The length of the period referred to in (d)(5) of this section will be based on the nature, gravity, and extent of the irregularities involved, but in no case will the ineligibility be permanent.

§ 701.22 [Reserved]

§ 701.23 Maximum cost-share limitation.

For each program year, the total of all cost-shares to any person with respect to farms and ranches (§ 701.2(b)) in the United States, Puerto Rico, and the Virgin Islands, for approved practices which are not carried out under pooling agreements shall not exceed the sum of $3,500 and the total cost-sharing paid for approved practices including those carried out under pooling agreements shall not exceed the sum of $10,000. (Also see § 701.73.)

§ 701.24 Completion of practices.

Cost-sharing for the practices contained in this part is conditioned upon the performance of the practice in accordance with all applicable specifications and program provisions.

§ 701.25 Time of filing payment application.

Payment of cost-shares will be made only upon application submitted on the prescribed form to the county office by a date established by the county committee. Any application for payment may be rejected if any form or information required of the applicant is not submitted to county office within the applicable time limit.

§ 701.26 Other program provisions.

Other provisions as contained in §§ 701.1 and 701.2 and in the Subpart, General Provisions, apply to the Agricultural Conservation Program.

Subpart—Forestry Incentives Program

§ 701.27 Program objective.

The objective of the Forestry Incentives Program (hereinafter referred to in this subpart as the "program") is to help assure a future supply of timber. This will be accomplished by encouraging landowners to apply forestry practices for the following:

(a) Production of softwood and hardwood timber and other forest-resources associated therewith to increase afforestation of suitable open lands,

(b) Reforestation of cutover and understocked forest lands,

(c) Timber stand improvement,

(d) Intensive multipurpose management, and

(e) Protection of forest resources.

§ 701.28 [Reserved]

§ 701.29 Designated counties.

The State committee in consultation with the State Forester, will designate the counties or parts of counties in which the program will be operated. The following will be considered in making the selections:

(a) The total acreage in the county devoted to desirable types of softwood and hardwood timber.

(b) The estimated area in the county that is under eligible ownership.

(c) The estimated acreage suitable for the production of forest products.

(d) The availability of funds.

(e) The enhancement of other forest resources.

§ 701.30 Eligible person, land and ownerships.

(a) An eligible person is a private individual, group, Indian Tribe or other native group, association, corporation excluding corporations whose stocks are publicly traded, or other legal entity which owns eligible land. Firms principally engaged in the manufacture of wood products are not eligible. However, forest landowners who manufacture forest products on a part-time or irregular basis, are eligible.

(b) Eligible land is "nonindustrial" private forest land capable of producing at least 50 cubic feet of wood per acre per year.

(c) Eligible farms are those not exceeding a total of 1,000 acres of eligible private nonindustrial forest land in the United States or any commonwealth, territory or possession of the United States. The State Committee with the concurrence of the State Forester may approve cost-sharing with landowners owning more than 1,000 but not more than 5,000 acres of eligible forest land where it is deemed to be to the public's significant benefit.

(d) Significant public benefits are primarily those resulting from cost-effective timber production, with related benefits to aesthetics, recreation, other resource values, watershed protection and erosion reduction.

§ 701.31 Program funds.

(a) State and counties. Each designated State and county will receive a share of the funds provided nationally for the program. Funds will be distributed on the basis of the forest production opportunities in each State, considering the acreage of private nonindustrial forest lands, the number of eligible owners, the potential productivity of such lands and the need for reforestation, timber stand improvement, other forestry management needs, and the enhancement of other forest resources. The Director, Conservation and Environmental Protection Division, ASCS, will allocate funds after consultation with representatives of the U.S. Forest Service and a committee of not less than five State foresters or equivalent State officials selected by a majority of the State foresters or equivalent State officials. The State committee will consult with the State forester when determining the allocation of such funds to the designated counties.

(b) A limitation on the amount of funds which may be obligated under long-term agreements shall be established by the State committee in accordance with guidelines provided by the Deputy Administrator, State and County Operations.

§ 701.32 Eligible practices and cost-share requirements.

(a) Cost-sharing may be available for the following National practices and authority:

(1) *Practice FP1.* Planting Trees.

(2) *Practice FP2.* Improving a Stand of Forest Trees.

(3) *Practice authority—SF Practice.* Special Forestry Practices. The Director, Conservation and Environmental Protection Division, ASCS, after consultation with the Forest Service, may approve special forestry practices needed to solve a significant and unique local condition for which the National practices are not adequate. Such practices may be approved for inclusion in a county program after consultation with the program development group, and the recommendation of the county committee, the service forester, the State committee and the State forester.

(b) A forest management plan is required as a condition of cost-sharing. The plan will be developed in consultation with the landowner, approved by the service forester, and will contain information for accurate evaluation of practice effectiveness. The participant will be required to perform those measures in the plan which are essential to the effectiveness of the practice for which costs are shared. In the development of the plan, consideration will be given to wildlife, watershed protection, recreation, erosion control, aesthetics, and other associated forest resources values as well as cost-effective timber production.

§ 701.33 The National program.

The National program is based on recommendations developed by the Director, Conservation and Environmental Protection Division, ASCS, in consultation with representatives of the U.S. Forest Service and the committee of State foresters provided for in § 701.31.

§ 701.34 Development of State programs.

(a) A State program shall be developed in each State in accordance with the provisions contained in this part and in the National program and such modifications thereof as may thereafter be made. The program shall be developed by the State forestry committee as provided in § 701.2.

(b) The program for the State shall be that recommended by the State committee and State forester and approved by the Director, Conservation and Environmental Protection Division, ASCS, after consulting the U.S. Forest Service.

§ 701.35 Development of county programs.

(a) A county program shall be developed in each designated county in accordance with the provisions of the State program and such modifications thereof as may be made. The county program shall be developed by the county program development group. The county program development group, working with the governing body of the conservation district, the State forestry agency representatives, the county supervisor of the Farmers Home Administration, and others with conservation and environmental interest, shall develop recommendations for the county program.

(b) The program for the county shall be that recommended by the county committee and service forester and approved by the State committee and State forester.

§ 701.36 Adaptation of practices.

(a) The practices included in the State program meet the conditions and requirements of the National program. National program provisions may be modified or deleted to make practices more restrictive where such changes meet the objectives of the program.

(b) The practices included in the county program must meet the conditions and requirements of the State program. State program provisions may be modified or deleted to make practices more restrictive where such changes will still result in the practices effectively meeting the objectives of the program.

§ 701.37 Levels and rates of cost-sharing.

(a) The maximum cost-share for each practice shall be the percentage of the actual cost of performing the practice considered necessary to obtain the needed performance of the practice, but which will be such that the participant

will make a significant contribution to the cost of performing the practice.

(b) Levels of cost-sharing shall be approved by the State committee and shall not be in excess of 75 percent of the actual costs incurred by the landowners.

(c) For the purpose of establishing rates of cost-sharing, the average cost of performing a practice may be the average cost for a State, a county or a part of a county, as determined by the State committee.

(d) The rates of cost-sharing for practices included in the county program may be lower than the rates approved for general use in the State.

§ 701.38 Prior approval for cost-sharing.

Costs will be shared only for those practices, or components of practices, for which cost-sharing is requested and approval issued before performance thereof is started.

§ 701.39 Methods of approval.

The county committee will determine the extent to which Federal funds will be made available to share the cost of each approved practice. Approvals shall be made based on consideration of the county allocation, cost-effective opportunities for increasing timber production, potential for enhancing other forest resources, the forestry needs in the county, and the practices for which requested cost-sharing is considered by the county committee as most needed. The method approved shall provide for the issuance of notices of approval showing for each approved practice the number of units of the practice for which the Federal Government will share in the cost and the amount of the cost-share for the performance of that number of units of the practice. Notices of appeared practices shall be issued before performance of the practice may be started. No practice may be approved for cost-sharing except as authorized by the National, State or county program, or in accordance with procedures incorporated therein. Available funds for cost-sharing shall not be allocated on a pro-rata basis, but shall be directed to the accomplishment of the most production attainable.

(a) Cost-sharing may be approved under annual agreements or long-term agreements.

(b) Land covered by a Great Plains Conservation Program contract is not excluded from an annual or long-term agreement if otherwise eligible and is approved by both the Forest Service and the Soil Conservation Service.

(c) The same practices, cost-share levels and general program provisions apply to both annual agreements and long-term agreements.

§ 701.40 Long-term agreements.

(a) The period of a long-term agreement will be for not less than three (3) years nor more than 10 (10) years. The county committee and the signatories to the agreement in consultation with the State forestry representative, will mutually determine the scheduling of essential practices and practice cost-sharing over the period of the agreement.

(b) The long-term agreement will be based on a forest management plan for the land which has been developed by the service forester.

(c) The long-term agreement will provide that the owner will carry out those measures in the forest management plan which are determined to be essential whether or not cost-sharing is approved for such measures.

(d) The level of cost-sharing in effect for practices in all years of a long-term agreement shall be the level in effect for the beginning year of the agreement. The rate of cost-sharing for payment purposes for such practice will be based on the average cost of performing the practice at the time the practice is performed.

(e) A long-term agreement may be canceled for failure to comply with the terms of the agreement if, after consulting with the service forester, the county committee and State committee find that the seriousness of the irregularities warrant such action. If the agreement is canceled, the signatories to the agreement are jointly and severally responsible for refunding all cost-shares paid and will forfeit all rights to further payments under the agreement. In such a case no other refund or forfeiture provisions of these regulations apply.

(f) A long-term agreement may be revised in accordance with instructions issued by the Deputy Administrator, State and County Operations, where there is a change in status of the participants or the land under agreement.

(g) An eligible person who acquires control of land under an approved agreement may elect to become a successor in interest under such agreement.

(h) An agreement will be terminated with respect to land for which loss of control has occurred and where the person acquiring control of such land elects not to become a successor in interest under the agreement. If the loss of control is for reasons beyond the control of the signatories to the agreement, the county committee will determine whether or not any cost-shares previously paid shall be refunded, but in no event shall the refund be greater than would be required in cases where loss of control is voluntary. If the loss of control is voluntary on the part of the signatories, they will be jointly and severally responsible for refunding all cost-shares paid and will forfeit all rights to further payments, with respect to the land for which control is lost. A refund will not be required for cost-shares where, the county committee and the State committee determine, after consulting with the service forester, that failure to perform the remaining practices in the agreement will not impair the effectiveness of the practices which have been performed and that the completed practices will provide forestry benefits consistent with the cost-shares which have been paid.

(i) An agreement may be terminated if, after considering the recommendation of the service forester, the county committee recommends and the State committee concurs that such action is in the public interest.

§ 701.41 Restoration of practices.

(a) Cost-sharing may be authorized under the program only for the establishment or installation of the practices contained in this part. Cost-sharing may not be authorized for repeating any of the practices in this part with the same owner on the same acreage, except as provided in paragraph (b) or (c) of this section.

(b) Cost-sharing may be authorized for the replacement, enlargement, or restoration of practices for which cost-sharing has been allowed under the program only if all of the following conditions exist:

(1) Replacement or restoration of the practice is needed to solve the problem;

(2) The failure of the original practice was not due to the lack of proper maintenance by the current operator; and

(3) The county committee believes that the replacement or restoration of the practice merits consideration under the program to an equal extent with other practices cost-shared.

(c) Cost-sharing may be authorized for timber stand improvement measures carried out in repetitive steps where, in the judgment of the service forester, the stand treatment warrants such silvicultural practice.

§ 701.42 Maximum cost-share limitations.

For each fiscal year the total of all cost-shares paid to any eligible person shall not exceed the sum of $10,000 with respect to eligible ownerships (§ 701.30(b)) in the United States or any

commonwealth, territory or possessions of the United States for approved practices carried out under annual and/or long-term agreements.

§ 701.43 Completion of practice.

Cost-sharing for the practices contained in this subpart is conditioned upon the performance of the practices in accordance with all applicable specifications and program provisions.

§ 701.44 Time of filing payment application.

Payment of cost-shares will be made only upon application submitted on the prescribed form to the county office by the prescribed time limit or any authorized extension thereof. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the county office within the applicable time limit.

§ 701.45 Other program provisions.

Other provisions as contained in §§ 701.1 and 701.2 and in the Subpart, General Provisions, apply to the Forestry Incentives Program.

Subpart—Emergency Conservation Program

§ 701.46 Program objective.

The objective of the Emergency Conservation Program is to cost-share with eligible persons to rehabilitate farmlands damaged by wind and water erosion, floods, hurricanes, or other natural disasters and to provide water conservation or water enhancement measures during periods of severe drought.

§ 701.47 Program availability.

(a) The county committee may implement the program subject to the availability of funds where new conservation problems have been created on farmland by a natural disaster or wind erosion which, if not treated; will:

(1) Impair or endanger the land or water resources;

(2) Materially affects the productive capacity of the land or water resource;

(3) Represent damage which is unusual in character and, except for wind erosion, shall not be the type that would recur frequently in the same area; and

(4) Be so costly to rehabilitate that Federal assistance is or will be required to return the land to productive agricultural use.

(b) Subject to the availability of funds, the county committee with the concurrence of the State committee and approval of the Deputy Administrator, State and County Operations may implement the program to carry out emergency water conservation and water enhancement measures during periods of severe drought.

§ 701.48 Eligibility of person and land.

Eligibility of person and land is the same as for the Agricultural Conservation Program as provided in §§ 701.7 and 701.8.

§ 701.49 Emergency conservation program practices.

(a) Except for severe drought and wind erosion, cost-sharing may be offered for emergency conservation practices only to replace or restore farmland to a condition similar to that existing prior to the natural disaster. Cost-sharing may not be offered for the solution of conservation problems existing prior to the disaster.

(b) Emergency Conservation Program practices for which cost-sharing may be authorized are generally:

(1) Removing debris from farmland.

(2) Grading, shaping, releveling or similar measures.

(3) Restoring permanent fences.

(4) Restoring structures and other installations.

(5) Emergency wind control measures.

(6) Drought emergency measures.

(7) Other emergency conservation measures.

§ 701.50 Practice approval.

Practices listed in § 701.49(b) (1) through (5) may be approved by the county committees. Practices (6) and (7) of § 701.49(b) must be approved by the Deputy Administrator, State and County Operations.

§ 701.51 Extent of cost-sharing.

The county committee shall establish cost-share levels for each practice at a level not to exceed 80 percent of the cost of such practice.

§ 701.52 Eligible costs.

Upon determination that a person is eligible for Emergency Conservation Program assistance, cost-sharing shall be granted for all reasonable costs incurred in the completion of the practice. Such costs may include personal labor, equipment, and other such costs which are determined by the county committee to be related to the costs of carrying out the practice. County committees shall limit costs for the use of personal equipment to an amount that reflects out-of-pocket expenses. Expenses for personal labor and personal equipment should be less than rates charged by contractors who expect to make a profit for their efforts.

§ 701.53 Filing requests.

The county committee shall establish a sign up period for filing cost-sharing requests immediately after the county committee's decision has been made (by the Deputy Administrator, State and County Operations, in cases of drought) to implement the Emergency Conservation Program in the county. Such periods should be at least 30 days in length. Late filed requests may be accepted by the county committee in justifiable cases.

§ 701.54 Approving requests.

County committees will issue practice approvals only when the requested practice has been determined eligible for cost-sharing assistance and the eligible person has indicated he/she is ready to start the practice.

§ 701.55 Pooling agreements.

Pooling agreements may be used on the same basis as provided for in the Agricultural Conservation Program in § 701.18.

§ 701.56 Payment approval.

The county committee is authorized to approve payments not to exceed $10,000 per person, per disaster. Cost-share assistance in excess of $10,000 must be approved by the Deputy Administrator, State and County Operations, or designee.

§ 701.57 Other program provisions.

Other provisions of this part as provided for in §§ 701.1 and 701.2 and in the Subpart, General Provisions, apply to the Emergency Conservation Program.

Subpart—General Provisions

§ 701.58 Restriction on program eligibility.

The regulations in Part 796 of this chapter prohibiting the making of payments to program participants who harvest or knowingly permit to be harvested for illegal use, marijuana or other such prohibited drug-producing plants on any part of the land owned or controlled by them are applicable to these programs.

§ 701.59 Delegation of authority.

No delegation of authority contained in these programs to a State or county committee shall preclude the Deputy Administrator, State and County Operations or designee, from determining any question arising under these programs or from reversing or modifying any determination made by a State or county committee.

§ 701.60 Practice specifications.

(a) Minimum specifications that practices must meet to be eligible for

cost-sharing shall be set forth in the county program, or incorporated therein by specific reference to a standard publication or other written document containing such specifications.

(b) Practice specifications shall represent those levels of performance which are needed in order for the practice to be effective in meeting the program objective and which are not in excess of levels for which cost-sharing can be justified.

§ 701.61 Responsibility for technical phases of practices.

The Soil Conservation Service and the U.S. Forest Service are responsible for technical phases of the practice as assigned and such assignment will be specified in State and county programs.

(a) The State conservationist of the Soil Conservation Service may utilize assistance from private, State or Federal agencies in carrying out the assigned responsibilities. No responsibilities will be assigned for counties when the Deputy Administrator, State and County Operations and the Administrator, SCS, determines that it would not be administratively practicable for the Soil Conservation Service to discharge such responsibilities. In such counties, these responsibilities shall be assumed by the county committees. The Soil Conservation Service may utilize to the fullest extent available resources of the State forestry agencies in carrying out assigned responsibilities for practices involving the establishment of windbreaks or shelterbelts on farmland to prevent wind erosion.

(b) The U.S. Forest Service is responsible for the technical phases of practices or components of practices involving the planting of trees for forestry purposes and those involving the improving or protecting of a stand of forest trees, as specified in State and county programs. The U.S. Forest Service may utilize the assistance of private, State or Federal agencies in carrying out these assigned responsibilities, but services of State forestry agencies will be utilized to the extent that such services are available.

(c) The technical assistance to be furnished in servicing assigned practices will include, where appropriate, the following technical phases:

(1) Determining whether the practice is needed and practicable;

(2) Selecting the site (if necessary), complying with environmental and cultural regulations, determining the specific measures needed, and performing any required layout work for the practice;

(3) Supervising the installation of the practice if needed to assure conformity with specifications; and

(4) Certifying the extent performed and whether the specifications for the practice have been met. The technical agency shall perform all four phases for all assigned practices in State and county programs, except as may be provided in instructions issued by the Deputy Administrator, State and County Operations.

§ 701.62 Items of cost on which rates of cost-sharing may be based.

Except as otherwise provided by the specific ASCS procedural handbooks, notices, and regulations, the cost of any direct and significant factor in the performance of a practice may be considered in establishing the rate of cost-sharing for the practice.

§ 701.63 Handbook, bulletins, instructions, and forms.

The Deputy Administrator, State and County Operations is authorized to prepare and issue handbooks, bulletins, instructions, and forms, required in administering these programs. Copies of handbooks, bulletins, instructions and forms, containing detailed information on these programs as they apply to specific States, counties, areas, farms, ranches and other eligible ownerships, will be available in the office of the State committee and the office of the county committee.

§ 701.64 Opportunity for requesting cost-shares.

Farmers, ranchers, eligible landowners, or eligible persons, regardless of race, sex, religion, color, or national origin, shall be given an opportunity to request that the Federal Government share in the cost of those practices they consider to be needed on their farm, ranch, or other eligible land. The county committee shall direct the available funds for cost-sharing to those practices where cost-sharing is considered most essential to the accomplishment of the program objective.

§ 701.65 Repair, upkeep and maintenance of practices.

Cost-sharing is not authorized for repairs or for normal upkeep or maintenance of any practice.

§ 701.66 Public benefits when installing practices.

Persons responsible for any aspect of performing practices are to be encouraged to install the practices in such a way to promote public benefits by improving or preserving environmental quality and ecological balance by preventing or abating pollution and other environmental degradation; benefiting the community by such means as preserving open space, or enhancing the appearance of the area; benefiting wildlife and other desirable life forms; preserving historic, archeological, or scenic sites, wetlands, ecologically critical areas and prime farmlands; avoiding the creation of hazards to persons or animals and avoiding actions that may adversely affect an endangered or threatened species and flood plains.

§ 701.67 Payments for uncompleted practices.

Cost-shares approved under these programs will not be considered as earned until all components of the approved practice are completed in accordance with applicable specifications and program provisions. Cost-shares for completed components may be paid only on the condition that the farmers, ranchers, or eligible landowners, will complete the remaining components of the practice within the time prescribed by the county committee regardless of whether cost-sharing is offered for them, unless they are prevented from doing so because of reasons beyond their control.

§ 701.68 Practices involving the establishment or improvement of vegetative cover.

(a) Costs for practices involving the establishment or improvement of vegetative cover, including trees may be shared even though a good stand is not established, if the country committee determines, in accordance with standards approved by the State committee, that the practice was carried out in a manner which could normally result in the establishment of a good stand, and that failure to establish a good stand was due to weather or other conditions beyond the control of the operator. The county committee may require as a condition of cost-sharing in such cases that the area be reseeded or replanted or that other needed protective measures be carried out. Cost-sharing in such cases may be approved also for repeat applications of measures previously carried out or for additional eligible measures. Cost-sharing for such measures shall be approved to the extent such measures are needed to assure a good stand even though less than that required by the applicable practice wording for initial approvals.

(b) In the case of Foresty Incentives Program, replanting of trees is required where the landowner received cost-sharing for site preparation.

§ 701.69 Failure to meet minimum requirements or failure to comply fully with program provisions.

(a) Notwithstanding other provisions of these programs, costs may be shared for performance actually rendered even though the minimum requirements for a practice are not met, if the farmer, rancher, eligible landowner, or eligible person establishes to the satisfaction of the county committee and the county representative of any other agency having responsibility for technical phases of the practice that a reasonable effort was made to meet the minimum requirements and that the practice as performed adequately solves the problem.

(b) Nothwithstanding the provisions in paragraph (a) of this section, the terms and conditions of contracts entered into pursuant to programs in this Part may be modified to grant relief when the Deputy Administrator, State and County Operations, determines that a person acting in good faith failed to fully comply with the program provisions.

§ 701.70 Practices carried out with aid from ineligible persons.

(a) Except for the Forestry Incentives Program, an eligible person shall be credited with the contribution of any ineligible person, including a State or Federal agency, for the purposes of determining the eligible person's total payment toward the practice. The cost-share payment made by ASCS to an eligible person shall not exceed the eligible person's actual contribution to the cost of carrying out the practice. Where authorized by the State committee, the county committee may reduce the cost-share payment made by ASCS to an eligible person where the cost-share plus the contribution of ineligible person equals the total cost of the practice.

(b) For the Forestry Incentives Program, aid from an ineligible person shall be deducted from the total cost of carrying out the practice before determining the cost-share to be credited to the eligible persons who contributed to the cost of the practice.

§ 701.71 Division of cost-shares.

(a) The cost-share for a practice shall be credited to the person who carried out the practice. If more than one person contributed to the carrying out of the practice, the cost-share for the practice shall be divided among those persons in the proportion that the county committee determines they contributed to the carrying out of the practice. In making this determination, the county committee shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of the practice, and shall assume that each contributed equally unless the county committee is satisfied that their respective contributions were not in equal proportion. Any advances made by ASCS toward the cost of materials or services under § 701.21, the furnishing of land, and the furnishing of the right to use water, will not be considered as a contribution to the carrying out of any practice.

(b) The allowance by an eligible person of a credit to another eligible person in the form of an adjustment in rental, an exchange of cash, or other consideration, will not be considered as a contribution to the carrying out of any practice, unless the county committee is satisfied that such credit is directly related to the cost or cost-share of the practice. A person will not be considered as having contributed to the carrying out of a practice if the county committee determines that a person has been, or is to be, fully reimbursed for contributions made to the performance of the practice, through an adjustment in rental, an exchange of cash, or other consideration.

§ 701.72 Death, incompetency, or disappearance.

In case of death, incompetency, or disappearance of any person, any cost-shares due shall be paid to the successor, determined in accordance with provisions of the regulations in Part 707 of this chapter, as amended.

§ 701.73 Applying cost-share limitations.

(a) All or any part of cost-share which otherwise would be due any person for a program year may be withheld, or required to be refunded, if, with respect to that program year, the person has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, designed to evade a maximum cost-share limitation.

(b) For the purpose of applying the maximum cost-share limitations, the rules of paragraphs (b) (1) through (9) of this section shall apply in determining whether certain individuals who may have an interest in the ownership or operation of a farm or ranch (as provided in § 701.2(b)) are to be considered as one or as separate persons. In cases where more than one rule would appear to be applicable, the rule which is most restrictive as to number of persons shall apply.

(1) *Husband and Wife.* Husband and wife shall be considered as one person for all farms in which either has an interest except that a husband or wife shall be considered as separate persons with respect to any farm where all the conditions set forth in paragraph (b)(9) of this section are met.

(2) *Family groups.* Members of the same family shall be considered as one person for all farms in which any member has an interest except that any member shall be considered as a separate person with regard to any farm where all the conditions set forth in paragraph (b)(9) of this section are met.

(3) *Partnerships.* A partnership and its members shall be considered as one person for all farms in which the partnership or any member thereof has an interest except that partnership or any member thereof shall be considered a separate person with respect to any farm where all the conditions set forth in paragraph (b)(9) of this section are met. However, in no event shall cost-sharing be approved for both the partnership and the individual members thereof on the same farm.

(4) *Corporation.* A corporation (including a grazing association) and its shareholders or members shall be considered as one person for all farms in which the corporation or any shareholder or member has an interest except that the corporation or any shareholder or member thereof shall be considered a separate person with respect to any farm where all the conditions set forth in paragraph (b)(9) of this section are met. However, in no event shall cost-sharing be approved for both the corporation and the individual shareholders or members thereof on the same farm.

(5) *Trust.* The trustees of a trust and the beneficiaries of the trust shall be considered as one person on all farms in which the trustee or any beneficiary of the trust has an interest except that the trustee or any beneficiary of the trust shall be considered a separate person with respect to any farm where all the conditions of paragraph (b)(9) of this section are met. However, in no event shall cost-sharing be approved for both the trustee and the beneficiaries of the trust on the same farm.

(6) *Estates.* The administrator or executor of an estate and the heirs thereof shall be considered as one person on all farms in which the administrator or executor or any heir thereof has an interest except that the administrator or executor or any heir of the estate shall be considered as a separate person with respect to any farm where all the conditions of paragraph (b)(9) of this section are met. However, in no event shall cost-sharing be approved for both the administrator

or executor and the heirs of the estate on the same farm.

(7) *Tenants in common and joint tenants.* All persons owning a farm as tenants in common or as joint tenants shall be considered as one person with respect to such farm except that the owners shall be considered separate persons if all the conditions set forth in paragraph (b)(9) of this section are met.

(8) *Joint undertakings.* Two or more individuals acting as a group under an arrangement which, although lacking in the legal elements of a corporation or partnership, is in the nature of a joint undertaking shall be considered as one person with respect to any farm to which the joint undertaking applies except that the joint undertaking or any member thereof shall be considered a separate person with respect to any farm where all the conditions set forth in paragraph (b)(9) of this section are met. However, in no event shall cost-sharing be approved for both the joint undertaking and the individual members thereof on the same farm.

(9) *Exception.* The conditions which must be met in order for an individual or other entity referred to in paragraphs (b)(1), (2), (3), (4), (5), (6), (7), or (8) of this section to be considered a separate person are as follows:

(i) The interest of such individual or other entity in the farm and income therefrom must be separate and distinct from the interest therein of the other individuals or entity referred to in the applicable subparagraph;

(ii) Such individual or other entity must exercise, separate from the other individuals or entity referred to in the applicable subparagraph, responsibility for management of such separate interest; and

(iii) The contribution of such individual or entity to the cost of performing practices must be made from a fund or account separate from that of any other individual or entity referred to in the applicable subparagraph.

(c) For the purpose of applying the cost-share limitation, a corporation or partnership shall be considered as a separate person from any other corporation or partnership which may participate in the program, even though there are common stockholders or members, with respect to any farm where all of the following conditions are met:

(1) The interests of such corporation or partnership in the farm and the income therefrom must be separate and distinct from the interest therein of the other corporation or partnership;

(2) Such corporation or partnership must exercise, separate from the other corporation or partnership, responsibility for management of such separate interest;

(3) The contribution of such corporation or partnership to the cost of performing practices must be made from a fund or account separate from that of the other corporation or partnership. However, in no event shall cost-sharing be approved on the same farm for more than one corporation or partnership having common stockholders or membership.

§ 701.74 Persons eligible to file application for payment of cost-shares.

Any eligible person who bore a part of the cost of an approved practice is eligible to file an application for payment of cost-shares due.

§ 701.75 Time and manner of filing application and required information.

It shall be the responsibility of persons participating in these programs to submit to the county office forms and information needed to establish the extent of the performance of approved practices and compliance with applicable program provisions. The time limits for submission of such forms and information shall be established where necessary for efficient administration of the programs. Such time limits shall afford a full and fair opportunity to those eligible to file the forms and information within the period prescribed. At least 2 weeks notice of any general time limits prescribed shall be given to the public. The notice shall be given by mailing notice to the office of each county committee and making copies available to the press. Other means of notification; including radio announcements and individual notices to person(s) affected, shall be used to the extent practicable. Notice of such time limits which are applicable to individual persons, such as time limits for reporting performance of approved practices, shall be issued in writing to the person(s) affected. Exceptions to the time limits may be made in cases where failure to submit required forms and information within the applicable time limits is due to reasons beyond the control of the farmer or rancher.

§ 701.76 Appeals.

Any person may obtain reconsideration and review of determinations affecting participation in these programs, in accordance with Part 780 of this chapter, as amended.

§ 701.77 Performance based on advice or action of county or State committee.

Cases involving performance rendered in good faith in reliance upon action or advice of an authorized representative of a county or State committee shall be handled in accordance with Part 790 of this chapter.

§ 701.78 Compliance with regulatory measures.

Persons who carry out practices under these programs shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The person with whom the cost of the practice is shared shall be responsible to the Federal Government for any losses it may sustain because such persons infringe on the rights of others or fail to comply with applicable laws or regulations.

§ 701.79 Maintenance and use of practices.

Each person who receives cost-sharing under these programs is responsible for maintenance and proper use of the practice. Each practice has an established lifespan or minimum period of time that it is expected to function with proper maintenance. If the State or county committee finds that a practice has not been properly maintained, they shall require the person who received cost-sharing to refund all or part of it. This provision applies only as long as the land on which the practice is located is under the control of the person who received the cost-share. The State or county committee may excuse any person from this provision if the practice fails for reasons beyond the control of the recipient of the cost-share.

§ 701.80 Actions defeating purpose of program.

If the county committee finds with the concurrence of the State committee, or if the State committee finds, that a person has taken any action which tends to defeat the purposes of these programs, it may withhold or require a refund of all or part of any of these program payments otherwise due or paid that person during the program year. These actions include, but are not limited to, failure to properly maintain or deliberately destroying a practice carried out under a previous program year.

§ 701.81 Depriving others of cost-shares.

If the State committee finds that any person has employed any scheme or device to deprive any other person of cost-shares, it may impose a penalty. The State committee may withhold or require a refund of all or part of any of

these program payments otherwise due or paid that person during the program year. A scheme or device includes, but is not limited to, coercion, fraud or misrepresentation.

§ 701.82 Filing of false claims.

If the State committee finds that any person has knowingly supplied false information or has knowingly filed a false claim, that person is ineligible for cost-sharing under the program year with respect to which information or claim is filed. False information or false claims include a claim for payment for a practice not carried out or for practices which do not meet the required specifications. Any amounts paid under these circumstances shall be refunded and any amounts otherwise due the person shall be withheld. The withholding or refunding of cost-shares will be in addition to any other penalty or liability otherwise imposed by law.

§ 701.83 Cost-shares not subject to claims.

Any cost-share or portion thereof due any person shall be allowed without regard to questions of title under State law, and without regard to any claim or lien against the crop, or proceeds thereof, in favor of the owner or any other creditor except agencies of the U.S. Government. The regulations issued by the Secretary governing set-offs and withholdings, Part 13 of this title, as amended, shall be applicable to these programs.

§ 701.84 Assignments.

Any person who may be entitled to any cost-share under these programs may assign the right thereto, in whole or in part, in accordance with the regulations governing the assignment of payments at 7 CFR Part 709.

§ 701.85 Environmental considerations.

All actions implemented under the programs in this Part shall be in compliance with regulations issued as part 799—Environmental Quality and Related Environmental concerns which includes the procedures for complying with the National Environmental Policy Act, for Floodplain Management and Wetland Protection and for other environmental concerns.

Signed at Washington, D.C. July 18, 1980.

Ray Fitzgerald,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 80-22057 Filed 7-24-80; 8:45 am]

BILLING CODE 3410-05-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 261, Amdt. 1; Lemon Reg. 262]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period July 27–August 2, 1980, and increases the quantity of such lemons that may be so shipped during the period July 20–26, 1980. Such action is needed to provide for orderly marketing of fresh lemons for the period specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective July 27, 1980, and the amendment is effective for the period July 20–26, 1980.

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

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

This action is consistent with the marketing policy for 1979–80 which was designated significant under the procedures of Executive Order 12044. The marketing policy was recommended by the committee following discussion at a public meeting on July 31, 1979. A final impact analysis on the marketing policy is available from Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on July 22, 1980, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons continues very active.

It is further found that there is insufficient time between the date when information became available upon which this regulation and amendment are based and when the actions must be taken to warrant a 60 day comment period as recommended in E.O. 12044, and that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and the amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective times.

1. Section 910.562 is added as follows:

§ 910.562 Lemon Regulation 262.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period July 27, 1980, through August 2, 1980, is established at 290,000 cartons.

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

2. Paragraph (a) of § 910.561 Lemon Regulation 261 (45 FR 48100) is amended to read as follows:

§ 910.561 Lemon Regulation 261.

(a) The quantity of lemons grown in California and Arizona which may be handled during the period July 20, 1980, through July 26, 1980 is established at 325,000 cartons.

* * * * *

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

Dated: July 23, 1980.

D.S. Kuryloski,

Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service

[FR Doc. 80-22670 Filed 7-24-80; 1:57 pm]

BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Part 1951

Servicing and Collections, Account Servicing Policies; Amendment and Deletion

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration amends its regulations regarding account servicing. The intended effect of this action is to simplify the regulations by deleting an Exhibit from the CFR which contains information each borrower receives with a loan. Borrowers will receive notices as agreed on when the loan is made. This

action is taken as a result of an administrative decision.

EFFECTIVE DATE: July 25, 1980.

FOR FURTHER INFORMATION CONTACT: Carl O. Opstad, Farm Real Estate Loan Division, Farmers Home Administration, USDA, 14th and Independence Avenue, SW, Washington, DC 20250, Telephone: (202) 447–4572.

The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available on request from the Office of the Chief, Directives Management Branch, Farmers Home Administration, Room 6346 South Agriculture Building, 14th and Independence Avenue, SW, Washington, DC 20250.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified "not significant".

This action will save time and reduce paperwork. If the exhibit were to stay in the **Federal Register**, each time the interest rate changed it would be necessary to bring this exhibit up-to-date. Removing this exhibit and making it available in any FmHA office is the most prompt way to provide information on interest rate changes.

The Farmers Home Administration amends the Table of Contents and section 1951.25(a)(2) and deletes Exhibit A from Subpart A, part 1951, Chapter XVIII, Title 7 in the Code of Federal Regulations.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This action, however, is not published for proposal rulemaking since the purpose of the change is administrative in nature and publication for comment is unnecessary.

Therefore, the Table of Contents and § 1951.25(a)(2) are amended and Exhibit A is deleted as follows:

Table of Contents

* * * * *

Exhibit A—(Available in any FmHA Office)

* * * * *

§ 1951.25 Review of Limited Resources FO and OL loans.

(a) *Frequency of reviews.*

(1) * * *

(2) The interest rate on FO loans will be increased in accordance with the Schedule in Exhibit A of this Subpart (available in any FmHA office.) The loans will then be reviewed at least once every two years, approximately 60 days prior to the anniversary date of the note.

* * * * *

Exhibit A (Deleted)

Note.—This document has been reviewed in accordance with 7 CFR Part 1901, Subpart G, "Environmental Impact Statements." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

(7 U.S.C. 1989 delegation of authority by the Sec. of Agri., 7 CFR 2.23 delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.)

Dated: June 26, 1980.

Gordon Cavanaugh,

Administrator, Farmers Home Administration.

[FR Doc. 80–22340 Filed 7–24–80; 8:45 am]

BILLING CODE 3410–07–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

Procedural Assistance in Adjudicatory Licensing Proceedings

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

ACTION: Effective rule.

SUMMARY: NRC is amending its regulations in order to provide a one–year pilot program of procedural assistance in adjudicatory proceedings on applications for licenses and amendments thereto, except for antitrust proceedings, to parties other than the applicant by (a) upon a party's request, providing one transcript without charge to that party and (b) upon a party's request, copying and serving without charge that party's testimony (including attachments), proposed findings of fact and conclusions of law, and responses to discoverey requests. In addition, the regulations are amended to require that parties, including an applicant, file with NRC an original plus two copies of each filing in an adjudication, rather than an original and twenty copies.

EFFECTIVE DATE: July 25, 1980.

FOR FURTHER INFORMATION CONTACT: Thomas F. Dorian, Esq. Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Telephone: (301)–492–8690).

SUPPLEMENTARY INFORMATION: In order to help parties assist the Commission in arriving at its decisions, the Commission on several occasions over the past several years has considered proposals to reduce cost burdens for parties in Commisson adjudicatory licensing proceedings on applications for licenses and amendments thereto. Several proposals were considered in the context of the S–3 rulemaking on the uranium fuel cycle. See 42 FR 13803 (March 13, 1977), 43 FR 6915 (April 14, 1978), and 44 FR 45362 (August 12, 1979). From that proceeding the Commission hoped to gain specific experience with providing free service of documents and free transcripts and to use the experience to develop general policy with respect to adjudicatory proceedings.

Eligibility for NRC Procedural Assistance

One alternative with respect to procedural assistance is to provide it to full participants, i.e., parties, who submit an affidavit to the Hearing Board stating, with brief factual support, that their ability to participate would be significantly impaired without this assistance. Under this alternative the Commission would have had to provide the Boards and parties with some guidance as to who would ordinarily qualify for assistance under this standard. However, offering procedural assistance to all intervenors without qualification might offer enough savings, from not having to decide who was qualified to receive assistance, to be worth the extra expense of assisting a few additional intervenors. On the other hand, it is incongruous to charge an applicant from $50,000 to $1 million for processing an application, and then to offer it a free transcript, worth on the order of $1,000.

On balance, the Commission has decided that the better alternative is to provide procedural assistance to all parties other than an applicant in adjudicatory proceedings on applications for licenses and amendments thereto.

NRC Provision of Free Transcripts

Transcripts are usually expensive, especially when fast copy is requested. A typical transcript for one day of a proceeding runs about 200 pages. The original of such a transcript, provided the next morning, costs about $1,000; supplementary copies cost about $100. In the S–3 proceeding, transcripts were requested by most public interest groups, industry representatives and utilities. The principal conclusion that can be drawn from that proceeding is almost self-evident, namely, that NRC's offer to provide an expensive service (transcripts) is attractive to most parties. These parties, in turn, can better assist

the Commission in arriving at its decisions.

There is no reason why free transcripts could not be made available in adjudications to parties, other than the applicant, at the same time and location as they are made available to the NRC staff. If transcripts are mailed to the staff, they would also be mailed to intervenors. This service could replace present practice where members of the staff or the Licensing Board frequently lend an intervenor an extra copy of the transcript, although on a necessarily irregular basis. Transcripts are particularly important to the many intervenors who attempt to make their cases on cross-examination.

Therefore, the Commission has decided to initiate a one-year pilot program to provide free transcripts on the basis previously described. Licensing Boards will have the discretion to control the distribution of transcripts to parties—for example, to limit distribution to some but not all of a consolidated group of intervenors, or to only those phases of a hearing in which an intervenor intends to participate.

NRC Provision of Free Copying and Service

Most licensing proceedings produce dozens of filings. It should be noted that, frequently, parties in complex proceedings routinely serve more people than necessary. Particularly in those proceedings in which certain aspects of an issue have been heard before all levels of NRC adjudicatory boards, parties tend to compile service lists which reflect the entire history of the proceeding, rather than being tailored to the particular paper being filed. Random checks of service lists show that this sort of error accounts for between 3 and 7 extra copies made and distributed. The Commission wishes to emphasize that parties should be aware that service is required only on the Commission or the pertinent adjudicatory board and the parties, and that parties endeavoring to hold down their costs should carefully monitor their service lists.

In December 1977, the Commission authorized the Docketing and Service Branch to copy and serve submissions in the S–3 proceeding, if requested to do so by parties to the proceeding. Each party requesting this assistance served an original and two copies on NRC. Others followed normal procedures, namely, service on other parties and an original plus 20 copies on NRC.

The results show that the availability of free copying and service had no discernible impact on the length or frequency of filings with the Commission. Concern had been expressed that free service would encourage abuses in the form of overlong, unedited or unnecessary filings. In general, for those who ultimately requested copying and service, there were no significant differences in length or frequency between filings copied and served by the parties themselves and those copied and served by NRC at a party's request.

This experience suggests that a program of free NRC copying and service is not likely to be abused. The Commission does not wish to assume this responsibility for all classes of documents, since this would create substantial delay. It has, however, identified several categories of documents which are bulky, but do not arise frequently. Their service by the Commission would thus relieve parties of a substantial burden without introducing substantial delay. These categories are: (1) testimony (including attachments), (2) proposed findings of fact and conclusions of law, and (3) responses to discovery requests. In relative terms, service of these documents need not be as rapid as items such as briefs or motions. A rough look at filings in licensing proceedings, indicates that these documents tend to be relatively bulky. Also, documents containing testimony and exhibits contain substantive contentions and are, in effect the "essence" of NRC proceedings. By processing them, NRC would be copying and serving a substantial amount of the number of pages filed, a service which would have high payoff in terms of reducing costs to intervenors, without substantially impeding the progress of the adjudicatory process.

Copying and service of these documents by the commission may cause some very small delay in the hearing process. A licensing proceeding may require several rounds of testimony and an opportunity to file proposed findings of fact and conclusions of law. (Responses to discovery requests are also filed, but not on a tight time schedule.)

At least five days would be required for each set of documents to reach the Commission and be copied and mailed to the parties and board members. Therefore, the rule provides that documents filed with Docketing and Service in the three categories previously described should be filed not less than five days before the date at which they are submitted to an adjudicatory board, unless the presiding officer provides otherwise.

On balance, the Commission has decided to undertake a one-year pilot program of free copying and service. Copying and service have been requested by intervenors in a number of instances and the value of the assistance, both to intervenors and the quality of Commission decisionmaking, may be worth the modest delay entailed. A one-year pilot program would allow NRC to obtain information on this effort and on any problems such a program may present, as well as answer whether NRC copying and service of testimony is an incentive to timely filing.

Filing of 20 Copies with the Commission

Parties in licensing proceedings, under 10 CFR 2.708(d), file or serve documents as follows: the original and 20 copies with the Commission, and one copy on each party and on members of the hearing panel in question. The 20 copies filed with Docketing and Service are for the Commission's convenience for internal informational distribution; the appropriate Board and the parties are served separately.

These 20 copies are not adequate for internal NRC distribution needs. In practice, Docketing and Service distributes some copies upon receipt; making additional copies creates a time lag of up to several days. Since the copies Docketing and Service sends out are informational, the Commission perceives no tight time constraint on internal information distribution; the normal time lag necessary to allow NRC to do all copying of internal distribution documents would not cause inconvenience. Therefore, the Commission has decided that all parties, including applicants, need file with the Commission only an original and two copies; the original would go to the docket file, one copy would go directly to the Public Document Room, and the other copy would be used for reproduction.

Antitrust Proceedings

NRC will not provide free transcripts and free copying and service in antitrust proceedings. The studies of filings have been confined to health, safety, and environmental licensing proceedings. While the Commission believes that the changes would substantially assist intervenors in those proceedings without introducing substantial delay, it does not know whether these conclusions can be extended to antitrust proceedings. There may be, in fact, substantial differences in the extent and general bulk of discovery between the two kinds of proceedings. In addition, the Commission does not know whether parties in antitrust proceedings are likely to need such assistance as intervenors in health, safety, and

environmental proceedings. Consequently, the Commission will investigate this area further before making any changes.

Because these amendments relate solely to agency procedure and practice, the Commission has found that good cause exists for omitting notice of proposed rulemaking, and public procedure thereon, as unnecessary, and for making the amendments effective immediately without the customary 30 days notice.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Part 2 is published as a document subject to codification.

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

1. Section 2.708(d) is amended to read:

§ 2.708 Formal requirements for documents.

* * * * *

(d) Except as otherwise provided by this part or by order, a pleading (or other document) other than correspondence shall be filed in an original and two conformed copies.

2. Section 2.712 is amended by adding a new paragraph (f) as follows:

§ 2.712 Service of papers, methods, proof.

* * * * *

(f) *Free copying and service.* Except in an antitrust proceeding, in any adjudicatory proceeding on an application for a license or an amendment thereto, the Commission, upon request by a party other than the applicant, will copy and serve without cost to that party that party's testimony (including attachments), proposed findings of fact and conclusions of law, and responses to discovery requests. These documents should be filed with Docketing and Service not less than five days before they are due to be submitted to an adjudicatory board, unless the presiding officer provides otherwise.[1]

3. Section 2.750 is amended by adding a new paragraph (c) as follows:

§ 2.750 Official reporter; transcript.

* * * * *

(c) Free transcript: Except in an antitrust proceeding, in any adjudicatory proceeding on an application for a license or an amendment thereto, the presiding officer may arrange for provision of one free transcript to a party, other than the applicant, upon request by that party. The transcript will be made available to a party at the same time and location as it is made available to the NRC staff. If a transcript is mailed to the staff, it will also be mailed to the requesting party. A presiding officer has the discretion to control the distribution of transcripts to parties.

(Sec. 161p., Pub. L. 83–703, as amended, 68 Stat. 948p., as amended (42 U.S.C. 2201p.))

Dated at Washington, D.C. this 21st day of July, 1980.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80–22419 Filed 7–24–80; 8:45 am]

BILLING CODE 7590–01–M

[1] This paragraph shall be in effect for one year from July 25, 1980 unless extended by the Commission. Notice of an extension will appear in the Federal Register.

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 4

[Docket No. 80–4]

Description of Office, Procedures, Public Information; Forms and Instructions

AGENCY: Office of the Comptroller of the Currency.

ACTION: Final rule.

SUMMARY: This amendment revises 12 CFR 4.13, the regulation which identifies all forms used by the Office of the Comptroller of the Currency ("Office"). The purpose of the amendment is to update the official list of forms to reflect deletions and additions made in recent years.

EFFECTIVE DATE: July 25, 1980.

FOR FURTHER INFORMATION CONTACT: Jonathan L. Levin, Senior Attorney, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20219, Telephone: (202) 447–1177.

SUPPLEMENTARY INFORMATION: This amendment conforms to the requirement of 5 U.S.C. 552 that each agency publish in the **Federal Register** descriptions of agency forms and instructions which are available to, and may be obtained by the public. The amendment revises those portions of 12 CFR 4.13 which list the numbered and unnumbered forms currently used by the Office. Also, the amendment provides more specific information for obtaining copies of Office forms.

The national bank supervisory process, together with the internal administration of the Office, have undergone significant change since section 4.13 was last comprehensively reviewed in 1976. Consequently, many of the forms previously used have fallen into disuse or have been found to be of negligible value to the Office. Similarly, a number of new forms have been adopted to accommodate new statutory requirements and supervisory needs.

DRAFTING INFORMATION: The principal drafter of this document was Jonathan L. Levin, Senior Attorney, Office of the Comptroller of the Currency.

(12 U.S.C. § 1, *et seq.*; 12 U.S.C. 93a; 5 U.S.C. 552)

Adoption of Amendment:

12 CFR 4.13 is amended to read as follows:

§ 4.13 Forms and Instructions.

(a) *Numbered Forms.* The following numbered forms of the Office of the Comptroller of the Currency are currently in use:

CC 1400–OX: Officers Direct and Indirect Indebtedness and/or other Banks
CC 1422–OX: National Bank Examiner's Seal
CC 1424–OX: Assets to be Charged Off by National Bank Examiner
CC 1425–CE: Combined Reports of Examination
CC 1425–CL: Examiners Checklist for Guidance in Determining Compliance
CC 1425–CX: Commercial Report of Examination
CC 1425–OX: Report of Examination
CC 1426–OX: Confidential Memorandum to the Comptroller of the Currency
CC 1427–OX: Voluntary Charge-Offs of Instalment Loans
CC 1428–OX: Report of Visitation
CC 1430–CP: Report of Examination—Consumer Affairs
CC 1440–OX: Report of the Condition of the Trust Department
CC 1450–OX: Electronic Data Processing Examination Report
CC 1451–OX: Biographical Data Work Sheet
CC 1457–OX: Report of National Bank Examiner for Week Ending ———.
CC 1485–OX: Investment Sheet (Trust Department)
CC 1600–AX: Examiner's Credit Line Sheet
CC 1601–OX: Personal, Farm or Ranch Statement
CC 1602–AX: Fiscal Interior Statement
CC 1602–OX: Financial Statement—Business
CC 1603–OX: Fiscal Interim
CC 1604–OX: Real Estate Mortgage
CC 1605–OX: Consumer Finance Indirect Line
CC 1606–OX: Consumer Finance—Past Due Loans
CC 1607–OX: File Comments, Trade Checking, Credit Investigations, Average Balances, etc.
CC 1608–OX: Bonds—Description
CC 1609–OX: Collateral Sheet
CC 1610–OX: Direct Lease Financing
CC 1611–OX: Collateral Line Slip

CC 1612–OX: AGRI-Statement
CC 6046–02: Bond for Lost Receiver's Certificate and in Lieu of Administration
CC 6046–03: Affidavit of Loss of Receiver's Certificate
CC 6046–04: Bond in Lieu of Administration
CC 6046–05: Affidavit Relative to Death of Claimant
CC 6046–06: Received from the Comptroller of the Currency
CC 6046–07: Release
CC 7020–01: Letter of Instruction to Applicant for a New Bank Charter
CC 7020–02: Application to Organize a National Bank
CC 7020–03: Confidential Biographical and Financial Report
CC 7020–04: Supplement to Application to Organize a National Bank
CC 7020–05: Confidential Memorandum to the Comptroller of the Currency on an Application for Permission to Organize a National Bank
CC 7020–06: Confidential Memorandum to the Comptroller of the Currency Application for Permission to Organize an Interim National Bank
CC 7020–07: Regional Office Procedures—Charter Applications
CC 7020–08: Regional Office Procedures—Interim Bank Applications
CC 7020–09: Regional Office Procedures—New Bank Organization
CC 7020–10: Washington Office Procedures—Charter Applications
CC 7020–11: Washington Office Procedures—Interim Bank Applications
CC 7020–12: Washington Office Procedures—New Bank in Organization
CC 7020–13: Charter Processing Checklist
CC 7020–14: New Bank in Organization Processing Checklist
CC 7020–15: Charter Application—Review for Accuracy and Completeness
CC 7020–16: New Bank in Organization—Review for Accuracy and Completeness
CC 7020–17: Legal Notice—Application to Organize a National Bank
CC 7020–18: Legal Notice—Application to Organize a National Bank (Interim Bank)
CC 7020–19: Instructions for Organization of a New Bank after Receipt of the Comptroller's Preliminary Approval
CC 7020–20: Organization Certificate
CC 7020–21: Sample Waiver of Notice of First Meeting of Organizers
CC 7020–22: Sample Minutes of First Meeting of Organizers
CC 7020–23: Sample Waiver of Notice of First Meeting of Interim Board of Directors
CC 7020–24: Sample Minutes of First Meeting of Interim Board of Directors
CC 7020–25: Joint Oath of Interim Directors
CC 7020–26: Oath of Interim Directors
CC 7020–27: List of Interim Directors
CC 7020–28: Sample Stock Certificate
CC 7020–29: Sample Subscription Offer
CC 7020–30: Certificate of Payment of Capital Stock and Compliance with Legal Requirements
CC 7020–31: Sample Notice of First Meeting of Shareholders
CC 7020–32: Sample Proxy Statement—First Meeting of Shareholders
CC 7020–33: Sample Proxy—First Meeting of Shareholders
CC 7020–34: Sample Minutes of First Meeting of Shareholders
CC 7020–35: Sample Waiver of Notice of First Meeting of Directors
CC 7020–36: Sample Minutes of First Meeting of Directors
CC 7020–37: Instructions for Pre-Opening Review
CC 7020–38: Final Status Report
CC 7020–39: Sample Notice (Publication of Charter)
CC 7020–40: Affidavit of Publication of Charter
CC 7021–01: Application to Establish a Branch
CC 7021–02: Confidential Memorandum—Branch Application
CC 7021–03: General Instructions & Procedures for the Preparation of Branch Application
CC 7021–04: Branch Processing Checklist
CC 7021–05: Branch Application—Review for Accuracy and Completeness
CC 7021–06: Application to Establish CBCT Branch
CC 7021–07: CBCT Branch Processing Checklist
CC 7021–08: CBCT Branch Application—Review for Accuracy and Completeness
CC 7021–09: Confidential Memorandum—CBCT Branch Application
CC 7021–10: Legal Notice—Branch Application
CC 7021–11: Legal Notice—CTCT Branch Application
CC 7022–01: Application to Convert to a National Banking Association
CC 7022–02: Confidential Memorandum—Application for Permission to Convert to a National Bank
CC 7022–03: Regional Office Procedures—Conversion Applications125CC 7022–04: Washington Office Procedures—Conversion Applications
CC 7022–05: Conversion Processing Checklist—State Chartered Institution to a National Banking Association (Regional Office)
CC 7022–06: Conversion Processing Checklist—State Chartered Institution to a National Banking Association (Washington Office)
CC 7022–07: Conversion Processing Checklist—National Bank to a State Chartered Institution (Regional Office)
CC 7022–08: Conversion Processing Checklist—National State Chartered Institution (Washington Office)
CC 7022–09: Conversion Application—Review for Accuracy and Completeness
CC 7022–10: Instructions for Preparation of Forms for Conversion
CC 7022–11: Authority for Conversion of Financial Institution
CC 7022–12: Organization Certificate (Conversion)
CC 7022–13: Corporate Resolution—Board of Directors
CC 7022–14: Secretary's Certificate—Shareholders' Resolution
CC 7023–01: General Instructions and Procedures for the Preparation of an Application for Merger
CC 7023–02: Application for Approval to (*Merge, Consolidate, Purchase*)
CC 7023–03: General Instructions and Procedures for the Preparation of an Application for Merger-Corporate Reorganization
CC 7023–04: Application for Approval to (*Merge, Consolidate, Purchase*)—Corporate Reorganization
CC 7023–05: Agreement to Merge
CC 7023–06: Agreement of Consolidation
CC 7023–07: Purchase Agreement
CC 7023–08: Confidential Memorandum—Application for Approval to (*Merge, Consolidate, Purchase*)
CC 7023–09: Regional Office Procedures—Merger Applications
CC 7023–10: Washington Office Procedures—Merger Applications
CC 7023–11: Merger Processing Checklist—Regional Office
CC 7023–12: Merger Processing Checklist—Washington Office
CC 7023–13: Sample Publication Notice—Mergers
CC 7023–14: Secretary's Certificate—Publication Completion
CC 7023–15: Sample Shareholders' Meeting Notice—Mergers
CC 7023–16: Secretary's Certificate—Shareholders' Ratification of Merger Agreement
CC 7023–17: Review for Accuracy and Completeness
CC 7023–18: Merger—Preliminary Review Form
CC 7024–01: Application for Fiduciary Powers
CC 7024–02: Confidential Memorandum—Application for Fiduciary Powers
CC 7024–03: Regional Office Procedures—Application for Fiduciary Powers
CC 7024–04: Fiduciary Powers Processing Checklist
CC 7024–05: Fiduciary Powers Application—Review for Accuracy and Completeness
CC 7025–01: Application to Establish an Operating Subsidiary
CC 7025–02: Application to Acquire an Operating Subsidiary
CC 7025–03: Confidential Memorandum—Application to Establish an Operating Subsidiary
CC 7025–04: Confidential Memorandum—Application to Acquire an Operating Subsidiary
CC 7025–05: General Instructions for Preparation of an Operating Subsidiary Application
CC 7025–06: Operating Subsidiary (Establishment Processing Checklist)
CC 7025–07: Operating Subsidiary (Acquisition Processing Checklist)
CC 7025–08: Operating Subsidiary Application—Review for Accuracy and Completeness (de novo)
CC 7025–09: Operating Subsidiary Application—Review for Accuracy and Completeness (acquisition)
CC 7025–10: Legal Notice—Operating Subsidiary Application
CC 7026–01: Application for a Change in Corporate Title
CC 7026–02: Confidential Memorandum—Application for Title Change
CC 7026–03: General Instructions for Preparation of a Title Change Application
CC 7026–04: Corporate Title Change Processing Checklist
CC 7026–05: Corporate Title Change Application—Review for Accuracy and Completeness

CC 7026–06: Legal Notice—Title Change Application
CC 7026–07: Secretary's Certificate (change Article I)
CC 7027–01: Application for Change in Location of Head Office or Branch
CC 7027–02: Application for a New Head Office (New Primary Service Area)
CC 7027–03: Application for a Branch Relocation (New Primary Service Area)
CC 7027–04: Confidential Memorandum—Application for a Change of Location
CC 7027–05: General Instructions for Preparation of Location Change Application
CC 7027–06: Relocation Processing Checklist
CC 7027–07: Application for Interchange of Head Office and Branch
CC 7027–08: Change in Location Application—Review for Accuracy and Completeness
CC 7027–09: Legal Notice—Relocation Application
CC 7028–01: Application for a Change in Equity Capital
CC 7028–02: Application for Issuance of Subordinated Notes or Debentures
CC 7028–03: Application for Issuance of Preferred Stock
CC 7028–04: Confidential Memorandum—Capital Application
CC 7028–05: Instructions to Applicant—Decrease in Outstanding Notes and Debentures
CC 7028–06: Instructions to Applicant—Stock Option or Stock Purchase Plans
CC 7028–07: Instructions to Applicant—Decrease in Common or Preferred Stock
CC 7028–08: Certificate of Payment for Additional Common Stock
CC 7028–09: Certificate of Payment for Additional Common Stock (for assets)
CC 7028–10: Certificate of Payment for Subordinated Notes or Debentures
CC 7028–11: Certificate of Payment for the Issuance of Preferred Stock
CC 7028–12: Certificate of Declaration—Stock Dividend
CC 7028–13: Certificate of Increase in Capital by Change in Par Value
CC 7028–14: Certificate of Completed Reduction in Outstanding Common Stock
CC 7028–15: Certificate of Completed Changes in Outstanding Common Stock
CC 7028–16: Certificate of Completed Reduction in Outstanding Preferred Capital Stock
CC 7028–17: Certificate of Conversion of Preferred Stock
CC 7028–18: Certificate of Completed Reduction in Outstanding Subordinated Notes or Debentures
CC 7028–19: Certificate of Conversion of Subordinated Notes or Debentures
CC 7028–20: Certificate of Approval—Common Stock Sale, Stock Dividend, and Issue of Previously Authorized but Issued Shares
CC 7028–21: Certificate of Approval—Increase in Par Value
CC 7028–22: Certificate of Approval—Reduction in Par Value
CC 7028–23: Certificate of Approval—Issuance of Preferred Stock
CC 7028–24: Certificate of Approval—Issuance of Preferred Stock
CC 7028–25: Certificate of Approval—Issuance of Notes
CC 7028–26: Certificate of Approval—Issuance of Notes Approved by Shareholders
CC 7028–27: Certificate of Approval—Issuance of Debentures Approved by Board of Directors
CC 7028–28: Capital Processing Checklist—Stock Dividend
CC 7028–29: Capital Processing Checklist
CC 7028–30: Capital Application—Review for Accuracy and Completeness
CC 7028–31: Secretary's Certificate—Shareholders' Resolution and Amendments
CC 7028–32: History Sheet—Capital
CC 7028–33: Record of Capital Increases and Decreases
CC 7028–34: Capital Application—Review for Accuracy and Completeness (Stock Dividend)
CC 7028–35: Capital Processing Checklist—Analysis Sheet (Subordinated Notes and Debentures)
CC 7028–36: Notice of Change in Control of a National Bank
CC 7029–01: Public Hearing Processing Checklist
CC 7029–02: Notice of Hearing
CC 7029–03: Procedures to be Observed at Public Hearings
CC 7029–04: Sample Articles of Association
CC 7029–05: Sample By-Laws
CC 7029–06: Joint Oath of National Bank Directors
CC 7029–07: Oath of National Bank Directors
CC 7029–08: List of National Bank Directors
CC 7029–09: Sample Resolutions and Amendments to Articles of Association
CC 7029–10: Charge-Out Card
CC 7029–11: Protest Sheet
CC 7029–12: Change in Ownership of National Bank
CC 7029–13: Report of Progress of Liquidation
CC 7029–14: Notice of Shareholders Meeting (Voluntary Liquidation)
CC 7029–15: Resolution for Voluntary Liquidation
CC 7029–16: Resolution for Voluntary Liquidation—Purchase and Sale
CC 7029–17: Publication Notice of Liquidation
CC 7029–19: Correspondence Control Slip
CC 7030–01: Application to Establish a Federal Branch or Agency
CC 7030–02: Application to Convert an Existing Office of a Foreign Bank to a Federal Branch or Agency
CC 7030–03: Application to Relocate a Federal Branch or Agency
CC 7510–01: Trust Report Cover
CC 7510–06: Uniform Form/Registration and etc.
CC 7510–07: Policies, Practices and Controls Questionnaire for Trust Department Examinations
CC 7510–08: Trust Examination Procedures Checklist
CC 7510–09: Trust Verification Procedures Checklist
CC 7610–01: Notice of International Activity
CC 7610–02: Report of International Activity
CC 7610–03: Correction Transmittal—Call Items
CC 7610–04: Abstracting for Foreign Branches
CC 7610–05: Transmittal of Foreign Branch Changes
CC 7610–06: Report of Examination—International
CC 7610–07: Report of Examination—International (Foreign Branch)
CC 7610–08: Country Exposure Report
CC 7610–09: Foreign Branch Report of Condition
CC 8010–01: Subpoena
CC 8010–02: Subpoena Duces Tecum
CC 8010–03: Violation of Law
CC 8010–04: Claim for Fees and Mileage of Witness
CC 8010–05: Form F–7, Initial Statement of Beneficial Ownership of Securities
CC 8010–06: Form F–8, Statement of Changes in Beneficial Ownership of Securities
CC 8013–01: Communications Control Slip
CC 8015–01: Beneficial Ownership Reports Log
CC 8015–02: Registration Record
CC 8022–03: Computation of Weekly Average Reserve to be Carried Two Weeks Hence with Approved Reserve Agencies by Nonmember Banks & Trust Companies in the District of Columbia
CC 8022–11: Report of Reserve Held
CC 8022–12: Call Report Amendment
CC 8022–23: Report of Net Deposits and Reserve Required of Nonmember Banks in the District of Columbia
FDIC 8040/01: Consolidated Report of Income (Domestic-Small) (Year-end)
FDIC 8040/01A: Income (Domestic-Small) (Mid-Year)
FDIC 8040/02: Consolidated Report of Income (Domestic and Foreign)
FDIC 8040/03: Section S—Supplementary Information for the Consolidated Report of Income
FDIC 8040/12: Consolidated Report of Condition (Commercial Bank)
FDIC 8040/13: Consolidated Report of Condition (Domestic and Foreign)
FDIC 8040/17: Consolidated Large Bank Supplements
FDIC 8040/53: Special Report—Contingencies Outstanding as of Report Date, Past Due Loans and Loans to Executive Officer
FDIC 8040/54: Report of Condition—Printer Copy (Small)
FDIC 8040/55: Report of Condition—Printer Copy (Domestic)
FDIC 8040/56: Report of Condition—Printer Copy (Domestic and Foreign)
FDIC 8040/58: Schedule K–1
CC 9000–01: External Crimes Against National and District Banks
CC 9020–01: Request for FBI Name Check
CC 9030–01: Report on Security Devices
CC 9030–02 : Report of Crime
CC 9030–04: Equal Opportunity Report
CC 9030–06: Report of Pledged National Bank Stock
CC 9030–07: Report of Officers' Borrowings at Other Banks
CC 9030–19: Automated Commercial Loan Line Sheet
CC 9030–21: Statistical Data
CC 9030–22: Bank Liquidity Analysis
CC 9030–26: Uniform Commission Examination Debriefing
CC 9030–27: Delinquent and/or Criticized SBA Loans

CC 9030–32: EDP Examination Documentation Work Sheet
CC 9030–33: EDP Examination Work Sheet
CC 9030–34: EDP Examination Work Program
CC 9050–01: Consumer Complaint Notification
CC 9050–02: Consumer Complaint Notification Change
CC 9050–03: Line Review Sheet (Department)
CC 9050–04: Consumer Loan Review
CC 9050–05: Form Check List
CC 9050–06: Consumer Examination Summary
CC 9050–07: Examination and Verification Procedures
CC 9050–08: "Do You Have A Complaint"
CC 9050–8A: Request for Comptroller of the Currency "Consumer Complaint Pamphlet"
CC 9050–09: CRA Check List
CC 9050–10: CRA Assessment Review Sheet
CC 9050–11: Evaluation of CRA Examination
CC 9050–12: CRA Questionnaire
CC 9050–13: Specialized Consumer Examination Procedures
CC 9050—14: Consumer Examination Summary—Violation Resolution Form
CC 9050–15: Consumer Complaint Form
CC 9060–04: Banks Requiring Special Supervisory Attention
CC 9060–05: Rating Change Memorandum
CC 9060–06: Semi-annual Summary and Update Banks Requiring Special Supervisory Attention

(b) *Unnumbered Forms.* The following unnumbered forms of the Office of the Comptroller of the Currency are currently in use:

(1) Monthly Home Loan Activity Format

(2) Fair Housing Lending Inquiry/ Application Log Sheet

(3) Home Loan Data Submission

(c) *Public Access.* The forms and instructions referred to in this section are available to the public. Requests should be sent to Supply & Printing Services, Office of the Comptroller of the Currency, 490 L' Enfant Plaza East, S.W., Washington, D.C. 20219, Telephone: (202) 447–1905. A charge may be assessed for certain forms or instructions or for any form or instruction requested in large quantities.

Dated: July 17, 1980.

Lewis G. Odom, Jr.,

Acting Comptroller of the Currency.

[FR Doc. 80–22338 Filed 7–24–80; 8:45 am]

BILLING CODE 4810–33–M

CIVIL AERONAUTICS BOARD

14 CFR Part 250

[Economics Regulations, Amendment No. 16 to Part 250; Regulation ER–1189]

Oversales; Clarification of Reporting Regulations

AGENCY: Civil Aeronautics Board.

ACTION: Editorial amendment.

SUMMARY: The CAB makes clear that the "total boardings" item in its denied boarding compensation report form excludes only those boardings on flights for which reservations are not available. The clarification is in response to carrier inquiries.

DATES: Adopted: July 21, 1980. Effective: August 13, 1980.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand, Office of Economic Analysis, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202–673–6042.

SUPPLEMENTARY INFORMATION: The CAB by ER–1175, 45 FR 30063, May 7, 1980, simplified the reporting requirements in 14 CFR 250.10 concerning carriers' denied boarding compensation (DBC) payments and made corresponding changes on its DBC report form, CAB Form 251. That amendment changed "passengers enplaned" on line 7 of Form 251 to "total boardings." Section 250.10 defined "total boardings" to include passengers "with confirmed reservations". This has apparently generated confusion. Carriers have inquired as to whether they should exclude from "total boardings" stand-by passengers on flights offering confirmed reservations.

The Board intended to exclude from "total boardings" only passengers on flights that do not offer confirmed reservations at all, such as "shuttle" services. The Board is therefore amending the definition of "total boardings" in § 250.10 and Form 251 to make clear that "total boardings" include *all* passengers on flights offering confirmed reservations, but not passengers on other flights.

This editorial amendment is issued under the delegation of authority from the Board to the General Counsel in 14 CFR 385.10. Procedures for review of this amendment are set forth in subpart C of Part 385 (14 CFR 385.50 through 385.54).

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 250, *Oversales,* as follows:

1. Section 250.10 is amended to read:

§ 250.10 Reports of unaccommodated passengers.

Every carrier shall file, on a monthly basis, the information specified in CAB Form 251. The reporting basis shall be all flights originating or terminating at, or servicing, a point within the United States or its territories or possessions. The reports are to be submitted within 30 days after the month covered by the report. "Total Boardings" on line 7 of Form 251 shall include only passengers on flights for which confirmed reservations are offered. For international flights, "Total Boardings" shall include only passengers on flight segments to or from the United States that are subject to Part 250, and for which confirmed reservations are offered.

2. Form 251 is changed to read as shown in the attachment.

(Sec. 204, 403, 404, 407, and 411 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758, 760, 766 and 769; 49 U.S.C. 1324, 1373, 1374, 1377 and 1381.)

By the Civil Aeronautics Board.

Mary McInnis,

General Counsel.

BILLING CODE 6320–01–M

Approved by GAO
B–180226 (R0505)
Expires 8–31–81

CAB Form 251
(Rev. 7–80)

CIVIL AERONAUTICS BOARD
Washington, D.C. 20428

Name of Air Carrier

OAG Carrier Code

REPORT OF PASSENGERS DENIED CONFIRMED SPACE

(To be filed with the Reports Control Section, Data Systems Management Division, Office of Comptroller within 30 days after the end of each month)

Month of _____, 19____

(See Instructions on back)

1.	Number of passengers denied boarding involuntarily who qualified for denied boarding compensation and:	
	(a) were given alternate transportation within the meaning of § 250.5.	
	(b) were not given such alternate transportation.	
2.	Number of passengers denied boarding involuntarily who did not qualify for denied boarding compensation due to:	
	(a) government requisition of space.	
	(b) substitution of smaller capacity equipment.	
	(c) failure of passenger to comply with ticketing, check-in, or reconfirmation procedures, or to be acceptable for transportation under carrier's tariff.	
3.	TOTAL NUMBER DENIED BOARDING INVOLUNTARILY	
4.	Number of passengers denied boarding involuntarily who actually received compensation.*	
5.	Number of passengers who volunteered to give up reserved space in exchange for a payment of the carrier's choosing.	
6.	Number of passengers accommodated in another section of the aircraft:	
	(a) Upgrades	
	(b) Downgrades	
7.	Total Boardings	
8.	Amount of compensation paid to passengers who:	
	(a) were denied boarding involuntarily and were given alternate transportation within meaning of § 250.5 (See item 1(a) above).	
	(b) were denied boarding involuntarily and were not given alternate transportation. (See item 1(b) above).	
	(c) volunteered for denied boarding. (See item 5 above).	

I, the undersigned, (Title)_____ of the above–named carrier certify that the above report has been examined by me and to the best of my knowledge and belief is a true, correct and complete report for the period stated.

_____ (Date)

_____ (Signature)

* If any passengers qualified for denied boarding compensation but were not offered compensation, attach a statement as to the number of such passengers and an explanation of why the offer was not made.

BILLING CODE 6320–01–C

INSTRUCTIONS

(a) Reports shall be filed by all air carriers holding certificates under section 401 (d) (1), (2), (5), or (7) of the Federal Aviation Act of 1958, and all foreign route air carriers holding section 402 permits, authorizing the transportation of persons. Reports shall be filed for all flights originating or terminating at, or serving, a point within the United States or its territories or possessions. See Part 250 of C.A.B. regulations (14 CFR Part 250) for further information.

(b) With respect to line 1, "alternate transportation" for passengers denied boarding involuntarily means comparable air transportation accepted by the passenger which, at the time the arrangement is made, is planned to arrive at the passenger's destination or first stopover (of 4 or more hours) no later than 2 hours for domestic flights or 4 hours for international flights. See § 250.5 of C.A.B. regulations for further information.

(c) "Total number denied boarding involuntarily" should equal the sum of lines 1 and 2. If this is not so, attach notes explaining any discrepancy.

(d) With respect to line 5, a passenger who "volunteers" is a person who responds to the carrier's request for volunteers pursuant to §250.2b of C.A.B. regulations and willingly consents to exchange his confirmed reserved space for a payment of the carrier's choosing. Any passenger selected by the carrier for denied boarding in accordance with any boarding priority other than a request for volunteers is considered to have been denied boarding "involuntarily," whether or not the passenger accepts denied boarding compensation.

(e) "Total Boardings" on line 7 shall include only passengers on flights for which confirmed reservations are offered. For international flights, "Total Boardings" shall include only passengers on flight segments to or from the United States that are subject to Part 250, and for which confirmed reservations are offered.

(f) With respect to line 8, "compensation paid" includes all payments made to passengers, *i.e.* payments actually accepted by passengers, plus payments offered or mailed that are not rejected.

(g) Note on the report any abnormal conditions, such as strikes, having a bearing on the results.

[FR Doc. 80-22416 Filed 7-24-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 386

General Destination Control Requirements; Addition of Reference

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

ACTION: Final rule.

SUMMARY: 15 CFR 386.5 sets forth general destination control requirements for exports subject to Export Administration Regulations. This rule adds a reference which permits the unloading of shipments at certain intermediate ports which are not designated on the shipping documents and validated license.

EFFECTIVE DATE OF ACTION: July 25, 1980.

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

SUPPLEMENTARY INFORMATION: Section 13(a) of the Export Administration Act of 1979 ("the Act") exempts regulations promulgated thereunder from the public participation in rulemaking procedures of the Administrative Procedure Act. Section 13(b) of the Act, which expresses the intent of Congress that where practicable "regulations imposing controls on exports" be published in proposed form, is not applicable because these regulations do not impose controls on exports. It has been determined that these regulations are not "significant" within the meaning of Department of Commerce Administrative Order 218-7 (44 FR 2082, January 9, 1979) and International Trade Administration Administrative Instruction 1-6 (44 FR 2093, January 9, 1979) which implement Executive Order 12044 (43 FR 12661, March 23, 1978), "Improving Government Regulations." Therefore these regulations are issued in final form.

Section 386.5(a)(3) of the Export Administration Regulations (15 CFR Part 368 *et seq.*) is amended by adding a final sentence to read as follows:

§ 386.5 [Amended]

* * * * *

(a) * * *

(3) * * * (See § 372.11(f)(7) for shipments unloaded prior to arrival at the country of ultimate destination, that do not require the naming of an intermediate consignee.)

* * * * *

(Secs. 13, 15 and 21, Pub. L. 96-72, (to be codified at 50 U.S.C. App. 2401 *et seq.*); Department Organization Order 10-3 (45 FR 6141, January 25, 1980); and International Trade Administration Organization and Function Order 41-1 (45 FR 11862, February 22, 1980))

Dated: July 3, 1980.

Eric L. Hirschhorn,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 80-22288 Filed 7-24-80; 8:45 am]

BILLING CODE 3510-25-M

FEDERAL TRADE COMMISSION

16 CFR Parts 300, 301, and 303

Regulation Under Specific Acts of Congress; Amendments

Correction

In FR Doc. 80-19763 appearing on page 44260 in the issue of Tuesday, July 1, 1980, make the following corrections:

(1) In the last line of the third column of page 44261, change ". . . paragraph (a) l . . ." to read ". . . paragraph (a) . . .

(2) In the middle column of page 44262, in the third line of paragraph (b) of § 300.28, ". . . would and in part of . . ." should have read ". . . wool and in part of . . .".

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 193

[FRL 1549-8; FAP 8H5197/R59]

Tolerances for Pesticides in Food Administered by the Environmental Protection Agency; Bendiocarb

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes/food additive regulation related to the experimental use of the insecticide bendiocarb (2,2-dimethyl-1,3-benzodioxol-4-ol methyl carbamate) and its metabolites 2,2-dimethyl-1,3-benzodioxol-4-ol and N-hydroxymethyl bendiocarb in or on corn. The regulation was requested by Fisons Corporation. This rule will permit the marketing of corn oil while further data is collected on the subject pesticide.

EFFECTIVE DATE: July 25, 1980.

FOR FURTHER INFORMATION CONTACT: Charles Mitchell, Product Manager (PM) 12, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460 202/426-2635.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance included a 90-day rat feeding study with a no-observable-effect level (NOEL) of 10 parts per million (ppm) (ChE) and 250 ppm (systemic); a 90-day dog feeding study with a NOEL of 20 ppm (ChE); and acute delayed

neurotoxicity study which was negative at 60 milligrams (mg)/kilograms (kg) and a teratology study which was negative at up to 4 mg/kg (highest dose tested). A food additive regulation (21 CFR 193.152) has previously been established for bendiocarb in food-handling establishments. (A related document concerning the establishment of temporary tolerances of residues of the insecticide in or on the raw agricultural commodities: corn grain, corn fodder, corn forage, milk, fat, meat, and meat byproducts (except kidney) of cattle, goats, hogs, horses, poultry, and sheep; kidney of cattle, goats, hogs, horses, poultry, and sheep; and eggs appears elsewhere in today's **Federal Register**). Two-year mouse and dog feeding studies and a 2-year rat feeding/reproduction study are currently underway and 1-year interim reports have been submitted and reviewed by the Agency. In a letter of March 31, 1980, the petitioner agreed to voluntarily discontinue the use of the proposed tolerance if the results of the 2-year mouse and dog feeding study and the 2-year rat feeding/reproduction study are found to exceed the risk criteria for unreasonable adverse effects.

The metabolism of bendiocarb is adequately understood and an adequate analytical method (GLC system equipped with electron capture detector) is available for enforcement purposes. No actions are currently pending against continued registration of bendiocarb nor are there any other relevant considerations involved in establishing the proposed tolerance. The pesticide is considered useful for the purpose for which a tolerance is sought. Therefore the regulation establishing a tolerance limitation of 0.1 parts per million (ppm) in corn oil by amending 21 CFR 193.152 is being promulgated as proposed. Accordingly, a food additive regulation is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication in the **Federal Register**, file written objections with the Hearing Clerk, EPA, Rm. M–3708 (A–100), 401 M Street, SW, Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective July 25, 1980, 21 CFR 193.152 is amended as set forth below.

(Sec. 409(c)(1) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 348 (c)(1)])

Dated: July 10, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator of Pesticide Programs.

Part 193, Subpart A, is amended by adding paragraph (c) to § 193.152 to read as follows:

§ 193.152 2,2-dimethyl-1,3-benzodioxol-4-ol methyl carbamate.

* * * * *

(c) A tolerance of 0.1 parts per million (ppm) is established for residues of the insecticide bendiocarb (2,2-dimethyl-1,3-benzodioxol-4-ol methyl carbamate) and its metabolites 2,2-dimethyl-1,3-benzidioxol-4-ol and N-hydroxymethyl bendiocarb in corn oil intended for food use resulting from application of the insecticide to the raw agricultural commodity growing corn. Such residues may be present therein only as a result of the application of the insecticide to growing corn under an experimental use permit which expires August 2, 1980.

[FR Doc. 80–22566 Filed 7–24–80; 8:45 am]

BILLING CODE 6560–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 524

Ophthalmic and Topical Dosage Form New Animal Drugs Not Subject to Certification; Furazolidone Aerosol Powder

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The regulations are amended to reflect approval of a new animal drug application (NADA) filed by Farnam Companies, Inc., providing for safe and effective use of furazolidone aerosol powder on horses and ponies for preventing or treating bacterial infections of wounds, abrasions, and lacerations due to susceptible organisms. In addition, the regulations are amended to codify previously approved NADA 32–319 for a similar product sponsored by Norwich-Eaton Pharmaceuticals.

EFFECTIVE DATE: July 25, 1980.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV–112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3430.

SUPPLEMENTARY INFORMATION: Farnam Companies, Inc., 2230 E. Magnolia St., Phoenix, AZ 85036, filed an NADA (111–104) providing for use of a topical aerosol application in horses and ponies for preventing or treating bacterial infections of superficial wounds, abrasions, and lacerations caused by furazolidone-susceptible organisms. The regulations are amended to codify approval of this NADA and previously approved NADA 32–319 sponsored by Norwich-Eaton Pharmaceuticals, Division of Morton-Norwich Products, Inc., P.O. Box 191, Norwich, NY 13815. Norwich-Eaton's NADA provides for use of a similar furazolidone aerosol powder in cattle for treating bacterial eye infections, and in dogs and horses for preventing or treating bacterial infections of superficial wounds.

Norwich-Eaton's NADA was originally approved by letter of February 3, 1966. However, the approval was never published because it was granted before enactment of the Animal Drug Amendments of 1968 (Pub. L. 90–399). Codification of a previously approved NADA does not constitute reaffirmation of the drug's safety and effectiveness.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of NADA 111–104 may be seen in the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday. Because NADA 32–319 was approved before July 1, 1975, the sponsor was not required to submit a freedom of information summary. See § 514.11(e)(2) (21 CFR 514.11(e)(2)).

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 524 is amended by adding new § 524.1005, to read as follows:

§ 524.1005 Furazolidone aerosol powder.

(a) *Specifications.* The product contains 4 percent furazolidone with inert dispersing agent and propellant.

(b) *Sponsors.* (1) See 000149 in § 510.600(c) of this chapter for use as in paragraph (c)(2) (i) through (iii) of this section.

(2) See 017135 for use as in paragraph (c)(2)(iv) of this section.

(c) *Conditions of use.* (1) *Amount.* Hold container about 6 to 12 inches from the eye or affected area and apply only enough powder to impart a light yellow color.

(2) *Indications of use.* (i) *Dogs.* For treatment or prevention of bacterial infection of superficial wounds, abrasions, lacerations, and pyogenic dermatitis.

(ii) *Horses.* For treatment or prevention of bacterial infection of superficial wounds, abrasions, lacerations, and following firing (heat or electrocautery).

(iii) *Cattle.* For treatment of bacterial infections of the bovine eye and for treatment and to reduce the incidence of additional cases of infectious bovine keratoconjunctivitis (pink eye) caused by *Moraxella bovis.*

(iv) *Horses and ponies.* For treatment or prevention of bacterial infection of superficial wounds, abrasions, and lacerations caused by *Staphylococcus aureus, Streptococcus spp.* and *Proteus spp.* sensitive to furazolidone.

(3) *Limitations.* For topical application in horses, ponies, and dogs: Clean affected area thoroughly, apply drug once or twice daily, and repeat treatment as required. For treatment of bacterial infections of the bovine eye and infectious bovine keratoconjunctivitis (pink eye) caused by *Moraxella bovis:* Treat affected eyes once daily on each of 3 to 5 consecutive days; to reduce incidence of additional cases of infectious keratoconjunctivitis also medicate unaffected eyes. Evidence of clinical improvement of bovine eye infections should be noticeable after 5 treatments; if not, reconsult veterinarian. Use only as recommended by a veterinarian in treatment of puncture wounds, wounds requiring surgical debridement or suturing, those of a chronic nature involving proud flesh, generalized and chronic infections of the skin, and those skin conditions associated with intense itching. If redness, irritation, or swelling persists or increases, discontinue use and reconsult veterinarian. Not for use in horses intended for food.

Effective date. This regulation is effective July 25, 1980.

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

Dated: July 17, 1980.

Terence Harvey,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 80-22162 Filed 7-24-80; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 48 and 140

[T.D. 7709]

Excise Taxes; Payments To Be Made To Aerial Applicators In Certain Cases

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations governing claims by aerial applicators for payment of an amount equal to the tax imposed on gasoline and special fuels used on farms for farming purposes. Changes to the applicable tax law were made by section 3 of the Act of October 14, 1978 (Public Law 95–458). These regulations affect all aerial applicators and all owners, tenants, and operators of farms who employ the services of aerial applicators. The regulations provide the guidance needed to comply with the law.

EFFECTIVE DATE: The regulations apply to payments for gasoline and special fuels used after March 31, 1979, on farms for farming purposes by aerial applicators.

FOR FURTHER INFORMATION CONTACT: H. B. Hartley of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, DC 20224, Attention: CC:LR:T, 202–566–3287, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

On December 27, 1979 (44 FR 76563), the **Federal Register** published proposed amendments to the Miscellaneous Excise Tax Regulations (26 CFR Part 48), and temporary excise tax regulations under section 3 of the Act of October 14, 1978 (Public Law 95–458; 26 CFR Part 140), both relating to claims by aerial applicators for payment of an amount equal to the taxes imposed under sections 4081 and 4041 of the Internal Revenue Code of 1954 ("Code") on gasoline and special fuels used on farms for farming purposes. Sections 6420 and 6427 of the Code authorize the payments to the user and ultimate purchaser of these fuels. The law was amended by section 3 of the Act of October 14, 1978 (Pub. L. 95–458, 92 Stat. 1257) to permit aerial applicators to receive payments as users and ultimate purchasers of fuels they use on farms for farming purposes.

No public comments were received in response to the invitation contained in the proposed amendments to the regulations, and no public hearing on the proposal was held. This document revokes the temporary regulations (26 CFR Part 140) and adopts final regulations (26 CFR Part 48).

Provisions of the Regulations

Sections 6420 and 6427 provide, respectively, for payment to the user and ultimate purchaser of an amount equal to the tax imposed under section 4081 on gasoline and under section 4041 on special fuels, if the gasoline or special fuel is used on a farm for farming purposes. For fuel used before April 1, 1979, only the owner, tenant, or operator of a farm is entitled to claim a payment as user and ultimate purchaser. Section 3 of the Act of October 14, 1978, amended sections 6420 and 6427 to entitle aerial applicators to receive these payments for fuels used by them after March 31, 1979. Before an aerial applicator may receive a payment, however, the owner, tenant, or operator of the farm served by the aerial applicator must waive his or her right to receive the payment in a written statement retained by the aerial applicator. The statement waiving the right of the owner, tenant, or operator to be treated as the user and ultimate purchaser of the gasoline or special fuels may be in any form that substantially meets the requirements of the regulations.

Additional Considerations

These regulations are needed in order to provide guidance to the public as well as to government employees responsible for implementation of sections 6420 and 6427 of the Code. Considering both the direct and indirect effects of these regulations, it is believed that they satisfactorily implement section 3 of the Act of October 14, 1978 (Public Law 95–458). Evaluation of the effectiveness of the regulations after issuance will be based upon comments received from offices within the Internal Revenue Service and the Treasury Department, and from members of the public.

Drafting Information

The principal author of these regulations is H. B. Hartley of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Adoption of amendments to the regulations

Accordingly, amendments to the regulations (26 CFR Part 48) are hereby adopted as set forth below:

PART 48—MANUFACTURERS AND RETAILERS EXCISE TAXES

Paragraph 1. Section 48.6420 (a)–1 is retitled and paragraphs (a) (1) and (b) thereof are amended to read as follows:

§ 48.6420 (a)–1. Payments to user and ultimate purchaser of gasoline used on a farm for farming purposes.

(a) *In General.* (1) Section 6420 provides a payment (without interest) to the user and ultimate purchaser of gasoline used on a farm for farming purposes. The amount of the payment is determined by multiplying (i) the number of gallons of gasoline used on the farm for farming purposes by (ii) the rate of tax on gasoline under section 4081 which applied on the date the gasoline was purchased by the user and ultimate purchaser. No payment shall be made for gasoline purchased by a user and ultimate purchaser before January 1, 1956, irrespective of the use of the gasoline. For gasoline purchased after December 31, 1955, and used on a farm for farming purposes, payment is made only if the user and ultimate purchaser files a claim at the time and in the manner indicated in these regulations. For rates of tax on gasoline under section 4081, see that section and § 48.4081–1. For the meaning of the terms "used on a farm for farming purposes", "farm", "farming purposes", and "gasoline", see § 48.6420(c)–1. For the meaning of "user and ultimate purchaser" see paragraph (b) of this section.

* * * * *

(b) *User and ultimate purchaser defined.* Except as otherwise provided in section 6420, the term "user and ultimate purchaser" means only an owner, tenant, or operator of a farm. In general, an owner, tenant, or operator of a farm is considered to be the user and ultimate purchaser of gasoline only if the gasoline is (1) purchased by him or her and (2) used for farming purposes on a farm of which he or she is the owner, tenant, or operator. If, however, the cost of gasoline supplied by a particular person (e.g., an owner of a farm) is by agreement borne by the tenant or operator of the farm, the tenant or operator who bore the cost of the gasoline is the user and ultimate purchaser. See paragraph (c) of this section for rules on gasoline used on farms by persons other than the owner, tenant, or operator of the farm.

* * * * *

Par. 2. The second sentence of § 48.6420(a)–1(c)(1) is amended, a new third sentence is inserted therein, and a new example (3) is added to the end of § 48.6420(a)–1(c)(2), all to read as follows:

§ 48.6420(a)–1. Payments to user and ultimate purchaser of gasoline used on a farm for farming purposes.

* * * * *

(c) *Exception with respect to use by custom operator, etc.*—(1) * * * In such a case, the owner, tenant, or operator of the farm on which the gasoline is used is considered to be the user and ultimate purchaser of the gasoline. See, however, section 6420(c)(4) which provides for waivers by owners, tenants, and operators of their right to be so treated when gasoline is used on the farm by an aerial applicator. * * *

(2) The application of paragraph (c)(1) of this section may be illustrated by the following examples.

* * * * *

Example (3). Assume the facts of example (2) except Farmer A executes a timely waiver (as provided in § 48.6420 (c)–2) of his right to be treated as user and ultimate purchaser of the fuel used by XYZ Company in dusting his crops. XYZ Company is entitled to receive the payment for the 600 gallons of gasoline actually used by it in the crop dusting operations.

Par. 3. Paragraph (d) and (e) of § 48.6420 (b)–1 are deleted and paragraphs (a), (b), and (c) of that section are amended to read as follows:

§ 48.6420(b)–1 Claims.

(a) *In general.* A claim in respect of gasoline used on a farm for farming purposes must cover one full taxable year. A person's taxable year means his or her taxable year for purposes of subtitle A of the Internal Revenue Code. In the case of persons included under section 6420(g), the calendar year is considered to be the person's taxable year. Gasoline on hand at the end of one taxable year (e.g., fuel in supply tanks of farm machinery or in storage tanks and drums) must be excluded from a claim filed for that year. On the other hand, gasoline used during a taxable year may be covered by a claim for the year even though the gasoline has not been paid for at the time the claim is filed. A claim for any taxable year is not allowable unless filed on or before the last date prescribed by law for filing a claim for credit or refund of overpayment of income tax for the taxable year concerned.

(b) *Limit of one claim during any one taxable year.* Not more than one claim can be filed under section 6420 by any person for gasoline used during any one taxable year.

(c) *Form and content of claim.* All persons except those identified in section 6420(g), must claim any payment allowed them under section 6420 as a credit against tax on their income tax return (or a timely amended return) for the taxable year in which the gasoline was used. For persons identified in section 6420(g), a claim for payment for gasoline used on a farm for farming purposes is made on Form 843 in accordance with the instructions prescribed for the preparation of that form. A claim for a partnership must be shown on the partnership's return.

Par. 4. Paragraph (c)(2)(i) of § 48.6420(c)–1 is amended by deleting the last sentence thereof, and paragraph (c)(5) of that section is amended by deleting the first four words of the third sentence and inserting in lieu thereof, "Since the gasoline must generally".

Par. 5. A new § 48.6420(c)–2 is inserted immediately following § 48.6420(c)–1 to read as follows:

§ 48.6420(c)–2. Payment under section 6420 to be made to aerial applicators in certain cases.

(a) *Effective date.* This regulation is effective for payments for gasoline used after March 31, 1979, by aerial applicators on farms for farming purposes.

(b) *General rule.* Section 6420 provides a payment to the user and ultimate purchaser of gasoline used on a farm for farming purposes of an amount equal to the tax imposed on gasoline under section 4081. The general rule of section 6420(c)(3)(A) is that only the owner, tenant, or operator of a farm is entitled to be treated as a user and ultimate purchaser. Section 6420(c)(4) provides that under section 6420(c)(3)(A), an aerial applicator is entitled to be treated as the user and ultimate purchaser of gasoline used by it on a farm for farming purposes, but only if the owner, tenant, or operator who is otherwise entitled to treatment as the user and ultimate purchaser waives his or her right to the payment.

(c) *Form and manner of waiver.* To waive the right to be treated as user and ultimate purchaser of gasoline which is used on a farm by an aerial applicator, the owner, tentant, or operator of a farm who is otherwise entitled to treatment as user and ultimate purchaser must execute an irrevocable written agreement no later than the date on which the aerial applicator claiming the credit files its return for the taxable year

in which the gasoline is used. The agreement must identify the period during which the owner, tenant, or operator waives his or her right to payment. The effective period of the waiver cannot extend beyond the last day of the taxable year of the owner, tenant, or operator of the farm on which the gasoline was used. If the owner, tenant, or operator's taxable year extends beyond the taxable year of the applicator, the applicator can only claim payment for periods included in the applicator's taxable year. Periods after the last day of the applicator's taxable year which are included under the agreement must be claimed on the applicator's return for the next succeeding taxable year. The waiver may be in the form shown under paragraph (g) of this section or in any other form that meets the requirements of these regulations, but must clearly evidence that the owner, tenant, or operator of the farm knowingly gives up the right to receive a payment.

(d) *Agreement included on aerial applicator's invoice.* The agreement waiving a right to receive a payment under section 6420 may be a separate document or may appear on the face or the reverse side of an invoice for aerial application services or other unrelated document from the aerial applicator to the owner, tenant, or operator of the farm. If the waiver agreement appears on an invoice or other unrelated document, however, it must be printed in a section of the invoice or other document clearly set off from all other material contained in the invoice or other document, and it must be printed in type sufficiently large to put the owner, tenant, or operator of the farm on notice that he or she has waived his or her right to receive a payment under section 6420. Additionally, if the waiver agreement appears as part of any invoice or other unrelated document, it must be executed separately from any other item included in the invoice or other document which requires the owner, tenant, or operator's signature.

(e) *Copies of agreement waiving right to payment.* No copies of any agreement waiving a right to payments under section 6420 are to be submitted to the Internal Revenue Service unless a request is made by the Service to the taxpayer for the waivers. Aerial applicators must, however, retain copies of all waivers, and a copy of each waiver must be supplied by the aerial applicator to the owner, tenant, or operator of the farm who waives his or her right to receive a payment. See regulations § 48.6420 (f)–1 for general requirements for records to be kept.

(f) *Waiver on behalf of owner, tenant, or operator of farm.* If any owner, tenant, or operator of a farm desires that an agent (e.g., a cooperative) act for him or her or cannot legally bind himself or herself due to infancy or other incompetency, a representative expressly authorized under local law to bind the owner, tenant, or operator in a waiver of his or her rights to a payment under section 6420 may sign the waiver on his or her behalf.

(g) *Sample form of agreement.* While no specific form is required for an effective waiver, an acceptable form waiving the right to receive a payment under section 6420 follows:

I hereby waive my right as owner/tenant/operator of a farm located at (address)————————to receive payment or credit from the United States for gasoline used by (aerial applicator)———————— on the farm in connection with cultivating the soil, or the raising or harvesting of any agricultural or horticultural commodity. This waiver applies to gasoline used during the period————————, both dates inclusive.

I understand that by signing this waiver I give up my right to claim any credit or payment for gasoline used by the aerial applicator during the period indicated, and I acknowledge that I have not previously claimed any credit or payment for that gasoline.

————————————————

(Signature of Owner/Tenant/Operator)

Taxpayer Identification No.:

————————.

Par. 6. A new § 48.6427–1 is inserted following § 48.6421 (g)–1 to read as follows:

§ 48.6427–1 Payment under section 6427 to be made to aerial applicators in certain cases.

(a) *Effective date.* This regulation is effective for payments for special fuels used after March 31, 1979, by aerial applicators on farms for farming purposes.

(b) *In general.* Section 6427 provides for payment to the user and ultimate purchaser of certain fuels used on a farm for farming purposes of an amount equal to the amount of tax imposed on these fuels under section 4041. The general rule is that only an owner, tenant, or operator of a farm is entitled to be treated as a user and ultimate purchaser. Section 6427(c) provides that an aerial applicator is entitled to be treated as the user and ultimate purchaser of fuels which it uses on a farm for farming purposes, but only if the owner, tenant, or operator who is otherwise entitled to treatment as the user and ultimate purchaser waives his or her right to the payment.

(c) *Form and manner of waiver.* To waive the right to be treated as user and ultimate purchaser of special fuels which are used on a farm by an aerial applicator, the owner, tenant, or operator of a farm who is otherwise entitled to treatment as user and ultimate purchaser must execute an irrevocable written agreement no later than the date on which the aerial applicator claiming the credit files its return for the taxable year in which the special fuels are used. The agreement must identify the period during which the owner, tenant, or operator waives his or her right to payment. The effective period of the waiver cannot extend beyond the last day of the taxable year of the owner, tenant, or operator of the farm on which the special fuels were used. If the owner, tenant, or operator's taxable year extends beyond the taxable year of the applicator, the applicator can only claim payment for periods included in the applicator's taxable year. Periods after the last day of the applicator's taxable year which are included under the agreement must be claimed on the applicator's return for the next succeeding taxable year. The waiver may be in the form shown under paragraph (g) of this section or in any other form that meets the requirements of these regulations, but must clearly evidence that the owner, tenant, or operator of the farm knowingly gives up the right to receive a payment.

(d) *Agreement included on aerial applicator's invoice.* The agreement waiving a right to receive a payment under section 6427 may be a separate document or may appear on the face or the reverse side of an invoice for aerial application services or other unrelated document from the aerial applicator to the owner, tenant, or operator of the farm. If the waiver agreement appears on an invoice or other unrelated document, however, it must be printed in a section of the invoice or other document clearly set off from all other material contained in the invoice or other document, and it must be printed in type sufficiently large to put the owner, tenant, or operator of the farm on notice that he or she has waived his or her right to receive a payment under section 6427. Additionally, if the waiver agreement appears as part of any invoice of other unrelated document, it must be executed separately from any other item included in the invoice or other document which requires the owner, tenant, or operator's signature.

(e) *Copies of agreement waiving right to payment.* No copies of any agreement waiving a right to payments under section 6427 are to be submitted to the Internal Revenue Service unless a request is made by the Service to the

taxpayer for the waivers. Aerial applicators must, however, retain copies of all waivers, and a copy of each waiver must be supplied by the aerial applicator to the owner, tenant, or operator of the farm who waives his or her right to receive a payment. See regulations § 48.6420 (f)–1 for general requirements for records to be kept.

(f) *Waiver on behalf of owner, tenant, or operator of farm.* If any owner, tanant, or operator of a farm desires that an agent (*e.g.*, a cooperative) act for him or her or cannot legally bind himself or herself due to infancy or other incompetency, a representative expressly authorized under local law to bind the owner, tenant, or operator in a waiver of his or her rights to a payment under section 6427 may sign the waiver on his or her behalf.

(g) *Sample form of agreement.* While no specific form is required for an effective waiver, an acceptable form waiving the right to receive a payment under section 6427 follows:

I hereby waive my right as owner/tenant/operator of a farm located at (address) ———— to receive payment or credit from the United States for special fuels used by (aerial applicator) ———— on the farm in connection with cultivating the soil, or the raising or harvesting of any agricultural or horticultural commodity. This waiver applies to special fuels used during the period ————, both dates inclusive.

I understand that by signing this waiver I give up my right to claim any credit or payment for special fuels used by the aerial applicator during the period indicated, and I acknowledge that I have not previously claimed any credit or payment for that special fuel.

(Signature of Owner/Tenant/Operator)

Taxpayer Identification No.: ————.

PART 140—TEMPORARY EXCISE TAX REGULATIONS UNDER SECTION 3 OF THE ACT OF OCTOBER 14, 1978 (PUBLIC LAW 95–458) [REVOKED]

Par. 7. 26 CFR Part 140 is revoked.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805) and in section 3 of the Act of October 14, 1978 (Pub. L. 95–458, 92 Stat. 1257).

Jerome Kurtz,

Commissioner of Internal Revenue.

Approved: July 9, 1980.

Donald C. Lubick,

Assistant Secretary of the Treasury.

[FR Doc. 80–22380 Filed 7–24–80; 8:45 am]

BILLING CODE 4830–01–M

26 CFR Part 301

[T.D. 7708]

Procedure and Administration; Disclosure or Use of Information by Preparers of Tax Returns

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations under section 7216 of the Internal Revenue Code of 1954, relating to disclosure of tax return information by tax return preparers. The regulations affect tax return preparers and provide them with the guidance needed to comply with the law.

DATES: The amendments are effective as of January 1, 1972.

FOR FURTHER INFORMATION CONTACT: Jacob Feldman of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, (Attention: CC:LR:T, 202–566–3289, Not a toll-free call.)

SUPPLEMENTARY INFORMATION:

Background

On February 21, 1980 (45 FR 11513), the **Federal Register** published proposed amendments to the Regulations on Procedure and Administration (26 CFR Part 301) under section 7216 of the Code. No comments were received with respect to the proposed amendments, and no public hearing was requested or held. The proposed amendments are adopted by this Treasury decision without change.

Explanation

Section 7216(a) provides that a tax return preparer who discloses or uses any tax return information other than for the specific purpose of preparing, or assisting in the preparation of, any tax return of the taxpayer by or for whom the information was made available to the tax return preparer, is guilty of a misdemeanor. Section 7216(b) provides exceptions to the general rule of section 7216(a).

The amendment made to § 301.7216–2(c) of the regulations exempts from the provision of section 7216(a) and § 301.7216–1 the disclosure of income tax information made pursuant to an administrative order, demand, summons, or subpoena issued in the performance of its duties by any State agency, body, or commission charged under the laws of a State or political subdivision of the State with licensing, registration or regulation of tax return preparers. The order, demand, summons, or subpoena must clearly identify the information to be disclosed. Paragraph (c) is also amended to include all Federal agency orders and not simply the orders of a Federal regulatory agency. In addition, § 301.7216–2(n) is amended to permit disclosure to local officials of tax return information relating to the commission of a crime.

Drafting Information

The principal author of these regulations is Jacob Feldman 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 regulations, both on matters of substance and style.

Adoption of Amendments to the Regulations

Accordingly, the amendments to 26 CFR Part 301 published as a notice of proposed rulemaking in the **Federal Register** for February 21, 1980 (45 FR 11513), are hereby adopted as proposed.

(This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

Jerome Kurtz,

Commissioner of Internal Revenue.

Approved: July 15, 1980.

Emil M. Sunley,

Acting Assistant Secretary of the Treasury.

Section 301.7216–2 is amended by revising paragraphs (c) and (n) to read as follows:

§ 301.7216–2 Disclosure or use without formal consent of the taxpayer.

* * * * *

(c) *Disclosure pursuant to an order of a court or a Federal or State agency.* The provisions of section 7216(a) and § 301.7216–1 do not apply to any disclosure of tax return information if such disclosure is made pursuant to any one of the following documents:

(1) The order of any court of record, Federal, State, or local, or

(2) An administrative order, demand, summons or subpoena which is issued in the performance of its duties by—

(i) Any Federal agency, or

(ii) A State agency, body, or commission charged under the laws of the State or a political subdivision of the State with the licensing, registration, or regulation of tax return preparers. Information must be clearly identified in the document in order to be disclosed under this paragraph (c).

* * * * *

(n) *Disclosure to report the commission of a crime.* The provisions of section 7216(a) and § 301.7216–1 do not apply to the disclosure of any tax return information to the proper Federal, State or local official in order, and to the extent necessary, to inform the official of activities which may constitute, or may have constituted, a violation of any criminal law. In addition, such a disclosure made in the bona fide but mistaken belief that the activities constituted a violation of criminal law is not subject to section 7216(a) and § 301.7216–1.

[FR Doc. 80–22379 Filed 7–24–80; 8:45 am]
BILLING CODE 4830–01–M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment; Experimental Air Cushion Vessel, AALC JEFF(B)

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) to reflect that the Secretary of the Navy has determined that AALC JEFF(B), an experimental air-cushion vessel, (ACV), is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as a Navy amphibious-assault landing craft (AALC). The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: June 24, 1980.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Charles Stanley Prentace, JAGC, USN Admiralty Division, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, Virginia 22332 Telephone number (202) 325–9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in Executive Order 11964 and 33 U.S.C. § 1605, the Department of the Navy amends 32 C.F.R. Part 706. This amendment to Part 706 provides notice that the Secretary of the Navy has certified that AALC JEFF(B) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: Rule 21(a) regarding the centerline positioning of masthead lights and Annex I, section 2(a)(i) regarding the height of the masthead light. Full compliance with the above-mentioned 72 COLREGS provisions would interfere with the special function of the ship. The Secretary of the Navy has certified that the above-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 C.F.R. Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to the public interest since it is based on technical findings that the placement of lights on this vessel in a manner different from that prescribed herein will adversely affect the vessel's ability to perform its military function. Accordingly, 32 C.F.R. Part 706 is amended as follows:

§ 706.2 [Amended]

1. In § 706.2 Table One is amended to indicate certifications issued by the Secretary of the Navy by inserting after "U.S.S. *Georgia*" the following entry:

Vessel	Number	Distance in meters of forward masthead light below minimum required height, § 2(a)(i) Annex I
* * * * *		
AALC JEFF(B)	ACV	7.21
* * * * *		

2. Table Two of § 706.2 is amended to indicate certifications issued by the Secretary of the Navy by inserting after "USS PELELIU" the following entry and adding the footnote to read as follows:

Vessel	Number	Masthead lights, distance to stbd of keel in meters; rule 21(a)
* * * * *		
AALC JEFF(B)	ACV	4.01 (see note 1)

Note.—1. On AALC JEFF(B) the masthead light is located 4.01 meters athwartship to port of centerline, at frame five, 4.79 meters above the main deck.

* * * * *

Executive Order 11964 of 19 January 1977, 33 U.S.C. §§ 1601–1608.

Effective Date: The effective date of this amendment will be June 24, 1980.

Dated: June 24, 1980.

Edward Hidalgo,

Secretary of the Navy.

[FR Doc. 80–22120 Filed 7–24–80; 8:45 am]
BILLING CODE 3810–71–M

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment; USS George Philip (FFG 12), USS Samuel Eliot Morison (FFG 13), and USS Estocin (FFG15)

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) to reflect that the Secretary of the Navy: (1) has determined that USS George Philip (FFG 12), USS Samuel Eliot Morison (FFG 13), and USS Estocin (FFG 15) are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with their special function as naval frigates, and (2) has found that USS George Philip (FFG 12), USS Samuel Eliot Morison (FFG 13), and USS Estocin (FFG 15) are members of the FFG–7 class of ships, certain exemptions for which have been previously granted under 72 COLREGS Rule 38. The intended effect of this rule is to warn mariners in waters where the 72 COLREGS apply.

EFFECTIVE DATE: June 24, 1980.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Charles Stanley Prentace, JAGC, USN, Admiralty Division, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, Virginia 22332. Telephone number (202) 325–9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in Executive Order 11964 and 33 U.S.C. § 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS George Philip (FFG 12), USS Samuel Eliot Morison (FFG 13), and USS Estocin (FFG 15) are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with 72 COLREGS: Rule 21(a) regarding the arcs of visibility of their forward masthead lights; Annex I, Section 2(a)(i), regarding the height above the hull of their forward masthead lights; and Annex I, Section 3(b), regarding the horizontal relationship of their sidelights to their forward masthead lights, without interfering with their special function as Navy frigates. The Secretary of the Navy has also certified that the above-mentioned lights are located in closest

possible compliance with the applicable 72 COLREGS requirements.

Notice is also provided to the effect that USS George Philip (FFG 12), USS Samuel Eliot Morison (FFG 13), and USS Estocin (FFG 15) are members of the FFG–7 class of ships for which certain exemptions, pursuant to 72 COLREGS Rule 38, have been previously authorized by the Secretary of the Navy. The exemptions pertaining to that class, found in the existing tables of § 706.3, are equally applicable to these three ships. Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on these ships in a manner different from that prescribed herein will adversely affect the ships' ability to perform their military function. Accordingly, 32 CFR Part 706 is amended as follows:

§ 706.2 [Amended]

1. Table One of § 706.2 is amended to indicate the certifications issued by the Secretary of the Navy by inserting after "USS Clark" the following entries to read as follows:

Vessel	Number	Distance in meters of forward masthead light below minimum required height. § 2(a)(i) Annex I
* * * * *		
USS George Philip	FFG 12	1.6
USS Samuel Eliot Morison.	FFG 13	1.6
USS Estocin	FFG 15	1.6
* * * * *		

2. Table Four of § 706.2 is amended by revising the existing paragraph 8. to read: On the following ships the arc of visibility of the forward masthead light required by Rule 23(a)(i) may be obstructed through 1.8° arcs of visibility at the points 021° and 339° relative to the ship's head.

USS Oliver Hazard Perry (FFG 7)
USS McInerney (FFG 8)
USS Wadsworth (FFG 9)
USS Duncan (FFG 10)
USS Clark (FFG 11)
USS George Philip (FFG 12)
USS Samuel Eliot Morison (FFG 13)
USS Estocin (FFG 15)

3. Table Four to § 706.2 is amended by revising the existing paragraph 9. to read: Sidelights on the following ships do not comply with Annex I, Section 3(b):

Vessel	Number	Distance of sidelights forward of masthead light in meters
USS Oliver Hazard Perry	FFG 7	2.75
USS McInerney	FFG 8	2.75
USS Wadsworth	FFG 9	2.75
USS Duncan	FFG 10	2.75
USS Clark	FFG 11	2.75
USS George Philip	FFG 12	2.75
USS Samuel Eliot Morision	FFG 13	2.75
USS Estocin	FFG 15	2.75

EFFECTIVE DATE: The effective date of this amendment will be June 24, 1980.

Dated: June 24, 1980.

Edward Hidalgo,

Secretary of the Navy.

[FR Doc. 80-22121 Filed 7-24-80; 8:45 am]

BILLING CODE 3810-71-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Fire Island National Seashore, New York; Seaplane Regulations

AGENCY: National Park Service.

ACTION: Final rule.

SUMMARY: On July 30, 1979 (44 FR 44492), the National Park Service published a final rule that amended 36 CFR § 7.20 by adding a new paragraph (b) to regulate the use of seaplanes and amphibious aircraft within the boundaries of Fire Island National Seashore. This rule established zones for talk-offs and landings, and also designated areas where taxiing to and from the Fire Island shoreline could take place. This rulemaking document revises that regulation to remove three of those communities from designation as seaplane access areas because of public safety problems that have occurred within the last year.

EFFECTIVE DATE: July 25, 1980.

FOR FURTHER INFORMATION CONTACT: Joel Pickelner, Superintendent, Fire Island National Seashore, Patchogue, New York 11772, Telephone: (516) 289–4810.

SUPPLEMENTARY INFORMATION:

Background

On July 30, 1979, the National Park Service promulgated final regulations to control seaplane and amphibious aircraft operations within Fire Island National Seashore (44 FR 44492). This rule established zones for take-offs and landings, and designated areas where taxiing could take place. These regulations were developed to promote public safety, to minimize the conflicts among the various users, and to protect the resources of the seashore.

The designation of these taxi routes was based on public comment received during the public involvement phase of the rulemaking process. Twelve island communities indicated a desire to permit seaplane and amphibious aircraft access.

After the promulgation of this regulation in July, 1979, there continued to be a conflict between the property owners and visitors in three of the island communities—Fair Harbor, Ocean Bay Park, and Cherry Grove. Due to the fact that these three communities have bayside swimming beaches and mooring areas, interaction between seaplanes and those pursuing water recreation activities continued and created numerous public safety problems. From July 22 to September 9, 1979, 50 complaints were filed with the National Park Service. These complaints cited such incidents as near collisions between seaplanes and boats, and seaplanes taxiing among swimmers.

As a result of these complaints and the potential threat to life and property indicated, the represntatives of the Fair Harbor, Ocean Bay Park and Cherry Grove communities approached the National Park Service and asked that their communities no longer be designated as access points for seaplane use. Notarized letters to this effect have been received by the Superintendent of Fire Island National Seashore indicating that community referendums were held and a majority favor the removal of seaplane access designation. This regulation removes the three communities from the designation as seaplane access points, as requested by the community leaders.

At the time these seaplane and amphibious aircraft regulations were initially proposed in 1978 (43 FR 35070), an environmental assessment was prepared as required by the National Environmental Policy Act (83 Stat. 852, 42 U.S.C. 4321 *et seq.)*. This assessment is on file at the park headquarters listed above.

In view of the fact that the summer travel season has begun and there have already been several aircraft incidents within these three communities, the National Park Service has determined that immediate implementation of these regulations is necessary. Therefore, it is deemed impractical, unnecessary, and contrary to the public interest to delay the effective date for 30 days after this publication.

Drafting Information

The author of this regulation is William Schenk, Fire Island National Seashore.

Impact Analysis

The National Park Service has made a determination that the regulation contained in this rulemaking is not significant, as that term is defined in 43 CFR Part 14, nor does it require the preparation of a regulatory analysis pursuant to the provisions of this authority. In addition, the Service has determined that this regulation is not a major Federal action significantly affecting the quality of the human environment, which would require preparation of an environmental impact statement.

Authority: 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, § 7.20(b)(3) of Title 36, Code of Federal Regulations is hereby amended as follows:

§ 7.20 Fire Island National Seashore.

* * * * *

(b)(3) Aircraft may taxi on routes perpendicular to the shoreline to and from docking facilities at the following locations:

(i) Kismet—Located at approximate longitude 73°12½′ and approximate latitude 40°38½′.

(ii) Dunewood—Located at approximate longitude 73°11½′ and approximate latitude 40°38½′.

(iii) Lonelyville—Located at approximate longitude 73°11′ and approximate latitude 40°38½′.

(iv) Atlantique—Located at approximate longitude 73°10½′ and approximate latitude 40°38½′.

(v) Robbin's Rest—Located at approximate longitude 73°10′ and approximate latitude 40°38½′.

(vi) Point O' Woods—Located at approximate longitude 73°08½′ and approximate latitude 40°39′.

(vii) Fire Island Pines—Located at approximate longitude 73°04½′ and approximate latitude 40°40′.

(viii) Water Island—Located at approximate longitude 73°02′ and approximate latitude 40°40½′.

(ix) Davis Park—Located at approximate longitude 73°00½′ and approximate latitude 40°41′.

[FR Doc. 80-22424 Filed 7-24-80; 8:45 am]

BILLING CODE 4310-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1549-7]

Ohio; Approval and Promulgation of Implementation Plans

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This action revises the Federally promulgated Ohio State Implementation Plan for sulfur dioxide for PPG Industries, Inc. in Summit County, Ohio and corrects an error in the amendment to the Ohio State Implementation Plan for sulfur dioxide for the Terex Division of General Motors Corporation in Summit County, Ohio published on December 5, 1979 (44 FR 69928). The regulations for PPG Industries, Inc. in Summit County revised by this promulgation will be effective thirty days from promulgation.

EFFECTIVE DATE: August 25, 1980.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, Regulatory Analysis Section, Air Programs Branch, Air and Hazardous Materials Division, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6039.

SUPPLEMENTARY INFORMATION:

I. Introduction

On August 27, 1976, the Environmental Protection Agency (EPA) promulgated regulations establishing the State Implementation Plan (SIP) for the control of sulfur dioxide (SO_2) for the State of Ohio (41 FR 36324, amended November 10, 1976, 41 FR 52455, May 31, 1977, 42 FR 27588, August 15, 1979, 44 FR 47769). For sources in Summit County, Ohio, however, EPA stayed enforcement of the regulations pending revisions to correct data errors in EPA's modeling. On December 5, 1979, EPA promulgated the revisions to the Summit County regulations, except for PPG (44 FR 69928). EPA deferred setting an emission limitation for PPG in order to conduct further study. The study has been completed and EPA is setting an emission limitation for PPG. The regulation promulgated today for PPG is identical to the regulations proposed on September 27, 1978 (43 FR 43729) as part of the comprehensive control strategy for Summit County.

The regulations for Summit County sources, including PPG, were proposed as rulemaking on September 27, 1978 (43 FR 43729). A public hearing was held on October 25, 1978 in Columbus, Ohio. The public comment period, originally ending November 27, 1978, was extended to December 29, 1978 at the request of several sources. PPG submitted extensive comments. EPA responded to PPG's general modeling and compliance comments in the December 5, 1979 **Federal Register** (44 FR 69928) and those responses are incorporated herein by reference.

Pursuant to the requirements of Section 307(d) of the Clean Air Act, EPA established docket number 5A-78-1 available to the public in the region as well as at EPA Headquarters. The docket includes all of the public comments and a transcript of the public hearing. Supplementary section have been added to this docket for the PPG promulgation and the Terex correction.

II. The EPA deferred setting an emission limitation for PPG's boilers on December 5, 1979 in order to conduct further study.

On September 12, 1979, the Governor of Ohio submitted a new sulfide dioxide control plan to EPA for inclusion in the State Implementation Plan for Ohio. The Governor requested that this plan be substituted for the existing Federal control strategy and regulations. The Ohio Plan included a revised strategy for Summit County. Moreover, Ohio's regulation for PPG is substantially less stringent than the regulation EPA proposed for PPG on September 27, 1978.

Upon review of Ohio's plan, EPA noted that the receptor resolution utilized by the Ohio Environmental Protection Agency (Ohio EPA) in its dispersion modeling analysis for Summit County was significantly different than that used by EPA. To evaluate the adequacy of the Ohio EPA receptor grid, EPA hired a consultant to examine the impacts of Ohio EPA's emissions inventory at EPA's previously identified "hot spots." From this, EPA could evaluate whether Ohio EPA's more lenient emission limitation for PPG would assure attainment and maintenance of the National Ambient Air Quality Standards for sulfur dioxide. EPA, therefore, deferred setting an emission limitation for PPG in order to complete this analysis.

The results of the check for PPG indicated that the Ohio EPA control strategy was inadequate to attain and maintain the National Ambient Air Quality Standards for sulfur dioxide. Numerous violations were predicted to

occur at some of EPA's critical receptors. Thus, because the Ohio EPA strategy did not protect the ambient standards, EPA proposed on February 25, 1980 to disapprove the Ohio EPA control strategy and regulations for PPG and Summit County (45 FR 12266). Now that the study has been completed, EPA is promulgating the proposed EPA regulation for PPG to assure attainment and maintenance of the National Ambient Air Quality Standards for sulfur dioxide.

III. PPG's Emission Limitation

PPG quadrupled the work of the Agency in reanalyzing Summit County by asking the Agency to look at four different operating modes to determine which of its possible operating modes would result in the least stringent emission limitations. The emission limitations for the four options are listed on page 63 of the *Butler and Summit County Technical Support Document* (TSD). EPA proposed for PPG the choice of 3.80 lbs., SO_2 per million BTU or 3.96 lbs. SO_2 per million BTU depending on which operating mode PPG preferred. These limitations are much less stringent that EPA's previously promulgated regulation of 1.78 lbs. SO_2 per million BTU. PPG, however, did not select one of the proposed options during the comment period. Therefore, EPA is promulgating the more realistic combination of operating modes which requires an emission limitation of 3.80 lbs. SO_2 per million BTU.

IV. Correction to Emission Limitation for Terex Division, General Motors Corporation

It was noted shortly after the December 5, 1979, promulgation of regulations for Terex that the EPA had incorrectly applied the background concentration in the development of an emission limitation for Terex. The correct emission limitation for Terex is 0.85 lbs. SO_2 per million BTU. A detailed discussion of the correction is provided in the technical support document which has been placed in the docket. Since Terex was the only commentator on its revised emission limitation, reproposal of this corrected emission limitation is unnecessary and would be contrary to the public interest.

V. Response to Comments

PPG commented quite extensively on the proposed regulations for Summit County during the public comment period. Since the majority of these comments were of a general nature pertaining to EPA's use of the RAM model and the determination of compliance for Summit County as a whole, these comments were addressed in the December 5, 1979, promulgation for Summit County. Accordingly, the responses to the public comments in the December 5, 1979, **Federal Register** are included by reference. Additional comments specific to PPG are addressed below.

A. Economic and Technical Feasibility

PPG commented that EPA has failed to consider the economic and technical feasibility of compliance for industrial boilers. EPA has performed economic and technical feasibility studies for industrial boilers for each portion of the promulgated sulfur dioxide regulations for Ohio,[1] one of which was specifically undertaken for the PPG, Barberton Plant—"Evaluation of the Technological Feasibility, and Cost of Selected Control Alternatives," Volume II, PPG Industries, Inc. Barberton Plant, April 1977. (Supplemental Index XV.J.1.b.)

In connection with the present regulations, EPA has undertaken still another study, once again for PPG, entitled "Feasibility of Burning Complying Fuels to Meet SO_2 Emission Standards, Barberton Plant of PPG Industries, Inc. and Akron Tire Plant of the General Tire and Rubber Company." PEDCo Environmental Inc., October 1979.

PPG commented that in view of the infeasibility of FGD for PPG or obtaining low sulfur coal, the remaining viable compliance alternative for PPG's Summit County boilers is shutdown. The apparent basis for PPG's inability to obtain low sulfur coal is special ash parameters which PPG states are necessary for proper operation of their boilers. Two parameters, ash fusion temperature and base-to-acid ratio, appear to be the variables of primary concern to PPG. EPA requested the ash parameters for which the PPG boilers were designed from both PPG and Babcock & Wilcox (the boiler manufacturer). Neither furnished this information but PPG submitted its preferred values of these variables. These preferred values were used to form the basis of a specification for coal that would comply with the proposed SO_2 emission regulation and also be suitable for firing in PPG's boilers. Four potential sources of compliance coal were identified that would appear to enable PPG to meet the proposed SO_2 regulation.

Additionally, based on the data supplied by PPG on actual coal usage, as well as analyses provided by PEDCo of a sample of coal provided by PPG, the variables have a much wider range and, therefore, other suitable coals could be found.

PPG further commented that a September 13, 1978, correspondence from the Economic Analysis Division, Office of Planning and Management, USEPA, indicated that there was significance to PPG's claims about the economic impact of the proposed regulations. However, the referenced letter merely attests to the fact that in early 1977 PPG claimed that it would have to shut down if forced to comply with the existing air pollution regulations. EPA determined that it is appropriate to investigate PPG's claim and this investigation is currently underway. However, EPA has studied the economic and technical feasibility of PPG's emission limitations, as discussed above, and found them to be reasonable. There is therefore no sufficient cause to believe that the proposed emission limitations should be revised. Moreover, since industrial monitors have recorded violations of the NAAQS near PPG, no delay in setting the emission limitations is warranted. The results of EPA's current investigation will be taken into consideration when completed.

B. Executive Order 12044

PPG commented that EPA failed to comply with the requirements of Executive Order 12044, Improving Government Regulations, which provide for management oversight in the development of regulations and analysis of the economic impacts of certain kinds of regulations. EPA's Final Report implementing the Executive Order was published on May 29, 1979 (44 FR 30988). That Final Report emphasizes that the purpose of these special regulatory procedures is to involve the public in evaluating regulatory proposals, to analyze the effects of regulations and to avoid unnecessary regulatory burdens on the public. Moreover, the requirements are intended to apply only to regulations having broad policy effect or national implications.

Upon review, the Agency determined that the Executive Order does not apply to the State Implementation Plan for Summit County. The setting of SO_2

[1] The economic and technological findings made by the Administrator are summarized in the FTSD at V-1-83, and the STSD at 16-38. *See also*, "Inflationary Impact Statement on Sulfur Oxide Regulations for Ohio," Volumes 1-11, Index IX.I.1-11; "Evaluation of the Technological Feasibility and Cost of Selected Control Alternatives Necessary to Meet Proposed Ohio SO_2 Regulations for Industrial Boilers and Processes," GCA/Technology Division. Nine volumes, Index IX.D.1-21; and "Evaluation of the Technological Feasibility and Cost of Selected Control Alternatives Necessary for Power Plants to Meet the Proposed Ohio SO_2 Regulations," PEDCo Environmental Specialists. Fourteen volumes, Index IX.E.1-14. In addition, many of these reports were revised in light of comments submitted during the remand period. Supplemental Index XV.J.1-8.

emission limitations for sources in Summit County, Ohio, while a matter of regional significance, is not an action with national implications or broad policy effect. This is not, therefore, the kind of regulation to which the Executive Order applies. EPA revised the Summit County emission limitations pursuant to a voluntary remand In *Cincinnati Gas and Electric Co.* v. *EPA*, 578 F. 2d 660 (6th Cir. 1978). Enforcement of the prior Federally promulgated regulations was stayed pending this revision. Given this circumstance, no additional delay in finalizing the emission limitations could be warranted.

Even though the Executive Order does not apply, EPA's promulgation meets the purposes of the Executive Order. First, EPA published notice of the regulations and solicited comments as well as holding a public hearing. Second, EPA has conducted economic studies of the Ohio SO_2 regulations and has conducted a specific analysis of PPG's ability to comply with these regulations. Finally, EPA has designed its SO_2 regulations to meet the statutory requirement of attaining and maintaining the National Ambient Air Quality Standards for SO_2. The regulations for Summit County are generally less stringent than the previous Federally promulgated regulations and much less stringent than the original State of Ohio regulations. Therefore, EPA is avoiding any unnecessary regulatory burden.

C. Determination of Compliance

Several Summit County sources commented that EPA should allow a longer averaging time for fuel analyses to take sulfur content variability into account. The December 5, 1979, **Federal Register** addresses this comment in terms of the policy that allows sources to take into account two excesses of the emission limitation averaged over a 24 hour period in any 30 day period for the sulfur content variability of fuel. See 43 FR 6646, February 15, 1978, as amended 44 FR 49296, August 22, 1979.

Since that time, EPA has announced its intention to study the sulfur variability issue and to propose policy and regulatory changes, if necessary. 45 FR 9994 (February 14, 1980). EPA has also proposed to disapprove the 30-day averaging period incorporated in Ohio's latest sulfur dioxide plan. 45 FR 12266 (February 25, 1980). However, while the sulfur variability issue is under EPA review, EPA will proceed with an interim enforcement policy published in the **Federal Register** on February 11, 1980 (45 FR 9101). The interim policy specifies that the currently applicable, promulgated emission limitations must be met on a 30 day rolling weighted average with a daily "cap" of 1.5 times the applicable emission limit. Daily SO_2 emissions data are to be obtained by means of continuous in-stack emission monitors or fuel sampling and analysis techniques. This policy, which amends those cited previously, will be applicable to all sulfur dioxide sources in Summit County.

The Administrator has determined that these regulations meet the requirements of Section 110 of the Clean Air Act and EPA regulations at 40 CFR Part 51; accordingly, the revisions are approved.

(Sec. 110, Clean Air Act, as amended (42 U.S.C. 7410))

Dated: July 18, 1980.

Douglas Costle.

Administrator.

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

Subpart KK—Ohio

1. In § 52.1875, the attainment date for sulfur dioxide in the table is revised for several sources in Summit County. This revision is reflected in footnote "f" to the table.

§ 52.1875 Attainment dates for national standards.

* * * * *

f. August 27, 1979 except for the companies listed in (1) which are subject to an attainment date of June 17, 1980, the Ashland Oil Company in Stark County which is subject to an attainment date of September 14, 1982, the companies in Summit County listed in (2) which are subject to an attainment date of January 4, 1983, and the PPG Industries, Inc. (boilers only) in Summit County, Ohio which is subject to an attainment date of (3 years from the effective date of promulgation).

* * * * *

2. Section 52.1881 is amended by revising paragraph (b) as follows:

§ 52.1881 Control Strategy: Sulfur oxides (sulfur dioxide).

* * * * *

(b) Regulations for the control of sulfur dioxide in the State of Ohio.

* * * * *

(59) In Summit County * * *

* * * * *

(xiv) PPG Industries or any subsequent owner or operator of the PPG Industries facilities in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of the rates specified below:

(A) 3.80 pounds of sulfur dioxide per million BTU of actual heat input.

(B) PPG Industries, Inc., or any subsequent owner or operator of the PPG facility located in Summit County, Ohio, shall be permitted to operate in only one of the following three configurations at any given time:

(1) Boilers No. 11, 12 and one stoker on; the remaining five stokers off.

(2) Boiler No. 12 and two stokers on; boiler No. 11 and the remaining four stokers off.

(3) Boiler No. 11 and three stokers on; boiler No. 12 and the remaining three stokers off.

* * * * *

(xvii) The present or any subsequent owner or operator of the Terex Division of General Motors Corp. in Summit County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 0.85 pounds of sulfur dioxide per million BTU actual heat input.

* * * * *

3. Section 52.1882(e) is amended as follows:

§ 52.1882 Compliance schedules.

* * * * *

(e)(1) The Federal compliance schedule for sources in Summit County identified in § 52.1875, footnote "f" is set forth in § 52.1882(b) except that all references to June 17, 1977, are changed to January 4, 1980.

(2) The owner or operator of any fossil-fuel fired steam generating unit in Summit County with alternative emission limitations specified for one or more units at its facility in § 52.1881(b)(59) shall notify the Administrator no later than 17 weeks after January 4, 1980 of the applicable emission limitation selected.

Failure to indicate a selected emission limitation shall result in each unit at a facility being subject to the first emission limitation specified for that unit in the applicable regulation.

4. A new § 52.1882(f) is added as follows:

§ 52.1882 Compliance schedules.

* * * * *

(f) The Federal Compliance schedule for the PPG Industries, Inc. boilers in Summit County, Ohio is set forth in § 52.1882(b) except that all references to June 17, 1977, are changed to August 25, 1980.

Terex Division of General Motors

On September 27, 1978, USEPA proposed in the **Federal Register** an emission limit of 0.49 pounds per million BTU for the three oil-fired boilers at the TEREX facility as part of the Summit County reanalysis. (see *Butler and Summit County Technical Support Document*, pp. 56–57).

The emission limitation for TEREX was based on attainment of the 24-hour National Ambient Air Quality Standard (NAAQS), the constraining standard in this case. It should be noted that TEREX is an isolated source in Summit County and does not interact with any other sources.

The status quo emission rate used in the USEPA modeling was 0.324 pounds/MMBTU, based upon 0.35% Sulfur and 153,000 BTU/gallon. It became apparent per conversations with the GM staff that the correct status quo emission rate, based upon the correct heating value and short-term fuel averaging, is 0.5 pounds/MMBTU, based upon 0.5% sulfur and 142,000 BTU/gallon. Because of this correction, the 0.49 pounds/MMBTU regulation was reexamined.

A manual correction factor of (0.5)/(0.324) was applied to the TEREX contribution at each of the receptors considered in the previous analysis. The revised TEREX impacts and the revised total concentrations (TEREX + background) are indicated in Table 1.

TABLE 1.—*Critical day concentrations*

Day	Receptor	Concentration from previous analysis ($\mu g/m^3$)		Revised concentration ($\mu g/m^3$)	
		TEREX	Total	TEREX	Total
128	39P39	90	140	139	189
269	39P39	6	12	9	15
2	37P38	107	129	165	187
99	37P38	122	124	188	190
215	37P38	76	125	117	166
235	37P38	122	167	188	233
191	37P38	68	69	105	106
270	37P38	126	164	194	232
357	37P38	109	142	168	201

The highest 24-hour total concentration in Table 1 is 233 $\mu g/m^3$ on day 235 at receptor 37P38. The contribution of the TEREX plant to this total concentration is 188$\mu g/m^3$ An emission limitation increase factor is developed as follow:

$$\text{INCREMENTAL INCREASE IN TEREX EMISSIONS} = \frac{365\ \mu g/m^3\text{—background concentration}}{188\ \mu g/m^3}$$

$$\frac{365\ \mu g/m^3 - (233-188)\ \mu g/m^3}{188\ \mu g/m^3} = 1.70$$

Applying this factor to the status quo emission rate of 0.5 pounds SO_2/MMBTU yields a revised emission limitation of 0.85 pounds/MMBTU.

[FR Doc. 80-22374 Filed 7-24-80; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

41 CFR Parts 3-1 and 3-7

Procurement; Elimination of Use of Option Articles in Cost-Reimbursement Type Contracts

AGENCY: Department of Health and Human Services.

ACTION: Final rule.

SUMMARY: The Office of the Secretary, Department of Health and Human Services is amending its procurement regulations to preclude the use of option articles in cost-reimbursement type contracts.

This action is being taken because option articles in cost-reimbursement type contracts are sometimes misused and employed as an administrative convenience to circumvent more appropriate processes, such as incremental funding.

EFFECTIVE DATE: July 25, 1980.

FOR FURTHER INFORMATION CONTACT: Ed Lanham, Office of Procurement Policy, OGP–OASMB–OS, Department of Health and Human Services, Room 538H, Hubert H. Humphrey Building, 220 Independence Avenue, SW., Washington, D.C. 20201 (202–245–0481).

SUPPLEMENTARY INFORMATION: The Department has determined that the exercise of option articles in cost-reimbursement contracts is not always in the best interest of the Government. As a result, those portions of the regulation addressing options in cost-reimbursement contracts have been eliminated. In addition, other portions of the regulation have been rewritten for clarity.

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

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

Dated: June 21, 1980.

Matthias Lasker,

Acting Deputy Assistant Secretary for Grants and Procurement.

PART 3-1—GENERAL

1. Under Part 3–1, General, Subpart 3–1.54, Options, is deleted in its entirety and the following is substituted. In addition, the table of contents for Part 3–1 is amended to delete reference to § 3–1.5406, Examples of option articles for cost-reimbursement type contracts.

Subpart 3–1.54—Options

Sec.
3–1.5400 Scope of subpart.
3–1.5401 Definition of options.
3–1.5402 Applicability.
3–1.5403 Procedures.
3–1.5404 Exercise of options.
3–1.5405 Examples of option articles for fixed-price type contracts.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 3–1.54—Options

§ 3–1.5400 Scope of subpart.

This subpart applies to contracts for supplies and services other than for:

(a) Construction, alteration, or repair of buildings or other real property; and

(b) Contracts to be awarded on a cost-reimbursement basis.

§ 3–1.5401 Definition of options.

(a) As used in this subpart, an option is a provision in a contract under which, for a specified time, the Government may elect to purchase at an established price or at a price that can be established by reference to some specific method of calculation which will make the price certain, additional quantities of the supplies or services called for by the contract. Any option may call for delivery of the option quantity within the initial contract period or may call for delivery of the option quantity subsequent to the initial contract period.

(b) An option must:

(1) Indentify the supplies or services as a discrete option quantity in addition to the basic quantity of supplies or services to be delivered under the initial contract award;

(2) Establish a price or specify a method of calculation which will make the price certain;

(3) Be agreed to and included in the initial contract award; and

(4) Permit the Government the right to exercise the option unilaterally.

(c) Contract provisions which provide the Government the right to buy additional requirements, subject to the written agreement of the contractor, do not meet the requirement of paragraph (b)(4) of this section and are not authorized. Further, any contract provision which merely extends the initial contract period without requiring delivery of additional supplies or services is not an option.

§ 3–1.5402 Applicability.

(a) Option clauses which require delivery of the option quantity within

the initial contract period may be included in contracts only where requirements within the period of initial contract performance are foreseeable. Option clauses which both extend the initial contract period and require delivery of the option quantity during the extended period may be used only when it can be determined, with a high degree of certainty prior to contract award, that there will be a need for additional requirements. Since options require offerors to guarantee prices for definite periods of time with no guarantee that orders will be placed, their improper use could result in prices which are unfair to either the Government or the contractor. Option clauses may require that option quantities be offered at prices no higher than those for the initial quantities or they may allow option quantities to be offered at prices different than the price for the initial quantity. When additional requirements are foreseeable and subsequent competition would be impracticable because of such factors as production lead time and delivery requirements, the use of options which require prices no higher than those for the initial quantities may be preferable to later negotiating a price with the contractor (in lieu of exercising such an option) at a time when the contractor is the only practical source. An option normally should not be used where it can reasonably be predicted that supplies will have to be procured at some future date in a quantity that would constitute an economic production run, and startup costs, production lead time, and probable delivery requirements would not preclude adequate future competition.

(b) Option provisions and clauses shall not be included in solicitations and contracts when:

(1) The supplies or services being purchased are readily available on the open market, except that in the case of services, option clauses may be included for foreseeable requirements if use of the option is considered to be in the best interest of the Government;

(2) The contractor would be required to incur undue risks; e.g., the price or availability of necessary materials or labor is not reasonably foreseeable;

(3) An indefinite quantity contract or requirements contract is appropriate. Options cannot be used as a substitute for these types of contracts.

(4) Market prices for the supplies or services involved are likely to change substantially;

(5) The option quantities represent known firm requirements for which procurement funds are available unless:

(i) The basic quantity is a learning or testing quantity and there is some uncertainty as to contractor or equipment performance; or

(ii) Realistic competition for the option quantity is impracticable once the initial contract is awarded;

(6) The contract is for ADPE, software, or maintenance services except as provided for in FPR § 1–4.1108–4;

(7) The primary purpose for inclusion would be the achievement of administrative convenience; and

(8) The inclusion would serve as a device for incrementally funding contracts which do not meet the standards which permit the use of incremental funding (See § 3–50.6).

(c) Option provisions which provide for the option quantity to be delivered subsequent to the initial contract period shall not be used to avoid competition, to fund an overrun or excuse a delay in timely performance or delivery, to provide continuing support of a general nature to the contractor, or to provide for requirements which may be only possibly required.

(d) When options are to be evaluated pursuant to § 3–1.5403(d), the total of the basic and option periods shall not exceed five years in the case of services, and the total of the basic and option quantities shall not exceed the requirements for two years in the case of supplies.

§ 3–1.5403 Procedures.

(a) When a contract is to contain an option clause, the solicitation must contain an appropriate option provision. If the contract is to be negotiated, the determination and findings shall set forth the approximate quantity to be awarded and the extent of the increase to be permitted by the option. The contract shall limit the additional quantities of supplies or services which may be procured, or the duration of the period for which performance of the contract may be extended under the option and will fix the period within which the option may be exercised. This period shall be set so as to afford the contractor adequate notice of the requirement for performance under the option, but, with respect to service contracts, may extend beyond the contract completion date when funds to pay for services called for in the option are not available in the fiscal year in which the contract would otherwise be completed. In fixing the period within which the option may be exercised, consideration shall be given to necessary lead time in order to assure continuous performance and the time required for additional funding and other necessary procurement action. The period specified for exercising the option shall in all cases be kept to a minimum. When a solicitation contains an option which requires the offering of additional quantities of supplies at unit prices no higher than those of the initial quantities, it shall provide that the option quantities shall not exceed 50 percent of the initial quantity. When unusual circumstances exist, however, the principal official responsible for procurement (not delegable) may approve a greater percentage or quantity. The quantities and the period under option and the period during which the option may be exercised shall be justified and documented in the contract file by the contracting officer.

(b) Except as provided in paragraphs (c) and (d) of this section, solicitations containing option provisions shall state that evaluation will be on the basis of the quantity to be awarded exclusive of the option quantity.

(c) When it is anticipated that the Government may exercise the option at time of award, the solicitation shall include an Evaluation of Options provision substantially as follows:

Evaluation of Options

If the Government elects to exercise an option simultaneously with award, bids or proposals will be evaluated for purposes of awards on the basis of the total price for the basic quantity and option quantity exercised with award.

(d) If options are to be evaluated but not exercised at the time of award, a determination must be made by the chief of the procuring activity, before the issuance of the solicitation, that:

(1) There is a known requirement which exceeds the basic quantity to be awarded, but either the basic quantity is a learning or testing quantity and there is some uncertainty as to contractor or equipment performance, or, due to the unavailability of funds, the option cannot be exercised at the time of award of the basic quantity: *Provided,* That, in this latter case, there is reasonable certainty that funds will be available thereafter to permit exercise of the option.

(2) Realistic competition for the option quantity is impracticable once the initial contract is awarded and hence it is in the best interest of the Government to evaluate options in order to eliminate the possibility of a buy-in. This determination shall be based on factors such as, but not limited to, substantial start-up or phase-in costs, superior technical ability resulting from performance of the initial contract, and long preproduction lead time for a new producer. In such cases, the solicitation

shall contain an Evaluation of Options provision substantially as follows:

Evaluation of Options

Bids or proposals will be evaluated for purposes of award by adding the total price for all option quantities to the total price for the basic quantity. Evaluation of options will not obligate the Government to exercise the option or options.

Any bid or proposal which is materially unbalanced as to prices for basic and option quantities will be rejected as nonresponsive. An unbalanced bid or proposal is one which is based on prices significantly less than cost for some work and prices which are significantly overstated for other work.

(e) Solicitations which allow the offer of option quantities at unit prices which differ from the unit prices for the basic contract quantities shall also state that varying prices may be offered for the option quantities depending on the quantities actually ordered and the date or dates when ordered. However, if the solicitation contains an Evaluation of Options provision pursuant to paragraphs (c) and (d) of this section, it shall also specify the price at which the options will be evaluated (e.g., highest option price for specified quantities or dates).

(f) Where exercise of the option would result in increasing quantities of supplies, the option may be expressed in terms of:

(1) Percentage of specific contract line items;

(2) A number of additional units of specific contract line items; or

(3) Additional numbered line items identified as the option quantity with the same nomenclature as line items initially included in the contract.

Where exercise of the option would result in an increase in the performance of services by the contractor, the option may similarly be expressed in terms of percentages, increase in specific line items, or additional numbered line items, expressed in terms of the units of work initially used in the contract such as staff hours, square feet, pounds or tons handled.

(g) Where it is the Government's intention to obtain option prices but not evaluate them in the selection process, the solicitation must so inform the offerors.

§ 3-1.5404 Exercise of options.

(a) The exercise of an option by the Government requires the contracting officer's written notification to the contractor within the time period specified in the contract.

(b) Where the contract provides for price escalation and the contractor requests revision of price pursuant to such provisions, or the provision applies only to the option quantity, the effect of escalation on prices under the option must be ascertained before the option is exercised.

(c) Options should be exercised only if it is determined that:

(1) Funds are available;

(2) The requirements covered by the option fulfill an existing need of the Government; and

(3) The exercise of the option is most advantageous to the Government, price and other factors considered.

(d) Insofar as price is concerned, the determination under paragraph (c)(3) of this section shall be made on the basis of one of the following:

(1) A new solicitation fails to produce a better price than that offered by the option. When the contracting officer anticipates the option price will be the best price available, one of the methods stated in paragraphs (d) (2), (3), and (4) of this section should be used to test the market before resoliciting bids or proposals.

(2) An informal investigation of prices, or other examination of the market, indicates clearly that a better price than that offered by the option cannot be obtained.

(3) The time between the award of the contract containing the option and the exercise of the option is so short that it indicates the option price is the lowest price obtainable, considering such factors as market stability and a comparison of the time since award with the usual duration of contracts for such supplies and services.

(4) Established prices are readily ascertainable and clearly indicate that formal advertising or informal solicitation can serve no useful purpose.

(e) Insofar as the "other factors" mentioned in paragraph (c)(3) of this section are concerned, the determination should, among other things, take into account the Government's need for continuity of operations and potential costs to the Government of disrupting operations, including the cost of relocating necessary Government furnished equipment.

(f) When it has been determined that an option may properly be exercised in accordance with the preceding principles, the determination shall be set forth in writing and made a part of the contract file. Written notification to the contractor of the exercise of the option and any resulting contract modification shall cite the option clause contained in the original contract as authority for the procurement of the option quantity, and no citation under 41 U.S.C. 252(c) is required.

§ 3-1.5405 Examples of option articles for fixed-price type contracts.

Option articles for fixed-price type contracts are set forth in § 3-7.5009.

PART 3-7—CONTRACT CLAUSES

2. Under Part 3-7, Contract Clauses, Subpart 3-7.50, Special Contract Clauses is amended by deleting § 3-7.5009, Examples of option articles, in its entirety and substituting the following. In addition, the table of contents of Part 3-7 is amended to reflect the new section title.

Subpart 3-7.50—Special Contract Clauses

Sec.

* * * * *

3-7.5009 Examples of option articles for fixed-price type contracts

* * * * *

Subpart 3-7.50—Special Contract Clauses

§ 3-7.5009 Examples of option articles for fixed-price type contracts.

Guidance on the use of options for fixed-price type contracts is provided in Subpart 3-1.54.

(a) An article substantially as follows may be used where the contract expresses the option quantity as a percentage of the basic contract quantity or as an additional quantity of a specific line item, without separate pricing of the option quantity.

Option for Increased Quantity

The Government may increase the quantity of supplies called for herein by any amount of units up to (specify a quantity or a percentage of the basic quantity) at the unit price specified in the contract. The Contracting Officer may exercise this option by giving written notice of the Government's exercise of the option to the Contractor not later than (specify a certain date or a number of days before the last delivery date under the basic contract). Delivery of the items added by the exercise of this option shall continue immediately after, and at the same rate as, delivery of like items called for under this contract. (This sentence may be appropriately modified to reflect agreement of the parties on delivery terms).

(b) An article substantially as follows may be used where the contract identifies the option quantity as a separately priced line item having the same nomenclature as a corresponding basic contract line item.

Option for Increased Quantity-Line Item

The Government may increase the quantity of supplies called for herein by requiring the delivery of the numbered line item identified in the Schedule or specified in ARTICLE ——— of the Special Provisions as an option item in the quantity and at the price set forth herein. The Contracting Officer may exercise

this option by giving written notice of the Government's exercise of such option to the Contractor not later than (specify a certain date or a number of days before the last delivery date under the basic contract). Delivery of the items added by the exercise of this option shall continue immediately after, and at the same rate as, delivery of like items called for under this contract. (This sentence may be appropriately modified to reflect agreement of the parties on delivery terms.)

(c) An article substantially as follows may be used to provide for the continuation of services.

Option To Extend Services

The Government may require continued performance of any services within the limits and at the rates stated in the contract. The Contracting Officer may exercise this option by giving written notice to the Contractor not later than (specify a certain date or a number of days before the completion date of the contract).

[FR Doc. 80-22306 Filed 7-24-80; 8:45 am]

BILLING CODE 4110-12-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA 5855]

List of Communities with Special Hazard Areas Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule identifies communities with areas of special flood, mudslide, or erosion hazards as authorized by the National Flood Insurance Program. The identification of such areas is to provide guidance to communities on the reduction of property losses by the adoption of appropriate flood plain management or other measures to minimize damage. It will enable communities to guide future construction, where practicable, away from locations which are threatened by flood or other hazards.

EFFECTIVE DATE: The effective date shown at the top right of the table or August 25, 1980, whichever is later.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426-1460 or Toll Free Line 800-424-8872, Room 5150, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93-234) requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply in respect to conventional mortgage loans by federally regulated, insured, supervised, or approved lending institutions.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin August 25, 1980 or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin August 25, 1980 or the effective date of the Flood Hazard Boundary Map, whichever is later.

This identification is made in accordance with Part 64 of Title 44 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001-4128)

Section 65.3 is amended by adding in alphabetical sequence a new entry to the table:

§ 65.3 List of communities with special hazard areas (FHBMs in effect).

BILLING CODE 6718-03-M

EFFECTIVE DATE July 1, 1980

1 STATE	2 IDENT. NUMBER	3 COMMUNITY NAME & COUNTY NAME	4 PANELS PRINTED (# AND SUFFIX)	5 INLAND/ COASTAL	6 HAZARD	7 60.3 CODE	8 PROGRAM STATUS	9 STATUS OF		10 PREVIOUS MAP DATES		11 REVISION CODE(S)	12 RESCISSION	13 FLOODWAYS PANELS PRINTED	14 LOCATION OF MAP REPOSITORY
								FHBM	FIRM	FHBM	FIRM				
CA	060061	City of Arcata (Humboldt County)	0001C	C	FL	B	1	3	N/A	6-28-74 12-5-75 9-12-78	N/A	8 9 10	N/A	N/A	Mr. Franklin R. Klopp Director of Public Works 736 F Street Arcata, CA 95521 (707) 822-5951
KS	200125	Harper County (Unincorporated Area)	0001A 0002A 0003A 0004A 0005A 0006A 0007A 0008A 0009A	I	FL	B	4	2	N/A	N/A	N/A	N/A	N/A	N/A	Mr. Herschel M. Roach Chairman Office of the County Commissioners Harper County Courthouse 200 North Jennings Anthony, KS 67002 (316) 842-5555
TX	481555	Town of Payne Springs (Henderson County)	0001A	I	FL	B	4	2	N/A	N/A	N/A	N/A	N/A	N/A	Honorable C. L. Thomas Mayor, Town of Payne Springs Route 2 Mabank, TX 75147 (214) 451-3576

EFFECTIVE DATE July 4, 1980

1 State	2 Ident. Number	3 Community Name County Name	4 Panels Printed (# and Suffix)	5 Inland/ Coastal	6 Hazard	7 60.3 Code	8 Program Status	9 Status of FHBM	9 Status of FIRM	10 Previous Map Dates FHBM	10 Previous Map Dates FIRM	11 Revision Code(s)	12 Rescission	13 Floodways Panels Printed	14 Location of Map Repository
PA	421887	Twp. of Eldred (Monroe Co.)	Index 0002A 0003A	I	FL	B	1	3	N/A	12/ 6/74	N/A	9 10 16	N/A	N/A	Walter Hawk, Chairman Twp. Board of Supervisors R.D. 3 Kunnletown, PA 18058 Phone: (215) 381-3037
PA	422052	Twp. of Ogle (Somerset Co.)	Index 0001A 0002A 0003A 0004A	I	FL	B	1	3	N/A	12/13/74	N/A	9 10 16	N/A	N/A	Michael Dzurko, Chairman Twp. Board of Supervisors 318 Ashtola Drive Windber, PA 15963 Phone: (814) 467-9336
PA	422474	Twp. of Sergeant (McKean Co.)	Index 0003A 0004A	I	FL	B	1	3	N/A	2/14/75	N/A	9 10 16	N/A	N/A	James W. Schnepp, Chairman Twp. Board of Supervisors Star Rte., Clermont Mt. Jewett, PA 16740 Phone: (814) 778-5344
PA	421472	Twp. of Worth (Centre Co.)	Index 0001A 0003A	I	FL	B	1	3	N/A	12/27/74	N/A	9 10 16	N/A	N/A	Walter J. Striedieck, Chairman Twp. Board of Supervisors R.D. 2, Box 403 Port Matilda, PA 16870 Phone: (814) 692-0514

EFFECTIVE DATE 07-04-80

1 State	2 Ident. Number	3 Community Name County Name	4 Panels Printed (# and Suffix)	5 Inland/ Coastal	6 Hazard	7 60.3 Code	8 Program Status	9 Status of		10 Previous Map Dates		11 Revision Code(s)	12 Rescission	13 Floodways Panels Printed	14 Location of Map Repository
								FHBM	FIRM	FHBM	FIRM				
MS	280090	Town of Prentiss (Jefferson Davis Co.)	0005B	I	FL	B	1	3	NA	6/7/74 6/18/76	NA	9 10	NA	NA	Victor Jones, Mayor Box 840 Prentiss, Mississippi 39474 (601) 792-5470
MS	280173	City of Ripley (Tippah Co.)	0001B	I	FL	B	1	3	NA	6/7/74 6/18/76	NA	9 10	NA	NA	Gary Hill, Mayor City of Dunn 205 Spring Street Ripley, Mississippi 38663 (601) 837-7154
NC	370098	Town of Louisburg (Franklin Co.)	0001B	I	FL	B	1	3	NA	6/14/74 6/18/76	NA	8 10	NA	NA	V.A. Peoples, Mayor Town of Louisburg 100 West Nash Louisburg, North Carolina 27549 (919) 496-3406

EFFECTIVE DATE July 8, 1980

1 STATE	2 IDENT. NUMBER	3 COMMUNITY NAME & COUNTY NAME	4 PANELS PRINTED (# AND SUFFIX)	5 INLAND/ COASTAL	6 HAZARD	7 60 3 CODE	8 PROGRAM STATUS	9 STATUS OF		10 PREVIOUS MAP DATES		11 REVISION CODE(S)	12 RESCISSION	13 FLOODWAYS PANELS PRINTED	14 LOCATION OF MAP REPOSITORY
								FHBM	FIRM	FHBM	FIRM				
TX	480171	City of Dallas (Dallas County)	0001B 0002B 0003B 0004B 0005B 0006B 0007B 0008B 0009B 0010B 0011B 0012B 0013B 0014B 0015B 0016B 0017B 0018B 0019B 0021B	I	FL	B	1	3	N/A	1-10-75 2-11-77	N/A	8 9 10	N/A	N/A	Mr. George Schrader City Manager Dallas City Hall Dallas, TX 75201 (214) 670-3301

EFFECTIVE DATE July 11, 1980

1 State	2 Ident. Number	3 Community Name County Name	4 Panels Printed (# and Suffix)	5 Inland/ Coastal	6 Hazard	7 60.3 Code	8 Program Status	9 Status of FHBM	9 Status of FIRM	10 Previous Map Dates FHBM	10 Previous Map Dates FIRM	11 Revision Code(s)	12 Rescission	13 Floodways Panels Printed	14 Location of Map Repository
PA	421659	Twp. of Belfast (Fulton Co.)	Index 0002A 0004A	I	FL	B	4	3	N/A	12/20/74	N/A	9 10 16	N/A	N/A	Baltzer Deshong, Chairman Twp. Board of Supervisors Needmore, PA 17238 Phone: (717) 573-2362
PA	421660	Twp. of Brush Creek (Fulton Co.)	Index 0001A 0002A 0003A 0004A	I	FL	B	4	3	N/A	3/28/75	N/A	9 10 16	N/A	N/A	George M. Fischer, Jr. Chairman Twp. Board of Supervisors R.D. 2 Warfordsburg, PA 17267 Phone: (717) 294-3658
PA	422382	Twp. of Goshen (Clearfield Co.)	Index 0001A 0002A 0003A	I	FL	B	1	3	N/A	2/21/75	N/A	9 10 16	N/A	N/A	Michael W. Owens Chairman Twp. Board of Supervisors R.D. 2 Clearfield, PA 16830 Phone: (814) 765-5217
PA	422038	Twp. of Perry (Snyder Co.)	Index 0001A 0002A	I	FL	B	1	3	N/A	1/3/75	N/A	9 10 16	N/A	N/A	Raymond Swartz, Chairman Twp. Board of Supervisors R.D. 1 Mt. Pleasant Mills, PA 17853 Phone: (717) 539-2675

EFFECTIVE DATE 7-11-80

1 State	2 Ident. Number	3 Community Name County Name	4 Panels Printed (# and Suffix)	5 Inland/ Coastal	6 Hazard	7 60.3 Code	8 Program Status	9 Status of FHBM	9 Status of FIRM	10 Previous Map Dates FHBM	10 Previous Map Dates FIRM	11 Revision Code(s)	12 Rescission	13 Floodways Panels Printed	14 Location of Map Repository
MS	280071	City of Clinton (Hinds Co.)	0005B	I	FL	B	1	3		6/14/74 11/12/76		8 9	NA	NA	Charles Bass, Mayor City of Clinton P.O. Box 156 Clinton, MS 39056 (601) 924-5462
MS	280296	Town of Sherman (Pontotoc & Union)	0005B	I	FL	B	1	3		6/10/77		8 9 10	NA	NA	Joe Beasley, Mayor Town of Sherman Sherman, MS 38869 (601) 842-9184
MS	280034	Town of Shubuta (Clarke Co.)	0005B	I	FL	B	1	3		6/7/74 6/25/79		10	NA	NA	Florence Busby, Mayor Box 416 Shubuta, MS 39360 (601) 687-6831

EFFECTIVE DATE July 15, 1980

1 STATE	2 IDENT. NUMBER	3 COMMUNITY NAME & COUNTY NAME	4 PANELS PRINTED (# AND SUFFIX)	5 INLAND/ COASTAL	6 HAZARD	7 60.3 CODE	8 PROGRAM STATUS	9 STATUS OF		10 PREVIOUS MAP DATES		11 REVISION CODE(S)	12 RESCISSION	13 FLOODWAYS PANELS PRINTED	14 LOCATION OF MAP REPOSITORY
								FHBM	FIRM	FHBM	FIRM				
TX	480851	Haskell County (Unincorporated Area)	0001A 0002A 0003A 0004A 0005A 0006A 0007A 0008A 0009A 0010A 0011A 0012A	I	FL	B	1	2	N/A	N/A	N/A	N/A	N/A	N/A	The Honorable John Wayne McDermott County Judge P. O. Box 774 Haskell County Courthouse Haskell, TX 79521 (817) 864-2851
TX	481556	Town of San Patricio (San Patricio and Nueces Counties)	0001A	I	FL	B	4	2	N/A	N/A	N/A	N/A	N/A	N/A	The Honorable G. W. McCown, IV Mayor, Town of San Patricio Route 2, Box 50 Mathis, TX 78368 (512) 547-2605

EFFECTIVE DATE July 18, 1980

1 State	2 Ident. Number	3 Community Name County Name	4 Panels Printed (# and Suffix)	5 Inland/ Coastal	6 Hazard	7 60.3 Code	8 Program Status	9 Status of FHBM	9 Status of FIRM	10 Previous Map Dates FHBM	10 Previous Map Dates FIRM	11 Revision Code (#)	12 Rescission	13 Floodways Panels Printed	14 Location of Map Repository
IL	170041B	City of Martinsville (Clark Co.)	Index 01	I	FL	B	4	3	N/A	11/23/73 3/26/76	N/A	9 10 16	N/A	N/A	Truman Dean, Mayor City Hall 19 West Cumberland Street Martinsville, IL 62442 Phone: (217) 382-4323
PA	421684	Twp. of Brady (Huntingdon Co.)	Index 0002A 0004A	I	FL	B	1	3	N/A	1/24/75	N/A	9 10 16	N/A	N/A	J. Robert Swanger, Chairman Twp. Board of Supervisors Star Route Mill Creek, PA 17060 Phone: (717) 483-6451
PA	422443	Twp. of Eldred (Jefferson Co.)	Index 0003A 0004A	I	FL	B	1	3	N/A	1/17/75	N/A	9 10 16	N/A	N/A	Herman Mineweaser, Chairman Twp. Board of Supervisors R.D. 4 Brookville, PA 15825 Phone: (814) 849-7536
PA	421968	Twp. of Palmyra (Pike Co.)	Index 0001A 0002A 0003A 0004A 0005A	I	FL	B	4	3	N/A	12/13/74	N/A	9 10 16	N/A	N/A	J. Richard Hunter, Chairman Twp. Board of Supervisors Tafton, PA 18464 Phone: (717) 226-9289
PA	421891	Twp. of Paradise (Monroe Co.)	Index 0001A 0002A	I	FL	B	1	3	N/A	4/11/75	N/A	9 10 16	N/A	N/A	Robert Bullock, Chairman Twp. Board of Supervisors R.D. 1, Box 453A Cresco, PA 18326 Phone: (717) 829-7263
PA	420224	Twp. of Washington (Butler Co.)	Index 0001B 0002B	I	FL	B	1	3	N/A	9/13/74 5/21/76	N/A	9 10 16	N/A	N/A	Donald Day, Chairman Twp. Board of Supervisors Hilliards, PA 16040 Phone: (412) 894-2609

EFFECTIVE DATE 7-18-80

1 State	2 Ident. Number	3 Community Name County Name	4 Panels Printed (& and Suffix)	5 Inland/ Coastal	6 Hazard	7 60.3 Code	8 Program Status	9 Status of		10 Previous Map Dates		11 Revision Code(s)	12 Rescission	13 Floodways Panels Printed	14 Location of Map Repository
								FHBM	FIRM	FHBM	FIRM				
KY	210164	City of Calvert City (Marshall Co.)	0005 C	I	FL	B	1	9		12/31/76		10	NA	NA	Dr. William Coburn, Mayor Box 36 Calvert City, KY 42029 (502) 395-7138
MS	280119	C. of Winona (Montgomery Co.)	0010 B 0015 B	I	FL	B	1	3		8/23/74 6/18/76		10	NA	NA	Herbert Summers, Mayor City Hall P.O. Box 29 Winona, MS 38967 (601) 283-1232
MS	280314	T. of Enterprise (Clarke Co.)	0001 B	I	FL	B	4	3		1/19/79		8 9 10	NA	NA	Christine J. Buckley, Mayor Town of Enterprise P.O. Box 266 Enterprise, MS 39330 (601) 659-7971
NC	370205	T. of Fairmont (Robeson Co.)	0005 B 0010 B	I	FL	B	1	3		2/15/74 9/24/76		8 10	NA	NA	Willie Brooks Webster, Mayor Town Hall Town of Fairmont P.O. Box 248 Fairmont, NC 28340 (919) 628-9766
NC	370374	T. of Lansing (Ashe Co.)	0001 B	I	FL	B	1	3		2/22/74 6/11/76		11	NA	NA	Jack Brandt, Mayor Town of Lansing Lansing, NC 28643 (919) 384-2413

EFFECTIVE DATE July 22, 1980

1 STATE	2 IDENT. NUMBER	3 COMMUNITY NAME & COUNTY NAME	4 PANELS PRINTED (# AND SUFFIX)	5 INLAND/ COASTAL	6 HAZARD	7 60.3 CODE	8 PROGRAM STATUS	9 STATUS OF		10 PREVIOUS MAP DATES		11 REVISION CODE(S)	12 RESCISSION	13 FLOODWAYS PANELS PRINTED	14 LOCATION OF MAP REPOSITORY
								FHBM	FIRM	FHBM	FIRM				
IA	190863	Delaware County (Unincorporated Area)	0001A 0002A 0003A 0004A 0005A 0006A	I	FL	B	4	2	N/A	N/A	N/A	N/A	N/A	N/A	Mr. Donald Atkinson Board of Supervisors Delaware County Courthouse Manchester, IA 52057 (319) 927-2515

EFFECTIVE DATE July 25, 1980

1 State	2 Ident. Number	3 Community Name County Name	4 Panels Printed (# and Suffix)	5 Inland/ Coastal	6 Hazard	7 60.3 Code	8 Program Status	9 Status of FHBM	9 Status of FIRM	10 Previous Map Dates FHBM	10 Previous Map Dates FIRM	11 Revision Code(s)	12 Rescission	13 Floodways Panels Printed	14 Location of Map Repository
PA	422361	Twp. of Ashland (Clarion Co.)	Index 0001A 0002A	I	FL	B	4	3	N/A	1/10/75	N/A	9 10 16	N/A	N/A	Floyd H. O'Neil, Chairman Twp. Board of Supervisors R.D. 1 Knox, PA 16232 Phone: (814) 797-5412
PA	421929	Twp. of Bushkill (Northampton Co.)	Index 0002A	I	FL	B	1	3	N/A	11/ 8/74	N/A	9 10 16	N/A	N/A	Joseph Digerlando, Chairman Twp. Board of Supervisors P.O. Box 404 Nazareth, PA 18064 Phone: (215) 759-7239
PA	421963	Twp. of Delaware (Pike Co.)	Index 0001A 0002A 0003A 0004A	I	FL	B	1	3	N/A	11/29/74	N/A	9 10 16	N/A	N/A	Margaret Mary Jonas Chairman, Twp. Board of Supervisors Dingmans Ferry, PA 18328 Phone: (717) 828-2110
PA	422048	Twp. of Elk Lick (Somerset Co.)	Index 0004A	I	FL	B	1	3	N/A	12/27/74	N/A	9 10 16	N/A	N/A	Kenneth R. Hetrick, Chairman Twp. Board of Supervisors R.D. 1 Fort Hill, PA 15540 Phone: (814) 662-4020
PA	422430	Twp. of Union (Fulton Co.)	Index 0001A 0002A	I	FL	B	1	3	N/A	12/27/74	N/A	9 10 16	N/A	N/A	David Layton, Chairman Twp. Board of Supervisors R.D. 1 Hancock, MD 21750 Phone: (717) 294-3725

EFFECTIVE DATE 7-25-80

1 State	2 Ident. Number	3 Community Name County Name	4 Panels Printed (D and Suffix)	5 Inland/ Coastal	6 Hazard	7 60.3 Code	8 Program Status	9 Status of		10 Previous Map Dates		11 Revision Code(s)	12 Rescission	13 Floodways Panels Printed	14 Location of Map Repository
								FHBM	FIRM	FHBM	FIRM				
CT	090152	T. of Stafford (Tolland Co.)	0005 A 0010 A 0015 A 0020 A	I	FL	B	4	2		NA	NA	NA	NA	NA	Don Julian, First Selectman Town of Stafford P.O. Box 2 Stafford Springs, CT 06076 (203) 684-2532
GA	130305	C. of Douglasville (Douglas Co.)	0005 A 0010 A	I	FL	B	4	3		4/25/75	NA	8 9 10	NA	NA	John H. Wynn, Mayor City of Douglasville 6263 Ellis Street Douglasville, GA 30134 (404) 942-5118
NC	370145	C. of Kinston (Lenoir Co.)	0001B 0002B 0003B 0004B	I	FL	B	1	3		3/15/74 4/30/76	NA	8 9 10	NA	NA	Simon C. Sitterson, Mayor City of Kinston P.O. Box 339 Kinston, NC 28501 (919) 527-2111
VT	500137	T. of Vernon (Windham Co.)	0005B 0010B	I	FL	B	1	3		6/28/74 2/20/76	NA	9 10	NA	NA	Walter Zaluzny, Chairman Board of Selectmen Town of Vernon Governor Hunt Road Vernon, VT. 05354

EFFECTIVE DATE July 29, 1980

1 STATE	2 IDENT. NUMBER	3 COMMUNITY NAME & COUNTY NAME	4 PANELS PRINTED (# AND SUFFIX)	5 INLAND/ COASTAL	6 HAZARD	7 60.3 CODE	8 PROGRAM STATUS	9 STATUS OF		10 PREVIOUS MAP DATES		11 REVISION CODE(S)	12 RESCISSION	13 FLOODWAYS PANELS PRINTED	14 LOCATION OF MAP REPOSITORY
								FHBM	FIRM	FHBM	FIRM				
MO	290808	Jefferson County (Unincorporated Area)	0001A 0002A 0003A 0004A 0005A 0006A 0007A 0008A 0009A 0010A	I	FL	B	1	2	N/A	N/A	N/A	N/A	N/A	N/A	The Honorable Ralph Krodinger County Judge Jefferson County Courthouse Hillsboro, MO 62050 (314) 789-3911

BILLING CODE 6718-03-C

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator).

Issued: July 11, 1980.

Francis V. Reilly,

Acting Federal Insurance Administrator.

[FR Doc. 80-21910 Filed 7-24-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 65

[Docket No. FEMA 5856]

List of Withdrawal of Flood Insurance Maps Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities where Flood Insurance Rate Maps or Flood Hazard Boundary Maps published by the Federal Insurance Administration, have been temporarily withdrawn for administrative or technical reason. During that period that the map is withdrawn, the insurance purchase requirement of the National Flood Insurance Program is suspended.

EFFECTIVE DATES: The date listed in the fifth column of the table.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line 800–424–8872, Room 5150, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The list includes the date that each map was withdrawn, and the effective date of its republication, if it has been republished. If a flood prone location is now being identified on another map, the community name for the effective map is shown.

The Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended, requires, at Section 102, the purchase of flood insurance as a condition of Federal financial assistance if such assistance is:

(1) for acquisition and construction of buildings, and

(2) for buildings located in a special flood hazard area identified by the Director of Federal Emergency Management Agency.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction of buildings in these areas unless the community has entered the program. The denial of such financial assistance has no application outside of the identified special flood hazard areas of such flood-prone communities.

Prior to July 1, 1975, the statutory requirement for the purchase of flood insurance did not apply until and unless the community entered the program and the special flood hazard areas were identified by the issuance of a flood insurance map. However, after July 1, 1975, or one year after identification, whichever is later, the requirement applies to all communities in the United States that are identified as having special flood hazard areas within their community boundaries, so that, no such financial assistance can legally be provided for buildings in these areas unless the community has entered the program.

The insurance purchase requirement with respect to a particular community may be altered by the issuance or withdrawal of the Federal Insurance Administration's (FEMA) official Flood Insurance Rate Map (FIRM) or the Flood Hazard Boundary Map (FHBM). A FHBM is usually designated by the letter "E" following the community number and a FIRM by the letter "R" following the community number. If the FIA withdraws a FHBM for any reason the insurance purchase requirement is suspended during the period of withdrawal. However, if the community is in the Regular Program and only the FIRM is withdrawn but a FHBM remains in effect, then flood insurance is still required for properties located in the identified special flood hazard areas shown on the FHBM, but the maximum amount of insurance available for new applications or renewal is first layer coverage under the Emergency Program, since the community's Regular Program status is suspended while the map is withdrawn. (For definitions see 44 CFR Part 59 et. seq.).

As the purpose of this revision is the convenience of the public, notice and public procedure are unnecessary, and cause exists to make this amendment effective upon publication. Accordingly, Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations is amended as follows:

1. Present § 65.6 is revised to read as follows:

§ 65.6 Administrative withdrawal of maps.

(a) Flood Hazard Boundary Maps (FHBM's).

The following is a cumulative list of withdrawals pursuant to this Part:

40 FR 5149
40 FR 17015
40 FR 20798
40 FR 46102
40 FR 53579
40 FR 56672
41 FR 1478
41 FR 50990
41 FR 13352
41 FR 17726
42 FR 8895
42 FR 29433
42 FR 46226
42 FR 64076
43 FR 24019
44 FR 815
44 FR 6383
44 FR 18485
44 FR 25636
44 FR 34120
44 FR 52835
44 FR 57094
44 FR 12421
44 FR 26051
44 FR 31318
44 FR 34120
(45 FR 49570 Federal Register)

(b) Flood Insurance Rate Maps (FIRM's)

The following is a cumulative list of withdrawals pursuant to this Part:

40 FR 17015
41 FR 1478
42 FR 49811
42 FR 64076
43 FR 24019
44 FR 25636
44 FR 12421
(45 FR 49570 Federal Register)

2. The following additional entries (which will not appear in the Code of Federal Regulations) are made pursuant to § 65.6:

State, community name and number	County	Hazard ID date	Rescission date	Reason
Arizona, City of Coolidge, 040082E	Pinal	1-2-76	6-10-80	1
Colorado, Town of Ault, 080179AE	Weld	6-18-76	6-10-80	1
Colorado, Town of Gilcrest, 080213AE	Weld	10-3-78	6-10-80	1
Colorado, City of Windsor, 080264E	Weld	3-26-76	6-10-80	1
Iowa, City of Adair, 190537E	Adair/Guthrie	8-22-75	6-10-80	1
Iowa, Town of Arcadia, 190694AE	Carroll	9-26-75	6-10-80	1
Iowa, City of Mondamin, 190149E	Harrison	10-18-74	6-10-80	1
Iowa, City of Fruitland, 190212E	Muscatine	6-25-76	6-10-80	1
Iowa, City of Glidden, 190044E	Dallas	8-16-74	6-10-80	1
Iowa, City of Greeley, 190739E	Delaware	10-29-76	6-10-80	1
Iowa, City of Hartley, 190590E	O'Brien	9-26-75	6-10-80	1
Iowa, City of Lisbon, 190607E	Linn	3-19-76	6-10-80	1
Iowa, City of Albia, 190541E	Monroe	9-19-75	6-10-80	1

State, community name and number	County	Hazard ID date	Rescission date	Reason
Iowa, City of Madrid, 190325E	Boone	9-19-75	6-10-80	1
Iowa, City of Mount Vernon, 190192E	Linn	6-4-76	6-10-80	1
Iowa, City of Rodney, 190921E	Monona	7-4-78	6-10-80	1
Iowa, City of Sloan, 190299E	Woodbury	2-6-76	6-10-80	1
Iowa, City of Templeton, 190811E	Carroll	3-19-76	6-10-80	1
Iowa, City of Waukon, 190008E	Allamakee	4-30-76	6-10-80	1
Kansas, City of Canton, 200475E	McPherson	4-23-76	6-10-80	1
Kansas, City of Goddard, 200500E	Sedwick	7-16-76	6-10-80	1
Kansas, City of Leon, 200516E	Butler	3-26-76	6-10-80	1
Kansas, City of Douglas, 200499E	Butler	7-18-75	6-10-80	1
Kansas, City of Potwin, 200448E	Butler	9-26-75	6-10-80	1
Kansas, City of Towanda, 200534E	Butler	8-8-76	6-10-80	1
Missouri, City of Flordell Hills, 290457E	St. Louis	12-26-75	6-10-80	1
North Dakota, City of Drake, 380222E	McHenry	2-21-76	6-10-80	1
Ohio, City of Mayfield Heights, 390115AE	Cuyahoga	7-25-75	6-10-80	1
Oregon, City of Cave Junction, 410107E	Josephine	11-8-74	6-10-80	1
Pennsylvania, Borough of Apollo, 420092R	Armstrong	8-10-79	6-10-80	1
Pennsylvania, Borough of Donora, 420851AE	Washington	1-23-74	6-10-80	1
Pennsylvania, City of Eagles Mere, 422527E	Sullivan	1-24-75	6-10-80	1
Utah, City of Fielding, 490198E	Box Elder	8-8-75	6-10-80	1
Vermont, Town of Townshend, 500136E	Windham	6-14-77	6-10-80	1
Washington, City of Westport, 530067E	Grays Hays	7-16-79	6-10-80	(1)
Iowa, City of Terrill	Dickinson	9-10-76	6-10-80	1
Iowa, City of Agency, 190539E	Wapello	9-5-75	6-30-80	1
Iowa, City of Atalissa, 190211E	Muscatine	11-8-74	6-30-80	1
Iowa, City of Larchwood, 190605E	Lyon	8-29-75	6-30-80	1
Minnesota, City of Excelsior, 270161CR	Hennepin	12-21-79	6-30-80	(1)
Missouri, City of Crieghton, 290063AE	Cass	5-13-77	6-30-80	1
Pennsylvania, Borough of Darlington, 421319E	Beaver	1-24-75	6-30-80	1
Pennsylvania, Twp. of Cold Springs, 422470E	Lebanon	4-4-75	6-30-80	1
New Jersey, Borough of Spring Lake, 340329AR	Monmouth	1-4-80	6-30-80	(1)
North Carolina, Town of Vance Borough, 370075E	Craven	3-14-80	6-30-80	3
North Dakota, City of Glenburn, 380174E	Renville	2-14-75	6-30-80	1

[1] Firm withdrawal.

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: July 14, 1980.

Francis V. Reilly,

Acting Federal Insurance Administrator.

[FR Doc. 80-21911 Filed 7-24-80; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 672

Groundfish of the Gulf of Alaska; Apportionment of Reserve Amounts

AGENCY: National Oceanic and Atmospheric Administration, (NOAA)/ Department of Commerce.

ACTION: Apportionment of Reserve Amounts and retention of Domestic Annual Harvest (DAH) amounts; Response to comments.

SUMMARY: This notice announces the apportionment of reserve amounts and domestic annual harvest (DAH) amounts of fish that were eligible on July 2, 1980, in the Gulf of Alaska for apportionment to the total allowable level of foreign fishing (TALFF) in accordance with provisions of the Fishery Management Plan (FMP) for Groundfish of the Gulf of Alaska (see 44 FR 64410) and implementing regulations (50 CFR 611.92(b)(1)(ii) and 672.20(c)).

EFFECTIVE DATE: July 22, 1980.

FOR FURTHER INFORMATION CONTACT: Robert W. McVey, Acting Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802, Telephone: (907) 586–7221.

SUPPLEMENTARY INFORMATION:

I. Background

Because of uncertainties about specifications of U.S. domestic annual harvest (DAH), including the extent to which U.S. vessels delivering to U.S. and foreign processors would harvest groundfish, the Fishery Management Plan for Groundfish in the Gulf of Alaska (FMP) established reserves of fish in the Gulf of Alaska which could be apportioned to DAH anytime or, if U.S. vessels did not harvest at anticipated levels, to the total allowable level of foreign fishing (TALFF) on or as soon as practicable after four scheduled dates: January 2, March 2, May 2, and July 2, 1980. Amounts of any surplus DAH could be apportioned to TALFF on or as soon as practicable after May 2 and July 2, 1980.

On September 7, 1979, the Secretary of Commerce published an approved amendment to the FMP that established initial amounts of TALFF, DAH, and reserves for the November 1, 1979–October 31, 1980, fishing year.

Amounts of DAH were determined by surveys conducted by the National Marine Fisheries Service and by the North Pacific Fishery Management Council (Council). Reserves were established to assure that an adequate supply of fish was available to U.S. fishermen wishing to sell U.S.-caught fish to U.S. processors or to foreign processors at sea (joint ventures). Regulations implementing this amendment were effective November 1, 1979.

II. Determination of Amount of Reserve and DAH Apportionment

In accordance with regulations implementing the FMP, (611.92(b)(1)(ii) and 672.20(c)) the Regional Director has determined that:

1. The remaining reserves of all species in the Gulf of Alaska should be apportioned to TALFF.

2. Certain amounts of the DAH of all species in each area of the Gulf of Alaska should be apportioned to TALFF, with the exception of: rockfish in the Western Area, flounder in the Central Area, and idiot rockfish (*Sebastolobus*) and rattails in all areas.

3. In the Western Area of the Gulf of Alaska, certain amounts of pollock should be transferred from the JVP to the DAP portion of DAH, and certain amounts of Pacific cod should be transferred from the DNP to the DAP portion of DAH.

In making this determination, the Regional Director considered the need for DAH in the Gulf of Alaska to be supplemented with reserves, and the extent that U.S. vessels would harvest the present amounts in DAH.

To date, U.S. catches of all species in the Gulf of Alaska have not been as substantial as anticipated. The Gulf of Alaska fishing year is two thirds complete and the traditional peak months of domestic groundfish fishing (except for sablefish) are past. Joint ventures are fishing successfully in the Bering Sea and presently no joint venture activity is occurring in the Gulf of Alaska. In consideration of these facts, and recent and projected catch rates and projected effort, the Regional Director has concluded that U.S. vessels could take only the amounts shown in the table below. Hence it is appropriate that the balances, both reserves and

surplus DAH amounts, be transferred to TALFF at this time.

The Regional Director has also determined the pollock and Pacific cod DAP amounts in the Western Area are inadequate and should be increased to provide for an anticipated domestic fishery along the Aleutian Islands east of 170 degrees W longitude. Therefore, amounts of pollock determined to be surplus to joint venture needs were transferred from JVP to DAP, and amounts of Pacific cod surplus to the bait fishery were transferred from DNP to DAP.

July 2, 1980, Total Reserve and DAH Apportioned to TALFF and DAH Retained by Gulf of Alaska Regulatory Area

Species	Western	Central	Eastern	Total
Pollock:				
Apportioned	8,031	11,495	2,197	21,723
Retained	3,444	6,585	848	10,877
Pacific cod:				
Apportioned	1,656	3,569	2,045	7,270
Retained	1,880	4,158	520	6,558
Flounders:				
Apportioned	1,440	735	1,210	3,385
Retained	300	1,120	570	1,990
Pacific Ocean Perch:				
Apportioned	340	1,333	1,790	3,463
Retained	275	317	245	837
Other Rockfish:				
Apportioned	60	230	662	952
Retained	75	140	238	453
Sablefish:				
Apportioned	330	1,429	1,598	3,357
Retained	150	171	4,812	5,133
Atka Mackerel:				
Apportioned	718	2,042	809	3,569
Retained	40	80	50	170
Squid:				
Apportioned	125	150	150	425
Retained	5	10	10	25
Rattails:				
Apportioned	330	355	140	825
Retained	33	33	1,266	1,322
Idiot Rockfish (*Sebastolobus*)				
Apportioned				186
Retained				6
Other Species;				
Apportioned	600	485	880	1,965
Retained	240	365	180	785

III. Response to Public Comment

One comment was received during the comment period. It is summarized and responded to below.

Comment: All the reserves and surplus DAH amounts of sablefish in all areas of the Gulf of Alaska, and all the reserves and surplus DAH amounts of Pacific cod in the Eastern Area of the Gulf of Alaska, should be apportioned to TALFF.

Response: All the reserves in all areas of the Gulf of Alaska for both sablefish and Pacific cod will be apportioned to TALFF. Amounts of sablefish determined to be surplus to DAH in all three areas of the Gulf of Alaska, and amounts of Pacific cod determined to be surplus to DAH in the central and Eastern Areas of the Gulf of Alaska will be apportioned to TALFF.

IV. Other Matters

An environmental impact statement was prepared for the FMP and is on file with the Environmental Protection Agency (EPA). A negative assessment of environmental impact was prepared for the reserve and DAH apportionment provisions of the FMP and is also on file with the EPA.

The Regional Director has determined that these regulations should be effective immediately for the following reasons:

A. The regulations implementing the FMP provide adequate advance notice and invite public comment on this action;

B. No regulatory restrictions are imposed on any person as a result of this action;

C. This action relates to the extension of a benefit; and

D. Immediate implementation is required to achieve full utilization of the fishery resources concerned.

This action is not significant in relation to criteria prescribed by Executive Order 12044, and a regulatory analysis is not required.

Signed at Washington, D.C., this 21st day of July, 1980

Robert K. Crowell,
Deputy Executive Director, National Marine Fisheries Service.

(16 U.S.C. Section 1801 *et seq.*)

§§ 611.92, 672.20 [Amended]

(A) 50 CFR 672.20 and 50 CFR 611.92 are amended by revising Table 1–OY–DAH–DAP–JVP–Reserve—and TALFF by Regulatory Area of paragraphs (a) and (b), respectively, with changed shown in the attached Table 1.

Table 1—*OY–DAH–DAP–DNP–JVP–Reserve and TALFF by Regulatory Area (as amended by the July Reserve and DAH apportionment) (1,000's mt)*

[7–21–80]

Species	Western	Central	Eastern	Total
Pollock				
1. OY	57,000	95,200	16,600	168,800
2. DAP	1,025	2,278	695	3,998
3. JVP	2,419	4,307	153	6,879
4. DAH	3,444	6,585	848	10,877
5. Reserve	0	0	0	0
6. TALFF	53,556	88,615	15,752	157,923
Pacific cod				
1. OY	16,560	33,540	9,900	60,000
2. DAP	740	1,588	230	2,558
3. JVP	[1]1,040	1,370	90	2,500
4. DNP	100	1,200	200	1,500
5. DAH	[1]1,880	4,158	520	6,558
6. Reserve	0	0	0	0
7. TALFF	14,680	29,382	9,380	53,442
Flounders				
1. OY	10,400	14,700	8,400	33,500
2. DAP	[1]100	[1]300	290	690
3. JVP	200	[1]820	280	1,300
4. DAH	300	[1]1,120	570	1,990
5. Reserve	0	0	0	0
6. TALFF	10,100	13,580	7,830	31,510
Pacific Ocean Perch				
1. OY	2,700	7,900	14,400	25,000
2. DAP	25	227	10	262
3. JVP	250	90	235	575

Table 1—*OY–DAH–DAP–DNP–JVP–Reserve and TALFF by Regulatory Area (as amended by the July Reserve and DAH apportionment) (1,000's mt)*—Continued

[7–21–80]

Species	Western	Central	Eastern	Total
4. DAH	275	317	245	837
5. Reserve	0	0	0	0
6. TALFF	2,425	7,583	14,155	24,163
Other Rockfish				
1. OY	300	800	6,500	7,600
2. DAP	[1]45	90	118	253
3. JVP	[1]30	50	[1]120	200
4. DAH	[1]75	140	238	453
5. Reserve	0	0	0	0
6. TALFF	225	660	6,262	7,147
Sablefish				
1. OY	2,100	3,800	7,100	13,000
2. DAP	[1]100	45	[1]4,700	4,845
3. JVP	50	126	112	288
4. DAH	150	171	4,812	5,133
5. Reserve	0	0	0	0
6. TALFF	1,950	3,629	2,288	7,867
Atka Mackerel				
1. OY	4,678	20,836	3,186	28,700
2. DAP				
3. JVP	40	80	50	170
4. DAH	40	80	50	170
5. Reserve	0	0	0	0
6. TALFF	4,638	20,756	3,136	28,530
Squid				
1. OY	1,000	2,000	2,000	5,000
2. DAP	0	0	0	0
3. JVP	5	10	10	25
4. DAH	5	10	10	25
5. Reserve	0	0	0	0
6. TALFF	995	1,990	1,990	4,975
Rattail				
1. OY	3,300	7,100	2,800	13,200
2. DAP	[1]33	[1]33	[1]1,266	[1]1,332
3. JVP	0	0	0	0
4. DAH	[1]33	[1]33	[1]1,266	[1]1,332
5. Reserve	0	0	0	0
6. TALFF	3,267	7,067	1,534	11,868
Idiot Rockfish (*Sebastolobus*)				
1. OY	Gulf-wide OY			[1]3,750
2. DAP				[1]6
3. JVP				0
4. DAH				[1]6
5. Reserve				0
6. TALFF				[1]3,744
Other Species				
1. OY	4,400	8,600	3,200	16,200
2. DAP	90	45	20	155
3. JVP	50	120	10	180
4. DNP	100	200	150	450
5. DAH	240	365	180	785
6. Reserve	0	0	0	0
7. TALFF	4,160	8,235	3,020	15,415

[1] No change.

[FR Doc. 80–22425 Filed 7–24–80; 8:45 am]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 45, No. 145
Friday, July 25, 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.

COST ACCOUNTING STANDARDS BOARD

4 CFR Part 403

Cost Accounting Standard; Allocation of Home Office Expenses to Segments

AGENCY: Cost Accounting Standards Board.

ACTION: Proposed amendment.

SUMMARY: Cost Accounting Standard (CAS) 403, Allocation of Home Office Expenses to Segments, governs the allocation of the cost of state and local income taxes and franchise taxes from the home office of an organization to its segments. Experience with this Standard indicates that it has failed to accomplish its original goal of uniformity in the allocation of such costs. Consequently, the Board is proposing an amendment which requires a single method of allocating the cost of state and local income taxes and franchise taxes based on income.

DATE: Comments are due August 25, 1980.

FOR FURTHER INFORMATION CONTACT: Bertold Bodenheimer, Deputy Executive Secretary, Cost Accounting Standards Board, 441 G St., NW., Washington, D.C. 20548 (202) 275–5508.

SUPPLEMENTARY INFORMATION:

(1) Need for Amendment—The allocation of State and local income taxes and franchise taxes of an organization to its segments is governed by CAS 403. The way in which the Standard operates with respect to these taxes has been the subject of two recent Armed Services Board of Contract Appeals (ASBCA) decisions (McDonnell Douglas Corp., ASBCA No. 19842; Lockheed Corp., Lockheed Missiles and Space Group, Inc., ASBCA No. 22451). Both decisions were upheld upon the Government's Motion for Reconsideration.

It is clear from an analysis of the foregoing ASBCA decisions that the Standard has failed to accomplish its original goal of uniformity in State income tax allocations. In the McDonnell Douglas and Lockheed decisions, the ASBCA held that CAS 403 does not require the use of a single method for allocating state income taxes. Furthermore, by requiring consideration of segment income in the allocation of income taxes, the ASBCA permits the use of allocation techniques the Standard sought to preclude. Consequently the CASB has concluded that CAS 403 should be amended.

(2) Uniformity—The CASB "Restatement of Objectives, Policies and Concepts" (May 1977), stated that if the CASB were to be satisfied that circumstances among all concerned contractors are substantially the same in a given subject area, the CASB would not be precluded from establishing a single cost accounting treatment for use in such circumstances. The CASB remains convinced, as noted at the time it promulgated CAS 403, that the nature of State income tax expense is essentially the same for all companies and that therefore this expense should be allocated by the same techniques.

The single allocation method that the CASB is proposing today by means of an amendment to CAS 403 is the same as that which the CASB had intended to require under CAS 403 originally. However, the language has been revised to clarify the original intent. The CASB continues to be of the view, as it was at the time of the original promulgation of CAS 403, that the proposed method allocates state income taxes on the basis of their beneficial or causal relationship to segments. The CASB believes it to be appropriate in this instance to select that single method which in its view best represents that relationship.

(3) Basis for Conclusions—In proposing this amendment, the Board was presented with various issues raised both before and after the promulgation of CAS 403 by a number of contractors, industry associations, ASBCA decisions, and other sources. These issues involved the allocation of tax costs generally and the allocation of state income taxes specifically. A summary of these issues is set forth below for the benefit of the readers.

Community Service Theory of Allocating Taxes. The proper allocation of tax costs from a home office to segments depends of course on the beneficial or causal relationship between such costs and the cost objectives. As stated in the Restatement of Objectives, Policies and Concepts, "As an ideal, each item should be assigned to the cost objective which was intended to benefit from the resource represented by the cost, or, alternatively, which caused incurrence of the cost." Consistent with this concept the first fundamental requirement of CAS 403 is that "Home office expenses shall be allocated on the basis of the beneficial or causal relationship between supporting and receiving activities."

The question of benefit from taxes has received long and extensive attention by both the ASBCA and the courts. A recurring argument on the part of at least 2 major aerospace contractors has been that local taxes pay for community services and that all work of a contractor benefits from these services. Furthermore, it is argued that if the taxing jurisdiction would not provide these services, the contractor would purchase at least some of the services on his own. In contrast, the ASBCA prior to CAS 403 took the following view:

> "Appellants hypothesis of purchase (of services) is inapropos from any standpoint. Historically, general property taxes ad valorem are levied without relation to benefit * * *. Actually for lack of other proximate relation, personal property taxes would appear proper for distribution simply as a necessary expense according to the incidence of the tax, or in other words upon the assessment base." (1964 BCA 4056)

The Court of Claims, however, rejected the foregoing approach of the ASBCA to the benefit question. The court found that:

> "This is a case in which 'benefit' has a general scope and that sufficient benefit has been shown * * *. The cost of the California property tax was necessary to the overall operation of Lockheed's business in Burbank, California * * *. The benefits flowed to government contracts on two levels. In a general way, they were benefited by the very fact that Lockheed was meeting its responsibilities as a corporate citizen in the Burbank community. Specifically they were benefited by the services provided by the community." (375 F.2d 786 (67))

More recently, the question of benefit from taxes was explored extensively by the ASBCA in its decision of tax allocations under CAS 403 (Boeing, ASBCA 19224). The ASBCA noted with apparent approval that one expert

witness testified that trying to measure the benefit from the payment of taxes is a "matter of metaphysics." the ASBCA also noted that another expert had written that "In some instances, e.g., property taxes, it is impossible to measure a benefit; it can only be assumed." (Accounting for Defense Contracts, Prentice Hall, Inc., 1962 by Howard Wright.) Similarly, an article about two other ASBCA cases stated "The main point involved in summarizing these two cases is to emphasize the inadequacy of a pure benefit concept as criterion for allocating taxes based on income." (Benefit as a Criterion for Indirect Cost Allocation, The Federal Accountant, Vol. XXII, No. 3, Sep. 73 by Howard W. Wright and James P. Bedingfield.) The ASBCA acknowledged that the service provided by the state and other communities "is certainly *a* benefit." (Underscoring by the ASBCA.) It concluded however that this was not the benefit contemplated by CASB in adopting "an assessment base method" for allocating taxes.

Various tax allocation methods have also been justified on the vasis of causative factors. With respect to property taxes, for example, it has been said that "The cause is the ownership of the property, the effect is the tax on such property * * *. In cases in which a cause and effect relationship exists, the expense should be allocated to the several cost objectives in the same proportion that the cost objectives benefited from the use of the causative factors." (Accounting for Defense Contracts.) Those who believe that community services are the benefits from tax costs have consistently argued that the community's need for such services is the cause of the tax. The cause of state income taxes in particular, has been variously attributed to income or a company's presence in a state as further discussed in the following sections of this paper.

The various and conflicting theories as to the benefit from or cause of taxes make it particularly important that the allocation of their cost is covered by Standards. Under CAS 403, taxes would be allocated pursuant to Paragraph 403(b)(4), Central Payments or Accruals. Consistent with the Board's hierarchy for allocating costs, this paragraph requires that tax payments or accruals made by a home office on behalf of its segments be allocated directly to segments to the extent they can be identified specifically with individual segments. In the event such taxes cannot be identified specifically their cost must be allocated by means of a base representative of the factors on which the total payment is based. These provisions are considered to represent direct identification of the costs with benefiting cost objectives and obviate the need to determine the benefit from or cause of taxes in individual circumstances.

State Income Tax—General. Although CAS 403 governs the allocations of all taxes paid or accrued by a home office, only one contractor is known to accumulate significant amounts of state and local tax costs other than income taxes at the home office level. Presumably for this reason, by far the greatest amount of controversy generated by CAS 403 has involved the allocation of state income taxes and franchise taxes based on income (hereinafter collectively referred to as income taxes). Accordingly, the remainder of this discussion will be limited specifically to state income taxes.

At the present time 46 states impose an income tax. Virtually all of these states require the use of a version of the "Massachusetts Formula" to determine the amount of income to be taxed. The "Massachusetts Formula" establishes state taxable income by multiplying total corporate income by a fraction. This fraction is generally the arithmetic average of three fractions, the numerators of which are the payroll, property and sales within the state and the denominators of which are the respective corporate totals of these amounts. It is important to note that for the purposes of determining state taxable income, the use of book income or loss of the particular segments is not permitted except in rare circumstances. In all 46 states which impose an income tax, the general rule is that income from operation is to be determined by a formula. Many, but not all of these states will consider a special application to use "separate accounting" for income earned within their jurisdiction upon a showing that formula determined income is inequitable. However, it is understood that special permission to use book income for state income rax purposes is seldom granted.

State Income Taxes—Corporate-Wide or State-Wide Allocations. One major question in allocating state income taxes is whether they are a cost of only the segments which do business in the taxing jurisdiction or, alternatively, a cost of the organization as a whole. The majority of those who commented on the tax allocation provision in the **Federal Register** exposure draft of CAS 403 appeared to favor the former method. However, a survey of 30 contractors made in 1973 indicated that prior to CAS 403 only 13 out of the 27 contractors who provided usable data allocated some or all state income taxes to only those segments that did business in the taxing jurisdiction. The remainder pooled all state income taxes at the home office level and allocated them to all segments regardless of their location.

Whether state income taxes are considered to be a cost of only those segments of a taxing jurisdiction or a cost of the business as a whole depends largely on how one perceives the beneficial or causal relationship of taxes to cost objectives. Those who view taxes as a payment for, or acquisition of, governmental services must inevitably allocate the income taxes to the segments in the jurisdiction. It would be illogical under this concept to charge the cost of services in one state to the segments in another state. Primarily, however, advocates of allocating state income taxes to only those segments in the taxing jurisdiction rely on causative factors. They note that but for the fact that certain segments had payroll, property and sales in the taxing jurisdiction, there would have been no tax.

Another, perhaps more pragmatic reason for considering state income taxes as a local cost, is related to the treatment of income taxes in the Defense Acquisition Regulation (DAR) and other procurement regulations. It is understood that these regulations allow the costs of state income taxes, based on the concept that state income taxes are local taxes similar to such other taxes as those on property or sales. While some states have, for example, heavy property taxes and relatively small or no income taxes, others have just the opposite. Therefore, the drafters of DAR cost principles apparently considered state income taxes to be part of a set of local taxes that together constitute the tax cost of a business.

Others consider state income taxes to be a corporate-wide cost. Similar to those who advocate state-wide allocation of income taxes, supporters of corporate-wide allocations often justify this procedure for causative reasons. One Board member, for example, dissented from the existing income tax allocation provisions in CAS 403 for the following reasons:

> In my opinion, there are circumstances when income is a more appropriate base, especially when there are wide fluctuations in income between segments, and the Company, in accordance with the generally accepted principle of matching revenues and expenses, considers it wrong to charge a segment manager with an income tax that he would not have incurred if he had been

directing a separate taxpaying enterprise and, on the other hand, to permit the segment which earned the taxable income to avoid absorbing the tax expense its income caused the corporation to incur. (Board Minutes #19.)

It should be noted that not all who view state income taxes as a general corporate cost agree that income is necessarily an important causative factor. One contractor for example maintains that "neither income or loss of the segment nor the statutory factors used by each state to determine taxable income assignable to that State is an appropriate base." This company prefers the use of a payroll base, apparently in the belief that corporate activity is the cause of state income taxes.

Corporate-Wide Income Tax Allocation Bases.—A variety of allocation techniques have been used for allocating state income taxes on a corporate-wide basis. The 1973 CASB staff study of the allocation practices of 30 companies prior to CAS 403, found that 14 companies allocated all state income taxes on a corporate-wide basis. While no two of these companies allocated these costs in an identical manner, the various methods or bases can be summarized as follows:

—Labor related bases.

—Sales related bases.

—Total cost bases.

—Segment income bases (with no allocation to loss segments).

—Segment income and loss bases.

—Average of payroll, sales, and property.

—Multi-step methods.

While some critics of CAS 403 have urged that the Standard should not preclude the use of any particular allocation base or method, the most persistent criticism has come from those who believe that segment income and loss should be an acceptable base. This was the base required by the CAS 403 exposure draft, but subsequently rejected by the Board. Advocates of the income-loss base believe that its use results in an allocation that reflects the cause of income taxes.

Segment book income in almost every case, causes income taxes only in a very indirect way. For the most part, states tax a fraction of unitary income, and the unitary income is the combined income and loss of all segments. Rather than taxing book income within a state, states tax income determined by a statutory formula. Such statutorily determined income bears no necessary resemblance to book income. This was recognized by the ASBCA in its Boeing decision (ASBCA 19224), as follows:

"We disagree that the CAS Board moved away from the assessment base method. We consider those factors used to measure a corporation's taxable income are the factors which in fact comprise the assessment base of the tax. Thus, we believe the CAS Board in changing the base from "income or loss" to any base which produced results such as would be obtained using as a base "the same factors used to determine taxable income" in a particular state merely moved from the nominal assessment base to the base on which the state's tax is actually assessed.

In addition to the conceptual flaws of a segment book income and loss base, there are certain practical problems. The use of this base would assign tax credits to segments with book losses, a procedure which results in an allocation of tax costs in excess of the actual tax liability to those segments with book income. While this result may be perfectly logical to those who view the combined income and loss of all segments as causing the tax, it is unlikely that procurement authorities would accept tax costs in excess of the tax liability.

The problems caused by segments with book losses could be alleviated by allocating state income taxes to only those segments with book profits. This method was also used by a number of contractors prior to CAS 403. However, this procedure appears at best to be an arbitrary solution without a conceptual basis.

Furthermore, it should be recognized that segment book income and loss in some cases is not an objectively determined amount. The operations of corporate segments are often closely interrelated. Accordingly, management policies with respect to transfer pricing, recording of sales, use of corporate facilities, placement of work and many other factors all play a role in the profitability of individual segments. It is for this reason, in fact, that states have adopted the formula approach to the determination of taxable income.

Bases for Allocating State Income Taxes Among Segments in the Taxing Jurisdiction.—A number of different bases and methods have been used to allocate state income taxes among the segments of a jurisdiction.

The bases and methods of the 13 contractors found in the 1973 CASB staff study to have allocated some or all of their state income taxes among the segments of the taxing jurisdiction can be summarized as follows:

—Allocation on the basis of the same statutory factors used to determine taxable income.

—Segment book income and loss bases.

—Segment book income bases, (with no allocation to loss segments).

—Separate return basis. (Calculation of segment tax as if it had filed a separate return on the basis of book income.)

—Cost to the company method.

As in the case of corporate-wide allocations, proponents of various methods generally support their choice by reference to causality. The illustrative allocation base in CAS 403.60 requires income taxes to be allocated among the segments in a taxing jurisdiction on the basis of "the same factor used to determine taxable income for that jurisdiction." Interpretation 1 to CAS 403 provides that segment book income is a factor for this purpose only where this amount is expressly used by the taxing jurisdiction in computing the income tax. The existing CAS 403 provisions are predicated on the view that segment book income or loss is irrelevant in determining state taxes. A state income tax will be assessed even if segments within the state have no book income or if they have book losses. Consequently it appears that it is the payroll, property and sales within a state that are the most obvious cause of the tax. Critics of CAS 403 complain that the Standard fails to take segment income into account. However, this view fails to consider that the existing CAS 403 provision will result in an allocation of taxes to segments in proportion to their contribution to the statutorily determined income, rather than in a relation to book income.

All of the problems in the use of book income and loss that were discussed above in connection with corporate-wide allocation bases are equally applicable to the use of book income and loss in allocating state taxes among only the segments within a state. In addition there are other problems. If none of the segments within a state have book income, there will be no place to allocate the tax. Perhaps worse, if only one among a number of segments has book income, no matter how little, all of the tax would be allocated to that segment. If segment book losses are included in the allocation base, the tax allocation to segments with book income could be substantially in excess of the actual tax liability.

One particular method of income tax allocation deserves further mention because it takes into account both a segment's contribution to total corporate income and its contribution to the statutory factors. The method, labeled as a "cost to the company method" is

described by the only company known to use the method as follows:

In these calculations, the Company's total tax as determined by a particular tax return is compared with a tax computed after excluding in turn (1) each department's taxable income or capital from the total Company's taxable income or capital, and (2) each department's values from both the numerator and the denominator of the total Company apportionment fraction. The differences so determined represent each department's contribution to the total amount of a particular tax, and take into consideration the effect on the total tax of the department's income or capital as well as its values in the apportionment fraction. To the extent that the aggregate of these departmental contributions to the total tax differs from the total tax actually paid, the gross allocation to each department is modified pro rata in order that the net allocations will be equivalent to the tax actually paid.

While this method appears to overcome some of the flaws with simpler methods, it is not without problems. It relies in part on segment book income and thus is subject to some of the same criticism as other methods that rely on this statistic. The method requires lengthy calculations and for all practical purpose is not feasible without computers. The company that uses this method estimates that it requires more than one million calculations.

Single Method for Allocating Income Taxes.—Critics of CAS 403 have frequently complained that the Standard permits but a single method for allocating state income taxes. From the outset, one Board member, in a dissent to the illustrative allocation base for allocating state income taxes, stated that, "The Board should not have adopted one method as a single permissible method to the exclusion of an allocation on the basis of profit or loss. Again I believe that the selection of this single method is arbitrary. I failed to convince the Board that it should establish criteria for the use of at least either of these two alternative methods." The Board explored the issue of alternative income tax allocation bases at length prior to promulgation of CAS 403. It concluded that the single illustrative base provided in § 403.60 was appropriate. The Board explained in the prefatory comments to the promulgated Standard that it is "of the view that the nature of this expense is essentially the same for all companies," and that allocation of this expense on the same basis used to compute a segment's share of total corporate taxable income is "more in accord with the concept of allocating home office expenses on the basis of the beneficial or causal relationships between such expenses and the receiving segments."

Any consideration to now permit the use of alternative allocation bases or method should take into account that there are no discernible criteria to assist in the selection of such alternatives. Furthermore, any consideration of changing CAS 403 to require a different single income tax cost allocation base or method should take into account that virtually every contractor subject to the Standard would be required to make an accounting change. Considerable opposition would certainly be encountered.

Experience with this Standard provides no evidence that the Board's original conclusions were wrong or that the circumstances have changed. The single illustrative allocation base that the Board had intended to be used when it promulgated CAS 403 is the one that best represents the beneficial or causal relationship requirement contemplated in both the Board's Restatement of Objectives, Policies and Concepts and the fundamental requirements of the Standard.

(4) Text Changes

The proposed amendment includes a new § 403.50(c) which specifies how § 403.40(b)(4), Central payments or accruals, applies to State and local income taxes and franchise taxes based on income.

The proposed amendment also includes a new § 403.60(b) which illustrates the allocation technique set forth in the new § 403.50(c). Several other changes to § 403.60 of an editorial nature are being proposed to accommodate the new illustration. The text of existing § 403.60(b) is included as a footnote to the table in § 403.60(a). Existing § 403.60(c) is being deleted, but the substance of the text is transferred to § 403.60(a).

Finally, the proposed amendment deletes the entire portion of the table in § 403.60(a) pertaining to "Central payments and accruals." This portion of the table provided illustrative allocation bases for pension expenses, group insurance expenses and State and local income taxes and franchise taxes. With the addition of proposed new §§ 403.50(c) and 403.60(b), the illustrative allocation base for income taxes is no longer required. The illustrative allocation bases for pension expenses and group insurance expenses are no longer required because the subject matter is covered by Cost Accounting Standards 413 and 416, respectively.

(5) Effective Date

The Board anticipates that the proposed amendment will become effective on January 10, 1981. Pending final action on the proposal, contractors and contracting agencies are urged to adhere to the allocation practices currently in use. Such adherence will preserve the status quo and avoid the likelihood that a contractor will make a change in practice and then find it necessary to make further changes to comply with the requirements of CAS 403.

(6) Public Comment

Interested parties are invited to submit written views concerning this proposal to the Cost Accounting Standards Board, 441 G St., NW, Washington, DC 20548, to arrive no later than August 25, 1980. As noted above, in proposing this amendment the Board has had the benefit of a variety of opinions regarding the various issues involved in the allocation of the cost of state income taxes from a home office to segments. However, it would be helpful to the Board if those parties who do not agree with the allocation technique set forth in the proposed amendment would describe in detail the specific method or combination of methods they advocate. All written submissions made pursuant to this notice will be available for public inspection at the Board's offices during regular business hours.

Proposed Amendment to CAS 403

§ 403.50 [Amended]

Insert the following new § 403.50(c) and redesignate the succeeding paragraphs accordingly:

* * * * *

(c)(1) The criteria in § 403.40(b)(4) are to be applied to the allocation of State and local income taxes and franchise taxes based on income in accordance with this § 403.50(c).

(2) The taxes of any single taxing jurisdiction shall be allocated only to the segments that do business within that jurisdiction.

(3) An income tax or a franchise tax based on income shall be allocated directly to a segment in accordance with the first sentence of § 403.40(b)(4) if the tax cost can be identified specifically with a single segment. Such direct allocation would be required, for example, where a taxing jurisdiction accepts a separate income tax return for a segment, or where there is only one segment that does business within the taxing jurisdiction.

(4) Where a tax return for a taxing jurisdiction covers more than one segment that does business in that

jurisdiction, the tax cost shall be allocated among these segments in accordance with the last sentence of § 403.40(b)(4). For purposes of allocating income taxes or franchise taxes based on income, the "factors on which the total payment is based" are (i) the fraction of total organization income which is taxed by the jurisdiction multiplied by (ii) the tax rate of the jurisdiction. Accordingly, each segment's share of the tax cost of a jurisdiction shall be determined by multiplying the segment's fraction of the total organization income by the State tax rate. A segment's fraction of total organization income shall be determined in the same way that the taxing jurisdiction makes this determination for the amount of total organization income to be taxed in that jurisdiction. For example, in a State which requires the determination of its fraction of total organization income as described in § 403.60(b), the fraction of total organization income for a segment that does business within the State would be the arithmetic average of three fractions, the numerators of which are the segment's payroll, sales and property and the denominators of which are the organization totals of each of these amounts. In those cases where the entire income of an organization is taxed by a single jurisdiction, the fraction of total organization income applicable to each segment in this jurisdiction shall be computed in the same way that the jurisdiction would require if that segment were part of an organization that does business in more than one jurisdiction.

* * * * *

Delete existing § 403.60 and substitute the following:

§ 403.60 Illustrations.

(a) The following table lists some typical pools, together with illustrative allocation bases which could be used in appropriate circumstances; The listed allocation bases in this section are illustrative. Other bases for allocation of home office expenses to segments may be used if they are substantially in accordance with the beneficial or casual relationships outlined in § 403.40.

Home office expense or function	Illustrative allocation bases
Centralized service functions:[1]	
1. Personnel administration	1. Number of personnel, labor hours, payroll, number of hires.
2. Data processing services	2. Machine time, number of reports.
3. Centralized purchasing and subcontracting.	3. Number of purchase orders, value of purchases, number of items.
4. Centralized warehousing	4. Square footage, value of material, volume.
5. Company aircraft service	5. Actual or standard rate per hour, mile, passenger mile, or similar unit.
6. Central telephone service	6. Usage costs, number of instruments.
Staff management of specific activities:	
1. Personnel management	1. Number of personnel, labor hours, payroll, number of hires.
2. Manufacturing policies (quality control, industrial engineering, production, scheduling, tooling, inspection and testing, etc.).	2. Manufacturing cost input, manufacturing direct labor.
3. Engineering policies.	3. Total engineering costs, engineering direct labor, number of drawings.
4. Material/purchasing policies.	4. Number of purchase orders, value of purchases.
5. Marketing policies.	5. Sales, segment marketing costs.

[1] The selection of a base for allocating centralized service functions shall be governed by the criteria established in § 403.50(b).

(b) Contractor A has total corporate income of $1,000. The contractor has two segments in State X, which imposes an income tax of 10 percent of a fraction of total corporate income. The fraction is the arithmetic average of 3 fractions, with respective numerators of the amounts of payroll, sales and property within State X and respective denominators of the corporate totals of each of these amounts. The contractor's State X income tax cost is $25 as computed in Column 2 below. the contractor allocates $12 of this cost to Segment 1 and $13 to Segment 2, as illustrated in columns 3 and 4.

	(1)	(2)	(3)	(4)
	Corporate totals	State X		
		Total	Segment 1	Segment 2
Amounts:				
1. Payroll	$5000	$1000	$600	$400
2. Property	8000	2000	720	1280
3. Sales	10000	3000	1500	1500
Fractions of State X Amounts to Corporate Totals:				
4. Payroll	1.00	.20	.12	.08
5. Property	1.00	.25	.09	.16
6. Sales	1.00			
		.30	.15	.15
7. Total	3.00	.75	.36	.39
8. Average (÷3)	1.00	.25	.12	.13
9. Corporate income	$1000			
10. Fraction of income taxed (line 8 x line 9).		$250	$120	$130
11. State income tax rate		10%		
			10%	10%
12. State income tax		$25	$12	$13

Contractor A's method of allocating State X income taxes to Segments 1 and 2 complies with § 403.50(c)(4).

[Effective date reserved.]

(Sec. 719, Defense Production Act of 1950, as amended, Pub. L. 91-379, 50 U.S.C. App. 2168)

Nelson H. Shapiro,

Executive Secretary.

[FR Doc. 80-22305 Filed 7-24-80; 8:45 am]

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 530, 531, and 540

Pay Rates and Systems (General); Pay Under the General Schedule; Merit Pay System

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: The Office of Personnel Management is proposing regulations to implement pay administration features of the Merit Pay System established by the Civil Service Reform Act of 1978.

DATE: Comments must be received on or before August 25, 1980.

ADDRESS: Send or deliver written comments to Mr. Richard Hunter, Assistant Director, Compensation Program Development, Office of Personnel Management, 1900 E St., N.W., Room 3353, Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: Mr. Eric Carroll, Merit Pay Program Manager (202) 653-5990.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management is proposing further regulations and changes in existing General Schedule pay administration regulations to supplement and implement the Merit Pay System established by Title V of the Civil Service Reform Act of 1978, Pub. L. 95-454. Final regulations for establishing the Merit Pay System were published in the **Federal Register** on September 7, 1979 (44 FR 52161-52168). The pay administration regulations for the General Schedule, however, were not modified at that time to apply clearly to employees covered by the Merit Pay System. Many of the General Schedule regulations need no modification for clear application to merit pay employees, but several sections in three parts of the Code of Federal Regulations need change, and the changes are summarized as follows:

Part 530—Pay Rates and Systems (General)

Subpart C—Special Rates for Recruitment and Retention

Sec.

530.305—Method of applying new special rates or for increasing existing special rates for merit pay employees.

Part 531—Pay Under the General Schedule

Subpart B—Determining Rate of Basic Pay

Sec.
531.201—Applicability of rules for determining rate of basic pay to include merit pay employees.
531.203—Determining and computing a merit pay employee's pay according to the highest previous rate rule.
531.204—Special provisions for conversions into and promotions of employees into, within and from the merit Pay System.
531.205—Method of annual pay adjustment under 5 U.S.C. 5305 (comparability) for merit pay employees.

Subpart C—Pay adjustments for Supervisors

Sections
531.301—Authority to adjust pay for supervisors of prevailing rate employees, who were previously called wage board employees.
531.305—Method of pay adjustment for merit pay employees supervising prevailing rate employees.

Part 540—Merit Pay System

Sections
540.104—Waiver of requirement for a merit pay determination under certain circumstances.
540.106—Method of pay adjustment for employees when a merit pay determination is waived.

The Director of OPM finds that due to early implementation of the Merit Pay System in some agencies in October, 1980, good cause exists for shortening the comment period required by E.O. 12044. OPM has determined that these are significant regulations for the purposes of E.O. 12044.

Office of Personnel Management.

Kathryn Anderson Fetzer,

Assistant Issuance System Manager.

Accordingly, the Office of Personnel Management is proposing to amend Title 5 of the Code of Federal Regulations as follows:

(1) In Part 530, the Table of Sections for Subpart C, the authority citation for Part 530, and § 530.305(a)(1) and (a)(3) are revised; and § 530.305(d) is added to read as follows:

PART 530—PAY RATES AND SYSTEMS (GENERAL)

* * * * *

Subpart C—Special Rates for Recruitment and Retention

Sec.
530.301 Entitlement.
530.302 Applicability.
530.303 Definitions.
530.304 Establishing special rates.
530.305 Determining employee rates.
530.306 Discontinuing special rates.
530.307 Effect of statutory pay increase.

Authority: 5 U.S.C. 5303; E.O. 11721, as amended.

* * * * *

§ 530.305 Determining employee rates.

(a)(1) Except as provided in paragraph (a)(2) and (a)(3) of this section, when an employee is in a position to which a special rate range becomes applicable, the department or agency shall fix the employee's rate at the numerical rank in the special rate range which corresponds to his or her existing numerical rank of the grade or level.

(2) * * *

(3) When a special rate of pay becomes initially applicable to, or increased for, an employee covered by the Merit Pay System, the agency shall increase the employee's rate of basic pay by an amount equal to the difference between the minimum rate of the previously existing rate range and the minimum rate of the newly established rate range.

* * * * *

(d) In accordance with § 531.203(d)(2) of this chapter, a special rate may not be considered an employee's highest previous rate except as provided in § 531.203(d)(3) of this chapter. For the purpose of applying § 531.203(d)(3) of this chapter, the rate to which an employee covered by the Merit Pay System would have been entitled had a special rate not applied shall be determined by subtracting from the employee's existing rate of basic pay the difference between the minimum rates of the special and regular rate ranges of the grade of his or her position.

PART 531—PAY UNDER THE GENERAL SCHEDULE

2. In Subpart B of Part 531, the following changes are made: Section 531.203(d)(4) is deleted. the Table of Sections is revised. Section 531.201; § 531.203(c); the authority citation for § 531.203; § 531.204(a); § 531.205(a)(2) and (a)(3); and the authority citation for § 531.205 are revised. § 531.204(c) and the authority citation for § 531.204 are added. The changes read as follows:

PART 531—PAY UNDER THE GENERAL SCHEDULE

Subpart B—Determining Rate of Basic Pay

Sec.
531.201 Applicability.
531.202 Definitions.
531.203 General provisions.
531.204 Special provisions.
531.205 Pay schedule conversion rules at the time of an annual pay adjustment under 5 U.S.C. 5305.

* * * * *

§ 531.201 Applicability.

This subpart and sections 5333 and 5334 of title 5, United States Code, apply to employees and positions, other than Senior Executive Service positions, to which chapter 51 of title 5 applies.

* * * * *

§ 531.203 General provisions.

* * * * *

(c) *Highest previous rate rules.* In determining an employee's rate of basic pay in the grade of his or her position upon reemployment, transfer, reassignment, promotion, demotion, or change in type of appointment, the following rules apply unless the employee is entitled to a higher rate under the promotion provisions of section 5334(b) of title 5, United States Code, or the grade and pay retention provisions of sections 5362 and 5363 of title 5, United States Code, and Part 536 of this chapter:

(1) Except as provided in paragraph (c)(2) of this section, an agency may pay the employee at any rate of the grade of his or her position that does not exceed the current rate of basic pay for the step of that grade which, when the employee's highest previous rate is compared with the rates of basic pay of that grade in effect when that rate was earned, is the lowest step the rate of basic pay for which was equal to or greater than the employee's highest previous rate.

(2) In the case of an employee to be covered by the Merit Pay System, an agency may pay the employee at any rate of the grade of his or her position that does not exceed that rate of basic pay within the current rate range of that grade which, when the employee's highest previous rate is compared with the range of rates of the corresponding grade of the General Schedule in effect when that rate was earned, is in the same relative position in the rate range as was the employee's highest previous rate.

* * * * *

(5 U.S.C.5333–5334)

§ 531.204 Special provisions.

(a) *Promotions and transfers.* (1) The requirements of section 5334(b) of title 5, United States Code, apply only to an employee who is promoted or transferred from a position in one grade of the General Schedule to a position in a higher grade of the General Schedule.

(2) In determining an employee's rate of basic pay in the grade of his or her position upon promotion to or from a position in which he or she is covered by the Merit Pay System established under chapter 54 of title 5, United States

Code, the following rules apply unless the employee is receiving a retained rate under section 5363 of title 5, United States Code, or Part 536 of this chapter:

(i) When an employee not covered by the Merit Pay System is promoted from a position in one grade of the General Schedule to a position in a higher grade of the Merit Pay System, the agency shall pay the employee at that rate of basic pay within the rate range of the grade to which promoted that is equal to the rate of basic pay the employee would have been entitled to receive if the promotion had been to a General Schedule position in which he or she was not covered by the Merit Pay System.

(ii) When an employee is promoted from a position in one grade of the Merit Pay System to a position in a higher grade of the Merit Pay System, the agency shall pay the employee at the lowest rate of basic pay within the rate range of the grade to which promoted that exceeds the employee's existing rate of basic pay by an amount equal to six percent of that rate.

(iii) When an employee is promoted from a position in one grade of the Merit Pay System to a position in a higher grade of the General Schedule in which he or she is not covered by the Merit Pay System, the agency shall pay the employee at the rate of basic pay for the lowest step of the grade to which promoted the rate of basic pay for which exceeds the employee's existing rate of basic pay by an amount equal to six percent of that rate.

(3) For the purpose of section 5334(b) of title 5, United States Code, an employee's "existing rate of basic pay" includes a special rate established under section 5303 of title 5, United States Code.

* * * * *

(c) *Pay determination upon conversion to the Merit Pay System.*

(1) When an employee is brought under or converted to the Merit Pay System without change in his or her position, the employee shall be entitled to—

(i) Basic pay at a rate equal to the rate payable to the employee immediately before the effective date of entry into the Merit Pay System, plus,

(ii) Any earned or appropriate pay entitlement due on or prior to the same effective date, including a pay adjustment resulting from the establishment of higher minimum rates under section 5303 of title 5, United States Code, or an increase in such rates.

(2) Except as provided under Parts 530 and 536 of this chapter, when an employee is brought under or converted to the Merit Pay System with a position or appointment change, the employee's rate of basic pay shall be fixed or adjusted in accordance with the provisions of this subpart.

(3) Notwithstanding § 531.205 of this subpart, if the conversion or movement action occurs at the time of a pay adjustment under 5 U.S.C. 5305, the employee shall receive the following in the order specified:

(i) A rate of basic pay as provided under paragraph (c)(1) or (c)(2) of this section;

(ii) An increase in that rate of basic pay by the amount of the pay adjustment made under 5 U.S.C. 5402(c)(1);

(iii) Any additional amount as may be required under 5 U.S.C. 5402(c)(3); and

(iv) Any merit pay increase resulting from a merit pay determination under the provisions of 5 U.S.C. 5402(b). (5 U.S.C. 5334, 5402.)

§ 531.205 Pay schedule conversion rules at the time of an annual pay adjustment under 5 U.S.C. 5305.

(a) * * *

(1) * * *

(2) If an employee is receiving basic pay immediately before the effective date of his or her pay adjustment at a rate determined under 5 U.S.C. 5402(a), the employee shall receive his or her rate of basic pay increased by the amount of the pay adjustment made under 5 U.S.C. 5402(c)(1), plus any amount that may be required by 5 U.S.C. 5402(c)(3).

(3) Except as provided in 5 U.S.C. 5363 and Part 536 of this chapter, if an employee is receiving basic pay immediately before the effective date of his or her pay adjustment at a rate in excess of the maximum rate of his or her grade, the employee shall receive his or her existing rate of basic pay increased by the amount of increase made by the pay adjustment under 5 U.S.C. 5305 in the maximum rate for the employee's grade.

* * * * *

(5 U.S.C. 5305, 5402; E.O. 11721, as amended)

* * * * *

3. In Subpart C of Part 531, the following changes are made: Sections 531.301 and 531.305(a)(1) are revised. The authority citation for Subpart C is added. The changes read as follows:

Subpart C—Pay Adjustments for Supervisors

Authority: 5 U.S.C. 5333; E.O. 11721, as amended.

§ 531.301 Authority of agency.

This subpart authorizes an agency to make a special adjustment in the pay of a supervisor in a General Schedule position who regularly has responsibility for supervision over one or more prevailing-rate employees. In making this pay adjustment, an agency is governed by 5 U.S.C. 5333(b) and this subpart.

* * * * *

§ 531.305 Adjustment of rates.

(a) *Rate payable to supervisor.* (1) Except as provided in paragraph (a)(2) of this section, when an agency decides to adjust the rate of pay for a supervisor under 5 U.S.C. 5333(b) and this subpart, it shall adjust his or her rate of pay as follows:

(i) A supervisor who occupies a position not covered by the Merit Pay System shall have his or her rate of pay adjusted to the nearest rate, but not above the maximum rate, of his or her grade which exceeds the highest rate of basic pay paid to any prevailing-rate employee from whom the supervisor regularly has responsibility for supervision.

(ii) A supervisor who occupies a position covered by the Merit Pay System shall have his or her rate of pay adjusted to any dollar amount of the appropriate grade which exeeds the highest rate of basic pay paid to any prevailing-rate employee for whom the supervisor regularly has responsibility for supervision. However, the adjusted rate shall not exceed the rate of basic pay of the prevailing-rate emplyee by more than 3 percent and shall not exceed the maximum rate of basic pay of the supervisor's grade.

* * * * *

4. In Part 540, the TAble of Sections and § 540.106 are reevised; and § 540.104(h) is added, to read as follows:

PART 540—MERIT PAY SYSTEM

Sec.

540.101 General.
540.102 Ranges of basic pay and employee coverage.
540.103 Determination and allocation of merit pay funds.
540.104 Merit pay determinations.
540.105 Merit pay increases.
540.106 Special provisions for merit pay increases.
540.107 Cash award program.
540.108 Agency plans for Merit Pay System.
540.109 Reports.
540.110 Implementation.

* * * * *

§ 540.104 Merit pay determinations.

* * * * *

(h) The requirement for a merit pay determination shall be waived when:

(1) An employee was not covered under an approved performance appraisal system for the minimum period of time established by an agency for coverage;

(2) An employee was promoted within 120 days prior to the date of a merit pay determination; or

(3) An employee was in a duty status during a performance appraisal period for less than the minimum period of time established by an agency for coverage under an approved performance appraisal system because of absences that would be creditable service in the computation of a waiting period or periods under § 531.406 of this chapter.

* * * * *

§ 540.106 Special provisions for merit pay increases.

(a) Subject to § 540.105(c) of this part, the pay of an employee for whom the requirement for a merit pay determination is waived under § 540.104(h)(1) or (2) of this part shall be increased by the sum of—

(1) The adjustment required by 5 U.S.C. 5402(c)(1); and

(2) The average adjustment under 5 U.S.C. 5402(b) that is received by comparably situated employees under the Merit Pay System in the agency.

(b) Except as provided in paragraph (c) of this section, and subject to § 540.105(c) of this part, an employee for whom the requirement for a merit pay determination is waived under § 540.104(h)(3) of this part shall be paid the sum of—

(1) That rate of basic pay within the current rate range of the grade of the employee's position that is in the same relative position in the rate range as was the employee's rate of basic pay under the Merit Pay System immediately before the interruption of his or her duty status; and

(2) The average adjustment under 5 U.S.C. 5402(b) that was received by comparably situated employees under the Merit Pay System in the agency at the time of the most recent merit pay increase.

(c) Subject to § 540.105(c) of this part, an employee for whom the requirement for a merit pay determination is waived under § 540.104(h)(3) of this part because of absences that would be creditable service in the computation of waiting periods for successive within-grade increases under § 531.406 (b), (c), or (d) of this chapter or because the period for which the employee was granted back pay under Subpart H of Part 550 of this chapter included more than one merit pay determination shall be paid the sum of—

(1) The employee's rate of basic pay under the Merit Pay System immediately before the interruption of his or her duty status;

(2) The adjustments that would have been made in the employee's rate of basic pay under 5 U.S.C. 5402(c)(1) had the employee's duty status not been interrupted; and

(3) The average adjustments under 5 U.S.C. 5402(b) that were received by comparably situated employees under the Merit Pay System in the agency during the period when the employee's duty status was interrupted.

Authority: 5 U.S.C. 5401–5405.

[FR Doc. 80–22432 Filed 7–24–80; 8:45 am]

BILLING CODE 6325–01–M

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5 CFR Part 551

Federal Pay Administration Under the Fair Labor Standards Act

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: The Fair Labor Standards Act was amended by the Fair Labor Standards Amendments of 1974 to include Federal employees under its coverage. The legislation authorized the Office of Personnel Management to administer the provisions of the Act for Federal employees. This document proposes regulations that supplement and implement the Act.

DATE: Written comments will be considered if received no later than September 23, 1980.

ADDRESS: Send or deliver written comments to Mr. Craig B. Pettibone, Director, Office of Pay and Benefits Policy, Compensation Group, Office of Personnel Management, 1900 E Street, N.W., Room 4351, Washington, D.C., 20415.

FOR FURTHER INFORMATION CONTACT: Dwight W. Brown or Tony Barreca, (202) 632–4634.

SUPPLEMENTARY INFORMATION: The Fair Labor Standards Act of 1938, as amended, provides for minimum standards for both wages and overtime entitlements, and delineates administrative procedures by which covered worktime must be compensated. Section 4(f) of the Act authorizes the Office of Personnel Management to administer the provisions of the Act for all employees of the United States, except for those who are employed by the Library of Congress, United States Postal Service, Postal Rate Commission, or the Tennessee Valley Authority; such employees are specifically covered by the Department of Labor's administration of the Act. In addition to this authority, the legislative history of Pub. L. 93–259 further authorizes the Office of Personnel Management to resolve conflicts between the Act and other statutory provisions entitling employees to overtime pay (120 Cong. Rec. 7335).

These proposed regulations would establish the rules and guidelines by which Federal administration of the Act is to be effected. In addition to specifying OPM's authority and agencies' responsibilities, they would provide definitions, rules, and guidelines by which determinations are to be made as to what time constitutes "hours of work," and, therefore, as to what time is compensable. Furthermore, they would provide the methodology by which precise overtime pay entitlements under the Act may be computed. Finally, they would provide special overtime pay provisions for employees engaged in fire protection activities or law enforcement activities.

An earlier version of these regulations was distributed on June 5, 1978, to agencies through the Interagency Advisory Group, and to labor organizations. As a result of the comments received on that version, a review and reconsideration of several of its elements was initiated. This review engendered two substantive modifications that are now a part of the proposed regulations: (1) the definition of the word "agency" was clarified by making explicit that those groups specifically excluded from OPM's administration of the Act continue to be covered by the Department of Labor's administration; and, (2) time spent in training outside of "regular working hours" may now constitute "hours of work" if certain specified criteria are fulfilled. In addition to these major changes, the comments prompted several other, mainly editorial improvements in the proposed regulations.

These regulations would supplement and implement the provisions of the Fair Labor Standards Act as applicable to Federal employees. OPM has determined that this is a significant rulemaking action for the purposes of E.O. 12044. Furthermore, because of the differences between these regulations and the previous version, OPM has determined that a proposed rulemaking action, with the concomitant public participation period, is appropriate at this time.

Office of Personnel Management.

Kathryn Anderson Fetzer,

Assistant Issuance System Manager.

Accordingly, OPM proposes to add subparts A, C, D and E to 5 CFR Part 551, to read as follows:

PART 551—PAY ADMINISTRATION UNDER THE FAIR LABOR STANDARDS ACT

Subpart A—General Provisions

Sec.

551.101 General
551.102 Definitions
551.103 Coverage
551.104 Administrative Authority
* * * * *

Subpart C—Minimum Wage Provisions

Basic Provision

551.301 Minimum Wage

Subminimum Wage

551.311 Subminimum Wage

Subpart D—Hours of Work

General Provisions

551.401 Basic Principles
551.402 Agency Responsibility

Application of Principles in Relation to Normal Workday

551.411 Workday
551.412 Preparatory or Concluding Activities

Application of Principles in Relation to Other Activities

551.421 Regular Working Hours
551.422 Time Spent Traveling
551.423 Time Spent in Training or Time Spent Attending a Lecture, Meeting, or Conference
551.424 Time Spent Adjusting Grievances
551.425 Time Spent Receiving Medical Attention
551.426 Time Spent in Charitable Activities

Special Situations

555.431 Time Spent in an On-Call Status
551.432 Sleep Time

Subpart E—Overtime Pay Provisions

Basic Provisions

551.501 Overtime Pay

Overtime Pay Computations

551.511 Hourly Regular Rate of Pay
551.512 Overtime Pay Entitlement
551.513 Payment of Greater Overtime Pay Entitlement

Fractional Hours of Work

551.521 Fractional Hours of Work

Compensatory Time Off

551.531 Compensatory Time Off

Special Overtime Pay Provisions

551.541 Employees Engaged in Fire Protection Activities or Law Enforcement Activities

Authority: Pub. L. 93-259; 29 U.S.C. 201 *et seq.*

Subpart A—General Provisions

§ 551.101 General.

(a) Section 3(e)(2) of the Fair Labor Standards Act of 1938, as amended, authorizes the application of the provisions of the Act to any individual employed by the Government of the United States, as specified in that section. Furthermore, section 4(f) of the Act authorizes the Office of Personnel Management to administer the provisions of the Act for all such employees, except for those who are employed by the Library of Congress, United States Postal Service, Postal Rate Commission, or the Tennessee Valley Authority; the latter groups of employees are specifically excluded from the Office of Personnel Management's administration.

(b) The Act provides for minimum standards for both wages and overtime entitlements, and delineates administrative procedures by which covered worktime must be compensated. Included among the other provisions of the Act are those related to child labor, equal pay, and portal-to-portal activities. In addition, the Act exempts certain employees or groups of employees from the application of certain of its sections, and provides for penalties effective upon the commission of specifically prohibited acts.

(c) This part contains the regulations, criteria, and conditions which the Office of Personnel Management has prescribed for the administration of the Act. This part supplements and implements the Act, and must be read in conjunction with it.

§ 551.102 Definitions.

In this part: "Act" means the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.);

"Agency", for purposes of the Office of Personnel Management's administration of the Act, means any instrumentality of the United States Government, or any constituent element thereof acting directly or indirectly as an employer, as this term is defined in section 3(d) of the Act; but does not include:

(1) The Library of Congress,

(2) The United States Postal Service,

(3) The Postal Rate Commission, or

(4) The Tennessee Valley Authority,

all of which are subject to the administration of the Act by the Department of Labor, under Title 29, Code of Federal Regulations.

"Employ" means to engage an individual in an activity that is directly or indirectly for the benefit of an agency, as defined for this part, and includes any hours of work that are suffered or permitted.

"Employee" means an individual who is employed:

(1) In any executive agency;

(2) As a civilian in the military departments;

(3) In any nonappropriated fund instrumentality of an executive agency or a military department; or

(4) In any unit of the legislative or judicial branch of the Government which has positions in the competitive service.

§ 551.103 Coverage.

Any employee of an agency who is not specifically excluded by another statute is covered by the Act. This includes any individual who is:

(a) Defined as an employee under section 2105 of title 5, United States Code;

(b) Appointed under other appropriate authority; or

(c) Suffered or permitted to work by an agency whether or not formally appointed.

§ 551.104 Administrative authority.

The Office of Personnel Management is the administrator of the provisions of the Act with respect to any individual employed by an agency, except for the equal pay provisions contained in section 6(d) of the Act, which are administered by the Equal Employment Opportunity Commission.

* * * * *

Subpart C—Minimum Wage Provisions

Basic Provision

§ 551.301 Minimum wage.

(a) Except as provided in § 551.311, an agency shall pay each of its employees wages at rates not less than the minimum wage specified in section 6(a)(1) of the Act for all hours of work as defined in subpart D of this part.

(b) In any workweek, an employee has been paid in compliance with the minimum wage if the employee's hourly regular rate of pay, as defined in § 551.511(a) of this part, for the workweek is equal to or in excess of the rate specified in section 6(a)(1) of the Act.

Subminimum Wage

§ 551.311 Subminimum wage.

An agency may, if it meets certain criteria specified by the Office of Personnel Management, employ certain groups of less than fully productive employees (e.g., handicapped patient

workers) at rates less than the minimum wage specified in section 6(a)(1) of the Act.

Subpart D—Hours of Work

General Provisions

§ 551.401 Basic principles.

(a) All time spent by an employee which is primarily for the benefit of an agency and which is controlled or directed by an agency is "hours of work." Such time includes:

(1) Time during which an employee is required to be on duty;

(2) Time during which an employee is suffered or permitted to work; and

(3) Waiting time or idle time which is under the control of an agency and which is predominantly for the benefit of an agency.

(b) An agency suffers or permits work to take place if:

(1) An employee's supervisor has knowledge or reason to believe that work for the benefit of the agency either is being performed or will be performed; and

(2) The supervisor or agency does not exercise control in preventing such work from being performed.

(c) Paid periods of nonwork (e.g., leave, holidays, or excused absences) are not hours of work for the purposes of this part.

(d) Time which is considered hours of work under this part shall be used only to determine an employee's entitlement to compensation under the Act, and shall not be used to determine hours of work for pay administration under title 5, United States Code, or any other authority.

§ 551.402 Agency responsibility.

(a) An agency is responsible for exercising appropriate controls to assure that only that work for which it intends to make payment is performed.

(b) An agency shall keep, for a period of six years, complete and accurate records of all hours worked by its employees.

Application of Principles in Relation to Normal Workday

§ 551.411 Workday.

(a) For the purposes of this part, "workday" means the period between the commencement of the principal activity(s) which an employee is engaged to perform on a given day, and the cessation of the principal activity(s) for that day. All time spent by an employee in the performance of such activity(s) is hours of work. The workday is not limited to a calendar day or any other 24-hour period.

(b) Authorized rest periods which do not exceed 20 minutes and which are within the workday shall be considered hours of work.

(c) *Bona fide* meal periods shall not be considered hours of work.

§ 551.412 Preparatory or concluding activities.

(a) A preparatory and concluding activity which is closely related to the principal activity, and is indispensable to its performance, is an integral part of the principal acitivity and is, therefore, a part of the workday and shall be considered hours of work.

(b) A preparatory and concluding activity which is not an integral part of the performance of the principal activity is not a part of the workday. Such an activity is a preliminary or postliminary activity and is not considered hours of work.

Application of Principles in Relation to Other Activities

§ 551.421 Regular working hours.

Under the Act there is no requirement that Federal employees have a regularly scheduled administrative workweek. However, under title 5, United States Code, and Part 610 of this chapter, the head of an agency is required to establish work schedules for his or her employees. In determining what activities constitute hours of work under the Act, there is generally a distinction based on whether the activity is performed by an employee during regular working hours or outside regular working hours. For purposes of this part, "regular working hours" means the hours and days during which an employee is normally expected to be on duty.

§ 551.422 Time spent traveling.

(a) Time spent traveling shall be considered hours of work if:

(1) An employee is required to travel during the workday;

(2) An employee is required to drive a vehicle or perform other work while traveling;

(3) An employee is required to travel as a passenger on a one-day assignment away from the official duty station; or

(4) An employee is required to travel as a passenger on an overnight assignment away from the official duty station during hours on nonworkdays that correspond to the employee's regular working hours.

(b) An employee who travels from home before the regular workday begins and returns home at the end of the workday is engaged in normal "home to work" travel and such travel is not hours of work. When an employee travels directly from home to a temporary duty location, the time the employee would have spent in normal home to work travel shall be deducted from hours of work as specified in paragraphs (a)(2) and (a)(3) of this section.

(c) An employee who is offered one mode of transportation, and who is permitted to use an alternative mode of transportation, or an employee who travels at a time other than that selected by the agency shall be credited with the lesser of:

(1) The actual travel time which is hours of work under this section; or

(2) The estimated travel time which would have been considered hours of work under this section had the employee used the mode of transportation offered by the agency, or traveled at the time selected by the agency.

§ 551.423 Time spent in training or time spent attending a lecture, meeting, or conference.

(a) Time spent in training, whether or not it is under the purview of Part 410 of this chapter, shall be administered as follows:

(1) Time spent in training during regular working hours shall be considered hours of work.

(2) Time spent in training outside regular working hours shall be considered hours of work if:

(i) The employee is directed to participate in the training by his or her employing agency, and

(ii) The purpose of the training is to improve the employee's performance of the duties and responsibilities of his or her current position.

(3) Time spent by an employee performing work for the agency during a period of training shall be considered hours of work.

(b) Time spent attending a lecture, meeting, or conference shall be considered hours of work if attendance is:

(1) During an employee's regular working hours; or

(2) Outside an employee's regular working hours, *and*

(i) The employee is required by an agency to attend such an event, or

(ii) The employee performs work for the benefit of the agency during such attendance.

§ 551.424 Time spent adjusting grievances.

(a) Time spent in adjusting a grievance (or any appealable action) between an employee and an agency during the time an employee is required to be on the agency's premises shall be considered hours of work.

(b) "Official time" granted by an agency to perform representational functions during those hours when the employee is otherwise in a duty status shall be considered hours of work. This includes time spent by an employee performing such functions during regular working hours (including regularly scheduled overtime hours), or during a period of irregular or occasional overtime work, provided an event arises incident to representational functions which must be dealt with during the irregular or occasional overtime period.

§ 551.425 Time spent receiving medical attention.

(a) Time spent waiting for and receiving medical attention for illness or injury shall be considered hours of work if:

(1) The medical attention is required on a day an employee reported for duty and subsequently became ill or was injured;

(2) The time spent for this purpose occurs during the employee's regular working hours; and

(3) The employee receives the medical attention on the agency's premises, or at the direction of the agency at the medical facility away from the agency's premises.

§ 551.426 Time spent in charitable activities.

Time spent working for public or charitable purposes at an agency's request, or under an agency's direction or control, shall be considered hours of work. However, time spent voluntarily in such activities outside an employee's regular working hours is not hours of work.

Special Situations

§ 551.431 Time spent in an on-call status.

(a) An employee will be considered on duty—i.e., "engaged to wait"—and time spent in an on-call status shall be considered hours of work, if:

(1) The employee is restricted to an agency's premises, or so close thereto that the employee cannot use the time effectively for his or her own purposes; or

(2) The employee, although not restricted to the agency's premises:

(i) Is restricted to his or her living quarters or designated post of duty,

(ii) Has his or her activities substantially limited, and

(iii) Is required to remain in a state of readiness to perform work.

(b) An employee will be considered off duty—i.e., "waiting to be engaged"—and time spent in an on-call status shall not be considered hours of work, if:

(1) The employee is allowed to leave a telephone number or to carry an electronic device for the purpose of being contacted, even though the employee is required to remain within a reasonable call-back radius; or

(2) The employee is allowed to make arangements such that any work which may arise during the on-call period will be performed by another person.

§ 551.432 Sleep time.

(a) Except as provided in paragraph (b) of this section, *bona fide* sleep time which fulfills the following conditions shall not be considered hours of work:

(1) The tour of duty must be *24 hours or more;*

(2) During such time there must be adequate facilities such that an employee may usually enjoy an uninterrupted period of sleep; and

(3) There must be at least 5 hours available for such time during the sleep period.

(b) For employees engaged in fire protection activities or law enforcement activities, the exclusion of sleep time is appropriate for tours of duty *of more than 24 hours* only. However, paragraphs (a)(2) and (a)(3) of this section still apply to employees in these activities.

(c) Not more than 8 hours in a 24-hour period may be considered sleep time.

(d) If sleep time is interrupted by a call to duty, the time spent on duty is considered hours of work.

Subpart E—Overtime Pay Provisions

Basic Provisions

§ 551.501 Overtime pay.

(a) Except as otherwise provided in this subpart, an agency shall compensate an employee who is not exempt under subpart B of this part for all hours of work in excess of 40 in a workweek at a rate equal to one and one-half times the employee's hourly regular rate of pay.

(b) An employee's "workweek" is a fixed and recurring period of 168 hours—seven consecutive 24-hour periods. It need not coincide with the calendar week but may begin on any day and at any hour of a day. For employees subject to Part 610 of this chapter, the workweek shall be the same as the administrative workweek defined in § 610.102 of this chapter.

Overtime Pay Computations

§ 551.511 Hourly regular rate of pay.

(a) An employee's "hourly regular rate" is computed by dividing the total remuneration paid to an employee in the workweek by the total number of hours of work in the workweek for which such compensation was paid.

(b) "Total remuneration" includes all remuneration for employment paid to, or on behalf of, an employee except:

(1) Payments as rewards for service the amount of which is not measured by or dependent on hours of work, production, or efficiency (e.g., a cash award for a suggestion made by an employee and adopted by an agency);

(2) Payments for periods during which no work is performed (e.g., leave, holidays, or excused absences), or reimbursements for travel expenses, or other similar expenses, incurred by an employee in furtherance of an agency's interest, which are not related to hours of work;

(3) Payments made in recognition of services performed during a given period, if both the fact that payment is to be made and the amount of the payment are determined at the sole discretion of the agency (e.g., incentive awards for outstandingly high-quality work);

(4) Contributions by an agency to a fund for retirement, insurance, or similar benefits;

(5) Extra compensation provided by a premium rate paid for hours of work performed by an employee in excess of eight in a day, or in excess of the normal workweek applicable to the employee;

(6) Extra compensation provided by a premium rate paid for hours of work performed by an employee on a Sunday or a holiday where such premium rate is at least one and one-half times the employee's rate of pay for work performed in nonovertime hours on other days; or

(7) Extra compensation provided by a premium rate paid for hours of work performed by an employee outside his or her regular working hours, where such premium rate is at least one and one-half times the employee's rate of pay for work performed in nonovertime hours.

§ 551.512 Overtime pay entitlement.

(a) An employee's overtime entitlement under this subpart includes:

(1) The straight time rate of pay times all overtime hours worked; plus

(2) One-half times the employee's hourly regular rate of pay times all overtime hours worked.

(b) An employee's straight time rate of pay is equal to the employee's rate of pay for his or her position (exclusive of any premiums or differentals) except for an employee who is authorized annual premium pay under §§ 550.141 or 550.151 of this charter. For an employee who is authorized annual premium pay, straight time rate of pay is equal to basic pay

plus annual premium pay divided by the hours for which the basic pay plus annual premium pay are intended.

(c) An employee who is entitled to overtime pay under this subpart has been paid in compliance with the overtime pay provisions of the Act only if the employee has received pay at a rate at least equal to the employee's straight time rate of pay for all hours of work which are not in excess of the applicable overtime standard.

§ 551.513 Payment of greater overtime pay entitlement.

An employee entitled to overtime pay under this subpart and overtime pay under § 550.113 of this chapter, or under any other authority, shall be paid under whichever authority provides the greater overtime entitlement. This overtime pay shall be paid in addition to all pay, other than overtime pay, to which the employee is entitled under title 5, United States Code, or any other authority.

Fractional Hours of Work

§ 551.521 Fractional hours of work.

(a) A quarter of an hour shall be the largest fraction of an hour used for crediting irregular, unscheduled overtime work under this subpart. Insignificant periods of time spent in irregular, unscheduled overtime work may be considered *"de minimis,"* and may be disregarded as hours of work provided that the total time disregarded in a workweek does not equal the full fraction being used for crediting overtime work.

(b) Every minute of regularly scheduled overtime work performed by an employee shall be counted as hours of work.

Compensatory Time Off

§ 551.531 Compensatory time off.

(a) An agency may grant an employee compensatory time off in lieu of overtime pay under appropriate statutory authority, to be taken during the same workweek in which the overtime work was performed.

(b) An employee who earns an overtime pay entitlement under this part may not be granted compensatory time off in a subsequent workweek unless:

(1) The employee earns an overtime entitlement under subpart A of Part 550 of this chapter that is equal to or greater than the employee's overtime entitlement under this subpart; and

(2) The employee makes a written request to substitute compensatory time off for overtime payment.

Special Overtime Pay Provisions

§ 551.541 Employees engaged in fire protection activities or law enforcement activities.

(a) An employee engaged in fire protection activities or law enforcement activities shall be paid at a rate equal to one and one-half times the employee's hourly regular rate of pay for those hours in a tour of duty which exceed the overtime standard for a work period specified in section 7(k) of the Act.

(b) The "tour of duty" of an employee engaged in these activities shall include all time the employee is on duty. Meal periods and sleep periods are included in the tour of duty except as otherwise provided in § 531.432 of this part.

(c) Each agency shall establish the "work period" to be used for application of section 7(k) of the Act. The work period shall be at least seven days and not more than 28 days.

[FR Doc. 80-22527 Filed 7-24-80; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 1007, 1011, 1030, 1032, 1046, 1049, 1050, 1062, 1064, 1065, 1068, 1071, 1073, 1076, 1079, 1094, 1096, 1097, 1098, 1099, 1102, 1104, 1106, 1108, 1120, 1126, 1131, 1132, and 1138

[Dockets Nos. AO-10-A54, et al.]

Milk in St. Louis-Ozarks and Certain Other Marketing Areas; Supplemental Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR part	Marketing area	Docket No.
1062	St. Louis-Ozarks	AO-10-A54
1007	Georgia	AO-366-A17
1011	Tennessee Valley	AO-251-A22-R01
1030	Chicago Regional	AO-361-A18
1032	Southern Illinois	AO-313-A31
1046	Louisville-Lexington-Evansville.	AO-123-A47
1049	Indiana	AO-319-A31
1050	Central Illinois	AO-355-A21
1064	Greater Kansas City	AO-23-A53
1065	Nebraska-Western Iowa.	AO-86-A40
1068	Upper Midwest	AO-178-A36
1071	Neosho Valley	AO-227-A35-R01
1073	Wichita Kansas	AO-173-A37-R01
1076	Eastern South Dakota.	AO-260-A25
1079	Iowa	AO-295-A34
1094	New Orleans-Mississippi.	AO-103-A41
1096	Greater Louisiana	AO-257-A29
1097	Memphis, Tennessee	AO-219-A37
1098	Nashville, Tennessee	AO-184-A42
1099	Paducah, Kentucky	AO-183-A37
1102	Fort Smith, Arkansas	AO-237-A31
1104	Red River Valley	AO-296-A30-R01
1106	Oklahoma Metropolitan.	AO-210-A43-R01
1108	Central Arkansas	AO-243-A35
1120	Lubbock-Plainview, Texas.	AO-328-A23
1126	Texas	AO-231-A46-B01
1131	Central Arizona	AO-271-A23
1132	Texas Panhandle	AO-262-A33
1138	Rio Grande Valley	AO-335-A28

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Supplemental notice of public hearing.

SUMMARY: This notice eliminates from consideration at a previously announced public hearing two proposals that were submitted by the Milk Industry Foundation and International Association of Ice Cream Manufacturers that would revise the procedure for announcing Class I prices in the 29 markets. All the remaining proposals specified in the prior notice will be considered.

Proponents requested withdrawal of the proposals because it was their intent that the proposals be considered at a hearing involving all 47 milk orders. Proponents indicated that if consideration of the issue is to be limited to only the 29 orders as announced earlier, they do not wish to sponsor the proposals in question.

DATE: The hearing will be held on August 12, 1980. The Administrative Law Judge will set the closing date for written record at the hearing.

ADDRESS: The hearing will be held at the Holiday Inn, Clayton Plaza, 7730 Bonhomme, Clayton, Missouri 63105.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculuture, Washington, D. C. 20250, 202-447-7311.

SUPPLEMENTARY INFORMATION: Notice was issued July 10, 1980, and published in the July 15, 1980, issue of the **Federal Register** (45 FR 47432) of a public hearing to b held at the Holiday Inn, Clayton Plaza, 7730 Bonhomme, Clayton, Missouri 63105, beginning at 9:30 a.m. local time, on Tuesday, August 12, 1980, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the aforesaid marketing areas.

Notice is hereby given, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.),* and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900) that consideration will not be given at such previously scheduled hearing to two of the proposals submitted by the

Milk Industry Foundation and International Association of Ice Cream Manufacturers that would revise the procedure for announcing Class I prices in the 29 markets. The prior hearing notice is hereby changed in the following respects:

Proposal No. 4 [Deleted]

1. Proposal No. 4 of the prior hearing notice is deleted;

2. Proposal No. 2 of the prior hearing notice is revised as follows:

Proposal No. 2

Amend § .53 to read as follows:

§ .53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class III price for the preceding month and on or before the 15th day of each month the Class II price for the following month.

These changes in the prior hearing notice were requested by the Milk Industry Foundation and International Association of Ice Cream Manufacturers, for the reasons indicated earlier in this document under "SUMMARY".

Signed at Washington, D. C., on: July 21, 1980.

William T. Manley,

Deputy Administrator Marketing Program Operations.

[FR Doc. 80-22411 Filed 7-24-80; 8:45 am]

BILLING CODE 3410-02-M

Rural Electrification Administration

7 CFR Part 1701

Proposed Revision of REA Bulleting 181-3, Accounting Interpretations for Rural Electric Borrowers

AGENCY: Rural Electrification Administration.

ACTION: Proposed rule.

SUMMARY: This action concerns the revision of REA Bulleting 181-3 to include an additional accounting interpretation concerning the accounting for computer software costs. A previous proposal was issued in the January 15, 1980 Federal Register (Vol. 45, No. 10, page 2848). Due to the public response received on that proposal we felt it necessary to issue this revised proposed rule.

DATE: Public comments must be received by REA no later than September 23, 1980.

ADDRESS: Persons interested in the proposed revision may submit written data, views, suggestions, or comments to the Director, Accounting and Auditing Division, Rural Eelctrification Administration, Room 4307, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Sheldon Chazin, Director, Accounting and Auditing Division, Rural Electrification Administration, Room 4307, South Building, Washington, D.C. 20250, telephone number (202) 447-7221.

SUPPLEMENTARY INFORMATION: REA decided that it was necessary to revise our original interpretation to include certain changes that were suggested to us by respondents to our initial proposal.

The major revisions are as follows: (1) Both Basin Electric Power Cooperative (Basin) and United Power Association (UPA) disagreed with our initial proposal's limitation on in-house developed software. We had originially limited the deferral of such costs to software developed within twelve months prior to and subsequent to the purchase and delivery of the main hardware and central processing equipment. Both cooperatives indicated the continuing need for development of application software. We concur with their suggestion and have amended our proposal accordingly.

(2) Basin and UPA also indicated that the software is not necessarily tied to the life of the hardware. They cited specific instances in which they had been able to use, with little modification, programs on multiple systems extending over a substantial period. We did not contemplate this situation in our initial proposal. Therefore, we have amended our proposal to allow such software to be amortized over a longer period after the submission of written justification and approval by REA.

For the most part, all other respondents agreed with our proposal. However, a response from the American Telephone and Telegraph Company indicated that it is their policy to expense all applications software. They feel "* * * that such software replaces the organized flow of paperwork commonly referred to as "methods" work and has an indeterminable life and no determinable future value beyond the end of the year of implementation."

We feel that most applications software does have an estimatable future life and a future benefit. The large on-going applications design for the Bell System may warrant the immediate expensing of applications software. However, for REA Borrowers, we feel the one time cost can be so material that the immediate expensing of it could distort the financial statements. We have therefore revised our proposed interpretation as follows:

Revised Proposed Interpretation Accounting for Computer Software Costs

I. *General:* Computer software consists of computer programs and routines (sets of computer instructions) which direct the operation of the computer. Software can refer to generalized routines useful in computer operations or to programs for specific applications such as payroll.

The distinction between generalized software and application software is important. Generalized software provides operating support for individual applications. This would include programs for such tasks as making printouts of machine-readable records, sorting records, organizing and maintaining files, translating programs written in a symbolic language into machine-language instructions, and scheduling jobs through the computer. These programs are generally furnished by the manufacturer.

Application software consists of a set of instructions for performing a particular data processing task. Application programs are generally written by the user installation but are frequently obtained as prewritten packages from software vendors. Application software includes programs such as payroll, billing, general ledger, as well as engineering and managerial applications.

II. *Questions and Answers:* 1. *Question:* What is the proper accounting for the cost of computer software?

Answer: Costs incurred with the purchase and/or development of computer software should be accounted for as follows:

Capitalize in a subaccount of Account 391, Office Furniture and Equipment, all costs for generalized software. Depreciate the cost over the service life (or remaining life) of the main hardware (i.e., containing central processor). If the purchase invoice does not split out or assign a cost to the "generalized software" then it is appropriate to include the full amount in the hardware costs. Defer in Account 186, Miscellaneous Deferred Debits, the cost for all applications software determined to have a service life of over one year. Amortize this cost over the estimated useful life of the program. This amortization period should not exceed five (5) years. We realize, however, that there may be circumstances that justify a longer useful life than five years. When this is the case and it is

management's intent to utilize these programs over an extended period, written justification should be submitted to REA for approval.

Expense, in the period incurred, all costs associated with the maintenance, updating, conversion of files or revision of all software, and all costs for software with a useful life of less than one year. Also, expense the unamortized cost of all software determined, during the year, to be no longer used by or useful to the cooperative.

In determining the total cost of purchased or internally developed software the following items should be included:

1. Costs incurred for feasibility studies if they result in the purchase or development of software;

2. All costs related to the actual purchase or development of the software. These costs must be specifically identifiable with the software and be properly supported by time cards, invoices, or other documents; and

3. All costs incurred in "testing and debugging" the software.

All costs related to training personnel in the use of the software should be expensed as incurred.

Software packages are sometimes purchased for use with special purpose computer hardware that is dedicated for use in load control and load dispatch operations. Accounting Interpretation No. 111 provides that the hardware (control equipment) is to be included in the appropriate functional plant account. For purposes of Accounting Interpretation No. 111, software packages dedicated for use in load control are to be considered a part of the control equipment and included in the appropriate functional plant account.

This proposed rule will not change the meaning of Accounting Interpretation No. 111, however, reference to accounting for computer software will be cross-referenced in Interpretation No. 111.

This interpretation is not intended to apply to immaterial amounts. When it is deemed that the cost of the record keeping necessary to amortize these costs outweighs the benefits to the patrons, then software costs may be expensed in the year incurred.

Note.—This proposal has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving government Regualtions". A determination has been made that this action should not be classified "significant" under those criteria. A Draft Impact Analysis has been prepared and is available from Mr. Sheldon Chazin, Director, Accounting and Auditing Division, Rural Electrification Administration, U.S. Department of Agriculture, Room 4307, South Building, Washington, D.C. 20250.

Dated: July 15, 1980.

Robert W. Feragen,

Administrator.

[FR Doc. 80-22031 Filed 7-24-80; 8:45 am]

BILLING CODE 3410-15-M

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7 CFR Part 1701

Proposed Rescission and Reclassification of REA Bulletins Included in Appendix A

Correction

In FR Doc. 80-20985, published at page 47436, on Tuesday, July 15, 1980, on page 47437, in the first column, in the listing of bulletins, before "1-3:300-2 Rural Electrification Act of 1936" insert the heading: **"REA Bulletins to be Removed From Appendix A".**

BILLING CODE 1505-01-M

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7 CFR Part 1701

Proposed Revision of REA Specification D-17 Remanufactured Distribution Transformers

AGENCY: Rural Electrification Administration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: Due to increased costs of new transformers, there is a great deal of interest by some REA borrowers in the purchase and use of remanufactured distribution transformers. In order to ensure that borrowers continue to use good quality transformers, REA is considering the preparation of a specification for remanufactured distribution transformers.

DATE: Public comments must be received by REA not later than: August 25, 1980.

ADDRESS: Persons interested in the development of this specification may submit written comments to the Director, Engineering Standards Division, Rural Electrification Administration, Room 1268, South Building, U.S. Department of Agriculture, Washington, 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Archie W. Cain, Director, Engineering Standards Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C., telephone number (202) 447-3813.

SUPPLEMENTARY INFORMATION: The proposed specification for remanufactured transformers will ensure that their quality is comparable to that of a new transformer.

Further public comment will be solicited when the proposed rule is published.

Dated: July 18, 1980.

Donald L. Olsen,

Acting Assistant Administrator—Electric.

[FR Doc. 80-22339 Filed 7-24-80; 8:45 am]

BILLING CODE 3410-15-M

DEPARTMENT OF ENERGY

10 CFR Parts 376 and 390

Inquiry and Request for Comments on Development of a Bidding System With a Work Commitment Component for Outer Continental Shelf Oil and Gas Leasing

AGENCY: Department of Energy.

ACTION: Notice of inquiry and request for comments.

SUMMARY: The Department of Energy (DOE) has previously implemented by regulation four bidding systems for use in leasing areas of the Outer Continental Shelf (OCS) for the development of oil and gas. None of these systems employes a work commitment component. Under a work commitment approach, a lessee would be committed to performing a minimum amount of exploration during a specified period of time. By this Notice, DOE is requesting comments on issues relating to the development of an OCS bidding system employing a work commitment component. DOE is also seeking comment on other means to promote the development of the OCS, particularly in "frontier" areas, *i.e.*, those areas of the OCS where there has been no significant exploration, development and production of oil and gas.

DATES: Written comments are due by September 5, 1980.

ADDRESS: All comments should be sent to: Office of Leasing Policy Development, U.S. Department of Energy, Room 2317, Federal Building, 12th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20461. Attention: Gary M. Kaitz.

FOR FURTHER INFORMATION CONTACT:

Gary M. Kaitz (Office of Leasing Policy Development), U.S. Department of Energy, Room 2317, Federal Building, 12th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20461, (202) 633-9373.

Kenneth W. Erickson (Office of Leasing Policy Development), U.S. Department of Energy, Room 2317, Federal Building, 12th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20461, (202) 633-9373.

William D. Luck (Office of General Counsel), U.S. Department of Energy, Room 5E–074, James Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–2900.
Milton Jordon (Director, Division of Freedom of Information and Privacy Acts Activities), U.S. Department of Energy, Room 5B–138, James Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–5955.

SUPPLEMENTARY INFORMATION:

I. Background
II. Issues for Comment
III. Comment Procedures

I. Background

Sections 302 and 303 of the Department of Energy Organization Act (Pub. L. 95–91, 91 Stat. 565, *et seq.*, 42 U.S.C. 7101, *et seq.*) (DOE Act) transferred to the Secretary of Energy certain authorities concerning the mineral leasing of Federal lands previously exercised by the Secretary of the Interior. The leasing authorities so transferred are contained in five statutes, including the Outer Continental Shelf Lands Act (Act of August 7, 1953, 67 Stat. 462, *et seq.*, 43 U.S.C. 1331, *et seq.*) (OCSLA), as amended by the Outer Continental Shelf Lands Act Amendments of 1978 (Pub. L. 95–372, 92 Stat. 629, *et seq.*) (OCSLAA). As a result, with respect to the Federal leasing of the Outer Continental Shelf (OCS), the Secretary of Energy is authorized to promulgate regulations that implement bidding systems.

The national goal of increasing domestic oil and gas production, in order to reduce the United States' dependence on oil imports, improve the balance of payments, and strengthen the dollar in world markets, has been emphasized in various statements and actions of the President and the Congress. These include the passage of the OCSLAA, which emphasizes the intention to expedite OCS production to achieve these national aims; the National Energy Plan, which resulted in passage of the five statutes constituting the National Energy Act (Pub. L. 95–617 through 95–622); the President's energy messages of April 5, 1979, and July 15, 1979, which led to the Crude Oil Windfall Profit Tax Act of 1980 (Pub. L. 95–223) and the Energy Security Act (Pub. L. 96–294); and the June 23, 1980, Declaration of the Venice Summit. The President's energy message of April 5, 1979, made special reference to the determination to increase the pace of exploration and production of oil and gas from Federal lands. The OCS is a most fertile area for the development of domestic sources of oil and gas. On March 28, 1980, in announcing the submission to the President and Congress of the Department of the Interior's five-year OCS leasing program, Secretary of the Interior Cecil D. Andrus stated that "[a]bout nine percent of the oil and 23 percent of the gas produced in the United States comes from the OCS, and the OCS holds many of the most promising areas for oil exploration and production which are directly available to us." Accordingly, promoting the exploration and development of the OCS is essential to attaining the national goal of increased oil and gas production.

Prior to the OCSLAA, section 8(a)(1) of the OCSLA authorized the granting of leases on OCS lands to the highest responsible qualified bidder by competitive bidding on the basis of either (a) a cash bonus (the bid component), with a fixed royalty of not less than 12½ percent in amount or value of the production saved, removed or sold, or (b) a royalty (the bid component), with a fixed cash bonus. Section 205 of the OCSLAA (Section 8(a)(1) of the OCSLA, 43 U.S.C. 1337(a)(1)) specifically authorizes the use of bidding systems in addition to the systems set out in the original OCSLA. That section of the OCSLAA requires that bidding systems other than the cash bonus bid-fixed royalty system be utilized for not less than 20 percent and not more than 60 percent of the area offered for leasing each year during the five-year period commencing on September 18, 1978.

DOE previously has implemented its bidding system authority by promulgating regulations establishing four bidding systems. These bidding systems are (1) cash bonus bid with a fixed royalty, (2) royalty bid with a fixed cash bonus, (3) cash bonus bid with a sliding scale royalty, and (4) cash bonus bid with a fixed net profit share. (See 10 CFR Parts 376 and 390, 45 FR 9536 (February 12, 1980) and 45 FR 36784 (May 30, 1980).)

None of the bidding systems that DOE has thus far established by regulation contains a work commitment component. The Department is considering whether to develop a bidding system that contains a work commitment component. The purpose of this Notice and request for comments is to identify pertinent issues on this subject and to solicit comment on these and related matters.

Under a work commitment approach, a lessees would be committed to performing some amount of exploration during a specified period of time. The measure of exploratory effort could be set so as to be expressed by dollars spent or wells drilled or by reference to some other standard. Among the bidding systems authorized by section 205 of the OCSLAA are three which have a work commitment component (43 U.S.C. 1337(a)(1)(B), (C), and (G)). In addition, there is a provision in Section 205 of the OCSLAA (43 U.S.C. 1337(a)(1)(H)) which authorizes establishment of any bidding system the Secretary of Energy determines to be useful to accomplish the purposes and policies of the OCSLA, provided that no bidding system established under this provision shall have more than one bid variable.

Based upon preliminary consideration of the work commitment concept, DOE considers that a bidding system having such a component might be especially useful in leasing "frontier" areas. For purposes of this Notice, DOE means by "frontier" area any area of the OCS where there has been no significant exploration, development and production of oil and gas. As a practical matter, the entire OCS, other than the mature areas of the Gulf of Mexico and the Santa Barbara Channel, are considered to be "frontier" areas. Leasing and exploration of these frontier areas have been slowed by the lack of geologic information and of drilling experience. A bidding system with a work commitment component might accelerate OCS frontier development.

We note that two other provisions of the OCSLA, dealing with lease tract size and the duration of a lease, may affect the formulation of a bidding system with a work commitment component. OCSLA Section 8(b)(1) (43 U.S.C. 1337(b)(1)), added by OCSLAA Section 205, limits an oil and gas lease issued under the OCSLA to "a tract consisting of a compact area not exceeding five thousand seven hundred and sixty acres * * * unless the Secretary finds that a larger area is necessary to comprise a reasonable economic production unit." Similarly, OCSLA section 8(b)(2) (43 U.S.C. 1337(b)(2)), also added by OCSLAA section 205, specifies that a lease shall be for an initial term of "(A) five years; or (B) not to exceed ten years where the Secretary finds that such longer period is necessary to encourage exploration and development in areas because of unusually deep water or other unusually adverse conditions * * *" This provision further states that the initial term shall be extended "as long after such initial period as oil or gas is produced from the area in paying quantities, or drilling or well reworking operations as approved by the Secretary are conducted thereon." We are seeking

views on whether the development of frontier OCS areas, or of a bidding system with a work commitment component, or both, should be cause to seek departure from the statutory norm regarding tract size and lease duration, in accordance with the provisions just set forth.

Preliminary work, which eventually may form the basis of a regulatory analysis, has identified the following elements of one approach to implementation of a bidding system employing work commitment provisions:

(a) Cash bonus as the bid variable;

(b) A fixed royalty, or a fixed sliding scale royalty, or a fixed net profit share;

(c)(i) A fixed dollar amount of work commitment, announced in the notice of sale, which must be spent on exploration of the lease;

(ii) The entire dollar amount of work committed put in escrow in a Federal Government account at the time of lease issuance, with the money refunded to the lessee as exploration proceeds, on the basis of one dollar refunded for every two dollars spent on exploration; and

(iii) Relinquishment of 50 percent of the acreage leased at the end of five years, with the acreage to be relinquished chosen by the lessee (relinquished acreage to be reasonably contiguous);

(d) A primary lease term of up to ten years; and

(e) Large tract sizes, beyond the historic 5,760 acre limit.

There are, of course, other alternatives. The approach described above is presented solely to focus attention on what DOE anticipates will be principal components of a bidding system incorporating work commitments. DOE invites comment on all issues related to this approach, or any recommend alternative approach.

II. Issues for Comment

To assist in the consideration and development of a bidding system with a work commitment component that best fulfills the purposes and policies stated in the OCSLA, DOE seeks the views of all interested persons. Respondents are invited to offer comments on any topic germane to work commitment bidding systems, on other bidding systems which may be appropriate to use in frontier areas, and on the leasing of the frontier OCS. DOE is especially interested in public comment on the following issues:

1. What type of work commitment should be required? Two possible specifications are (a) a certain minimum number of wells per tract and (b) a certain minimum dollar expenditure, each within a given period of time.

2. The work commitment required for each tract could be specified prior to a sale, with bidding conducted on the basis of cash bonus. Alternatively, the amount of cash bonus could be specified in advance, and bidding based on the amount of the work commitment. Another variant is to have the bid variable be the earliest time at which a given measure of exploratory effort (e.g., wells drilled) would be accomplished. Comment on the desirability of bidding the work commitment, as opposed to a system employing a cash bonus bid and a fixed work commitment. Also, comment on the usefulness of bidding the amount of time required to complete various exploration activities.

3. If a fixed work commitment is required, what criteria should be used to determine the level of this work commitment? How should the work commitment component of a bidding system be structured so as to be fair and to encourage exploration and development in a timely manner? Should the level vary from lease to lease or from sale to sale? Should it depend upon the royalty level set? Should it vary with the level of production achieved over time? If dollar levels are set, what dollar levels are appropriate? Should dollar commitments be in terms of fixed year dollars, as spent dollars, or some other measure? What time periods are appropriate? Since the operator should not be penalized for delays beyond its control, how should the concept of "unavoidable delay" be defined? Should there be one overall work commitment milestone or a series of milestones?

4. In a bidding system using a cash bonus bid with a fixed work commitment, one option is to also require a fixed royalty. Other options include a pre-specified sliding scale royalty or a net profit share. What are the advantages and disadvantages of using each type of contingency payment in conjunction with a cash bonus bid-fixed work commitment bidding system? Are there other options DOE should consider?

5. In designing a bidding system with a work commitment component, what would be an appropriate primary lease term? What would be an appropriate range of tract sizes? What criteria should be used to determine these factors? Should the underlying geologic interpretation (or lack of geologic information) be a major consideration in determining these matters?

6. DOE considers that an appropriate component of a bidding system with a work commitment component is the relinquishment of some percentage of the acreage leased after a given period of time or exploratory activity. The notion is that relinquishment serves as an appropriate incentive to conduct exploration and development activities in a timely fashion. How should relinquishment be structured? what would be an appropriate period of time or level of exploratory activity before relinquishment of a certain percentage of the acreage? Should relinquishment be postponed or cancelled if a given level of production is being achieved? Should the terms of relinquishment depend upon the type or location of the lease tract?

7. How should the Federal Government ensure compliance with the work commitment? Are the penalties of forfeiture of the lease and of the money in escrow sufficient?

8. What has been the experience with work commitment leasing systems in other countries? How can these experiences be applied to the situation in the United States? Will work commitment bidding provide an unfair competitive advantage to the large multinational energy firms who have experience dealing with work commitment bidding systems used by other countries?

9. Because of risk associated with OCS exploration, companies frequently prefer to enter into joint bidding ventures to share risk. However, large companies, *i.e.*, these chargeable with an average daily production of crude oil, natural gas equivalents and liquefied petroleum products in excess of 1.6 million barrels during a six month production period, are prohibited in the following six month bidding period from bidding jointly with any other person so chargeable. Is this prohibition likely to have a negative effect on the timely and efficient development of the OCS? Conversely, would suspension of the joint bidding prohibition in certain areas (for example, frontier areas) be likely to foster timely and efficient development? What would be the likely effect on competition for OCS leases should a work commitment provision be utilized? Is there any particular relationship between joint bidding and the use of a bidding system employing a work commitment component?

10. How will work commitment leasing affect (a) participation by firms not currently participating in OCS lease sales, (b) Further participation by firms currently participating in OCS lease sales, (c) the size of the bonus bid for each lease, (d) the knowledge of energy resources contained on the frontier OCS, (e) the exploration and development of energy resources contained on the frontier OCS, (f) the environment, (g) the

capture of fair market value by the Federal Government, (h) production from marginal fields, (i) the goal of maximizing production from all discoveries?

11. DOE considers that a bidding system with a work commitment component could be especially valuable as a means of encouraging exploration and development in frontier areas of the OCS. What areas are best suited for leasing with a work commitment component system? Would bidding systems other than those employing a work commitment component be better or equally well suited to encouraging the development of frontier areas? In what other ways can the Federal Government promote the timely development of the frontier OCS? Which areas of the OCS should be considered "frontier" areas?

12. Does the oil and gas industry have the technological and financial ability to respond to the need of frontier OCS leasing? Will moving into frontier areas spur the development of new exploration and production technology? Can the OCS support industries handle the added demands of frontier OCS exploration and development?

III. Comment Procedures

You are invited to participate in this inquiry by mailing or by hand-delivering written data, views, or arguments with respect to the issues set forth in this notice and other relevant matters to the Office of Leasing Policy Development, whose address is listed at the beginning of this Notice. You should submit ten copies of your comments and clearly indicate that they are in response to this NOI by marking both the envelope and the comments with: "OCS Work Commitment Bidding, Docket No LPD–80–04". We will consider all comments received by 4:30 p.m., September 5, 1980.

Any information considered to be confidential must be clearly identified, and submitted separately, one copy only. DOE reserves the right to determine the confidential status of the information and to treat the information according to this determination.

Public hearings are not required at this preliminary stage in the process. We will provide an opportunity for oral presentation with any proposed regulation.

Issued in Washington, D.C., on July 17, 1980.

R. Dobie Langenkamp,

Deputy Assistant Secretary for Resource Development and Operations.

[FR Doc. 80-22401 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 761-0087]

American Art Clay Co., Inc.; Consent Agreement With Analysis To Aid Public Comment

Correction

In FR Doc. 80–19767 appearing on page 44317 in the issue of Tuesday, July 1, 1980 make the following correction:

In the third column of page 44319, the thirteenth line from the top of the page now reading ". . . institutions that purchase chalks . . ." should have read ". . . institutions that purchase chalks, crayons . . .".

BILLING CODE 1505-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Ch. I

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Commodity Futures Trading Commission.

ACTION: Publication of Commission agenda.

SUMMARY: The Commodity Futures Trading Commission, in accordance with its decision to comply voluntarily with the spirit of Executive Order 12044, is publishing a semiannual agenda describing some of the more significant matters to be acted on by the Commission within the next six months. The purpose of this publication is to provide the public with early and meaningful opportunities to participate in or comment on new and revised regulations.

FOR FURTHER INFORMATION CONTACT: Jane Stuckey, Office of the Secretariat, Commodities Futures Trading Commission, 2033 K Street, N. W., Washington, D.C. 20581 (202–254–6314).

SUPPLEMENTARY INFORMATION: Executive Order 12044 sets forth a program of regulatory reform. Among other things, it directs agencies to provide more meaningful opportunities for public participation. One suggested method for achieving this goal is the provision of timely notice of regulatory action through publication of semiannual agendas. The Commission, an independent regulatory agency, has determined to comply voluntarily with the spirit of the Executive Order, although it is not legally bound to do so.

The Commission published its first semiannual agenda on January 23, 1979 (44 FR 4752). Subsequently, changes in the Commission's internal agenda-setting procedures were effected, as a result of which the Commission now establishes its calendar on a monthly basis. Because of these changes, the Commission is no longer able to project the dates on which particular matters will be considered more than a month in advance. Nevertheless, to facilitate public participation, the Commission believes it is desirable to describe generally some of the more significant matters it will consider in the next six months. These matters include the following:

1. Regulation of Leverage Transactions

The Commission has directed its staff to develop a program for regulating gold and silver leverage transactions. These proposals will be considered by the Commission in the fall of 1980. A moratorium on the entry of new firms into the gold and silver leverage business which were not in that business on June 1, 1978, has been in effect since January 4, 1979. The Commission had previously announced its intention to regulate gold and silver leverage transactions as contracts for future delivery under the Commodity Exchange Act effective January 1, 1980, but has delayed implementation of this approach until October, 1982.

Legislative Authority: Section 19 of the Commodity Exchange Act, as amended, Pub. L. No. 95–405, Section 23, 92 Stat. 876–77.

Agency Contact: David Merrill, Office of the General Counsel, 2033 K Street, NW., Washington, D.C. 20581 (202–254–7602).

Outstanding FR Notices: Regulation of Leverage Transactions as Contracts for Future Delivery, 44 FR 44177 (July 27, 1979); Regulation of Leverage Transactions as Contracts for Future Delivery; Postponement of Effective Date, 44 FR 69304 (December 3, 1979).

2. Regulation of Foreign Brokers and Traders

The Commission has proposed rules which would require domestic futures commission merchants who carry accounts for foreigners to obtain certain information on behalf of the Commission. If the information were not provided to the Commission on request, the FCM would be required to liquidate its customer's account. Public comments have been requested on this proposal and whether information which FCM's must make available should be maintained by the FCM's on a routine basis or obtained by the FCM's only when specifically requested by the Commission. The Commission will

decide whether to adopt these rules in final form in the fall of 1980.

Legislative Authority: Sections 4g, 4i, 5, 5a, and 8a of the Commodity Exchange Act, 7 U.S.C. 6g, 6i, 7, 7a, and 12a.

Agency Contact: Maureen A. Donley, Office of the General Counsel, 2033 K Street, N.W., Washington, D.C. 20581 (202–254–9880).

Outstanding FR Notice: Futures Commission Merchants—Duties Concerning Accounts Carried for Foreign Brokers and Traders; Proposed Rule, 45 FR 31731 (May 14, 1980).

3. Review of Guideline No. 1—Criteria for Determining Whether a Board of Trade Meets the Economic Purpose and Public Interest Tests for Contract Market Designation

The Commodity Exchange Act requires a board of trade seeking to become a market for a particular futures contract to show that trading in the contract would not be contrary to the public interest. Guideline No. 1 sets forth the general criteria to be met by a contract market in making such a showing. They include an economic purpose test, a demonstration of the commercial viability of the contract and a showing that transactions for future delivery in the commodity will not be contrary to the public interest. The Commission's staff has been directed to prepare recommendations concerning possible revision of the Guideline which would define with more specificity the showing required to be made by a board of trade. These recommendations will be considered in the fall of 1980.

Legislative Authority: Sections 5, 5a, 5b, 6 and 8a of the Commodity Exchange Act, 7 U.S.C. 7, 7a, 7b, 8 and 12.

Agency Contact: Ronald Hobson, Division of Economics and Education, 2033 K Street, N.W., Washington, D.C. 20581 (202–254–7847).

Outstanding FR Notices: None.

4. Dealer Options

Congress has directed the Commission to issue regulations permitting grantors and futures commission merchants to grant, offer and sell so-called "dealer options" on certain physical commodities subject to certain conditions specified by statute and such other uniform and reasonable requirements as the Commission may prescribe. At present, the only persons who may lawfully grant dealer options are United States domiciles who, on May 1, 1978, were in the business of granting options on a physical commodity and in the business of buying, selling, producing or otherwise using that commodity, unless the Commission, for good cause shown, has waived these requirements.

On October 30, 1979, the Commission considered public comments and staff recommendations concerning proposed rules relating to dealer options. At this meeting, the staff was directed to make certain revisions in the proposed rules. These revisions will be presented to the Commission by the fall of 1980.

Legislative Authority: Sections 4c and 8a(5) of the Act, 7 U.S.C. 6c and 12a(5) (1976), as amended, Pub. L. No. 95–405, Section 3, 92 Stat. 867–869 (September 30, 1978).

Agency Contact: Mark Rae, Office of the General Counsel, 2033 K Street, N.W., Washington, D.C. 20581 (202–254–7285).

Outstanding FR Notice: Proposed Reissuance of and Amendments to Commodity Option Regulations, 43 FR 59396 (December 20, 1978).

5. Reform of Reparation System

The Commission has proposed amendments to its rules governing the initial phase of its reparation system. The amendments are intended to expedite processing and resolution of reparation complaints. Under the proposed rules, the Director of the Complaints Secton would be authorized to screen, investigate and report on incoming reparation claims and all responses to those claims, to clarify the contested issues in each case and to encourage the parties to seek settlement. Additionally, under the proposed amendments the right to a hearing would be deemed to be waived unless timely requested by a respondent. Public comments have been requested on the proposals, which will be considered by the Commission in the fall of 1980.

Legislative Authority: Sections 2(a)(11), 8a and 14 of the Commodity Exchange Act, as amended, 7 U.S.C. 4a(j), 12a and 18 and Section 483a of the Independent Office Appropriation Act of 1952.

Agency Contact: Margaret R. Sandridge, Director, Complaints Section, 2033 K Street, N.W., Washington, D.C. 20581 (202–254–3067).

Outstanding FR Notice: Procedures of the Complaints Section and Conforming Amendments to Reparation Rules, 45 FR 123 (June 24, 1980).

6. Proposed Amendments to Minimum Financial and Related Reporting Requirements for Futures Commission Merchants

The Commission is proposing to revise certain of its minimum financial and related reporting requirements for futures commission merchants ("FCMs"), as well as the basic financial reporting form for FCMs, Form 1–FR. The proposed revisions would impose a minimum financial requirement for all FCMs to maintain adjusted net capital equal to or in excess of the greatest of $50,000 ($100,000 for each person registered as an FCM who is not a member of a designated self-regulatory organization), or 4 percent of the funds required to be segregated pursuant to the Commodity Exchange Act, as amended and the Commission's regulations promulgated thereunder, or, for securities brokers and dealers, 4 percent of aggregate debit items computed in accordance with the formula for determination of reserve requirements. The proposed revisions would also require FCMs to take a charge against net capital to the extent that a customer account is undermargined for three business days. At present, the regulations allow five business days before such a charge must be taken. Public comments have been requested and the Commission will determine whether to adopt the proposed amendments in the fall of 1980.

Legislative Authority: Sections 4d, 4f, and 8a of the Commodity Exchange Act, 7 U.S.C. 6d, 6f, and 12a, as amended, 92 State. 865 *et seq.*

Agency Contact: Dan Driscoll, Chief Accountant, Division of Trading and Markets, 2033 K Street, N.W., Washington, D.C. 20581 (202–254–8955).

Outstanding FR Notices: Minimum Financial and Related Reporting Requirements: Proposed Rule Amendments, 45 FR 42633 (June 25, 1980).

7. Registration of Futures Commission Merchants, Floor Brokers, Associated Persons, Commodity Trading Advisors, and Commodity Pool Operators

The Commission has proposed revisions of its registration regulations which generally would require the "sponsorship" of associated persons by futures commission merchants. The proposed regulations would also require the fingerprinting of all associated persons, floor brokers and the "principals" of futures commission merchants, commodity trading advisors, and commodity pool operators.

The Commission has received public comment on this proposal and will decide whether to adopt the proposed revisions during the summer of 1980. At the same time, the Commission will decide whether to publish for public comment changes recommended by its staff to registration Form 8–R and certain of the Commission's regulations and notices under the Privacy Act.

Legislative Authority: Sections 2, 4d, 4e, 4f, 4g, 4k, 4m, 4n, 4p, 6 and 8a of the Commodity Exchange Act, 7 U.S.C. 2, 4, 6d, 6e, 6f, 6g, 6k, 6m, 6n, 6p, 9, 12a, as amended; 5 U.S.C. 552a.

Agency Contact: Kenneth M. Rosenzweig, Division of Trading and Markets, 2033 K Street NW., Washington, D.C. 20581 (202–254–8955).

Outstanding FR Notice: Revision of Registration Regulations—Proposed Rules, 45 FR 18356 (March 20, 1980).

8. Bankruptcy and Related Regulations

The Bankruptcy Reform Act of 1978 permits the Commission to adopt regulations implementing Subchapter IV of Chapter 7 of the Act which pertains specifically to bankruptcies of commodity firms. In this connection, the Commission staff is currently developing a package of regulations which will address each of the matters with respect to which it is authorized to promulgate regulations, including the scope of "customer property," the requirements for characterizing property as specifically identifiable, the method of calculating net equity, the criteria for the transfer of customer property free of the avoidance powers of the bankruptcy trustee, and guidelines for the operation of a debtor's estate pending its liquidation. As the commodity Chapter of the Bankruptcy Act pertains to certain businesses for which the Commission has not yet developed financial regulations, such as leverage transaction merchants and foreign futures commission merchants, it is expected that the proposed bankruptcy package will be accompanied by regulations expanding the reach of the segregation requirements and modifying the existing requirements in some respects.

The Commission staff's recommendations in the bankruptcy area will be considered in the fall of 1980.

Legislative Authority: Sections 2, 3, 4h, 8a, and 19 of the Commodity Exchange Act, 7 U.S.C. 2, 5, 6h, 12a, 24, as amended.

Agency Contract: Andrea M. Corcoran, Assistant Chief Counsel, Division of Trading and Markets, 2033 K Street NW., Washington, D.C. 20581 (202–254–8955).

Outstanding FR Notice: None.

Issued in Washington, D.C. on July 22, 1980.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 80–22397 Filed 7–24–80; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 4

[Docket No. RM80–65]

Exemption From All or Part of Part I of the Federal Power Act of Small Hydroelectric Power Projects With a Proposed Installed Capacity of 5 Megawatts or Less; Availability of the Draft Rule and of Informal Conferences

Issued: July 21, 1980.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of the availability of the draft rule and of informal conferences.

SUMMARY: Thé Federal Energy Regulatory Commission (Commission) is making available a draft of a rule prepared by Commission staff. The draft rule would implement, in part, section 408 of the Energy Security Act of 1980. In section 408, the Congress provided the Commission with discretion to exempt certain small hydroelectric power projects from applicable provisions of the Federal Power Act (Act), either by means of case-by-case determinations or according to classes or categories of such projects. The draft rule establishes procedures for case-by-case exemptions.

The Commission requests any interested party to comment informally on the draft rule. Comments must be submitted by phone or in person at one of the meetings described below. Anyone wishing to participate in the informal meetings should notify the staff designated below by phone. Records of all comments will be placed in the files of the Commission and will be available for public inspection. The draft rule will be revised pursuant to the comments and reconsidered by the Commission.

DATES: Oral comments by August 12, 1980. Informal meetings at 10:00 a.m. on August 1 and August 12, 1980.

ADDRESSES:

Location of meetings:

Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

August 1: Conf. Rm. 3200, North Building.

August 12: Conf. Rm. 3401, North Building.

Submit comments to—Ronald Corso, Director, Division of Hydropower Licensing, Office of Electric Power Regulation, Federal Energy Regulatory Commission, (202) 357–5321. Howard Jack, Assistant General Counsel for Hydroelectric Licensing, Office of the General Counsel, Federal Energy Regulatory Commission, (202) 357–8448. James Hoecker, Division of Regulatory Development, Office of the General Counsel, Federal Energy Regulatory Commission, (202) 357–9342.

The rule and accompanying explanatory materials are available for inspection at the Commission's Divison of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: James Hoecker (202) 357–9342.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–22333 Filed 7–24–80; 8:45 am]

BILLING CODE 6450–85–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 177

Administrative Rulings; Proposed Change in the Customs Regulations Pertaining to the Issuance of Administrative Rulings Concerning the Tariff Classification of Merchandise

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Proposed rule.

SUMMARY: This notice proposes to amend the Customs Regulations to authorize the Regional Commissioner of Customs, Region II, New York ("Regional Commissioner"), to issue selected tariff classification rulings. The rulings would be limited to requests for the tariff classification of merchandise before the transaction is considered by Customs by reason of arrival or entry of the merchandise. A right of appeal to Customs Headquarters would be authorized and the rulings made in the New York Region would be closely monitored by Customs Headquarters for consistency with law, regulation, and precedent cases.

DATES: Comments msut be received on or before August 27, 1980.

ADDRESS: Comments (preferably in triplicate) may be addressed to the Commissioner of Customs, Attention: Regulations and Research Division, U.S. Customs Service, 1301 Constitution Avenue, N.W., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Salvatore E. Caramagno, Director, Classification and Value Division, Office of Regulations and Rulings, U.S. Customs Service, 1301 Constitution

Avenue, N.W., Washington, D.C. 20229 (566–5868).

Background

To be certain of the duty treatment merchandise will receive when imported into the United States, importers usually request binding rulings from Customs before the import transaction relating to the merchandise takes place. Currently, such rulings are issued by the Office of Regulations and Rulings ("ORR") at Customs Headquarters. While some of the requests require immediate replies in order to be meaningful, others do not require such quick responses. In the absence of advice from the requester, it is usually not possible or ORR to make a determination with respect to the urgency of any particular ruling request. In addition, some of these requests are quite simple, do not involve significant duty, or have any other complicating factors. On the other hand, a small percentage (estimated at approximately 20%–30%) of the requests are either very complex or have other issues involved which makes the decisions sensitive (i.e., policy considerations affecting U.S. employment or balance of trade, etc.).

Because of increases in ruling requests and decreases in staffing, it has become apparent in recent months that some method must be found to expedite the ruling process. A variety of managment improvements have been made in ORR, but despite all these changes, it still takes an average of 100 to 110 days to process a response to an importer. A processing time of 100 to 110 days to issue a response in non-complex or non-sensitive cases is not acceptable if Customs intends to provide a meaningful service to the international trade community.

Accordingly, a detailed examination of the ruling process was undertaken for the purpose of improving the system. Pursuant to the examination, it was concluded that present procedures should be modified to allow for a more active role by the National Import Specialists (NIS) located in New York, New York.

The NIS are a relatively small, skilled group of Customs professionals. They are tariff classification technicians and, unlike import specialists located in other Customs regions, are responsible for very narrow areas of the tariff schedules of the United States (19 U.S.C. 1202) known as product lines, and are conversant with the judicial and administrative precedent which relates to these product lines.

Inasmuch as the NIS are centrally located and are organizationally under the same person, unformity of decisions would be easily attained and the quality of rulings would be maintained.

The authority to issue selected rulings would be vested in the Regional Commissioner and delegated to the Assistant Area Director, Classification and Value Division, New York Seaport and Region, under whose supervision the NIS are organized.

The NIS would issue ruling letters regarding prospective Customs transactions only. They would not be allowed to prepare final decsiions on "Internal Advice" reguests, "Further Review of Protest," requests, requests for "Change of Practice," and " Petitions under section 516, Tariff Act of 1930, as amended (19 U.S.C. 1516)." Also, they would not be allowed to prepare final rulings in "difference" cases.

Requests for tariff classification rulings would be forwarded to the Regional Commissioner of Customs Headquarters, the Regional Commissioner or his designee, would determine whether the requested ruling would be issued from the Region or whether, due to its complex or sensitive nature, the matter would be referred to Headquarters. In addition, those members of the public who believe that their classification requests present complex or important issues my make their requests directly to Headquarters.

Customs Headquarters would retain authority to issue rulings in all matters brought to its attention and to independently review all ruling letters issued by the Regional Commissioner or his designee. If the importer or other person to whom a ruling letter is issued disagrees with the tariff classification he could, within 30 days of the date of issuance of the ruling letter, petition the Director, Classification and Value Division, Customs Headquarters, for review of the ruling.

If an actual importation of merchandise occurs after receipt of a request for a ruling but before the issuance of the ruling, the NIS would handle the matter in the same way it is currently handled by Headquarters (i.e., the party seeking the ruling must advise Customs of the fact an actual importation has occurred and assuming no material change in the facts the request would continue to be treated by Customs as a prospective ruling request).

The rulings signed by the Regional Commissioner or his designee would be binding on Customs. They would not be withdrawn retroactively to the detriment of the party on whose behalf the ruling was requested. Further, if published, those rulings would create established and uniform practices.

Proposed Amendments

It is proposed to amend the Sections of Part 177, Customs Regulations (19 CFR Part 177), affected by this change to read as follows:

1. It is proposed to amend § 177.0 to read as follows:

§ 177.0 Scope.

This part relates to the issuance of rulings to importers and other interested persons by the Headquarters Office of the United States Customs Service or the Regional Commissioner of Customs, Region II, or his designee. It describes the situations in which a ruling may be requested, the procedures to be followed in requesting a ruling, the conditions under which a ruling will be issued, the effect of a ruling when it is issued, and the publication of rulings in the Customs Bulletin. The rulings issued under the provisions of this part will usually be prospective in application and, consequently, will usually not relate to specific matters or situations presently or previously under consideration by any Customs Service field office. Accordingly, the rulings requested under the provisions of this part should be distinguished from the administrative rulings, determinations, or decisions which may be requested under procedures set forth elsewhere in this chapter, including, but not limited to, those set forth in Part 12 (relating to submissions of proof of admissibility of articles detained under section 307 of the Tariff Act of 1930 (19 U.S.C. 1307)), Part 103 (relating to disclosure of information in Customs files), Part 133 (relating to disputed claims of piratical copying of copyrighted matter), Subpart C of Part 152 (relating to determinations concerning the dutiable value of merchandise by Customs field officers), Part 153 (relating to enforcement of the Antidumping Act, 1921, as amended), Part 159 (insofar as it relates to countervailing duties), Part 171 (relating to fines, penalties, and forfeitures), Part 172 (relating to liquidated damages), Part 174 (relating to protests), and Part 175 (relating to petitions filed by American manufacturers, producers, or wholesalers pursuant to section 516 of the Tariff Act of 1930, as amended). Nor do the provisions of Part 177 apply to requests for decisions of an operational, administrative, or investigative nature which are properly within the cognizance of a Customs Headquarters Office other than the Office of Regulations and Rulings.

2. It is proposed to amend § 177.1(a)(1), (b), and (d)(1) and (2) to read as follows:

§ 177.1 General ruling practice and definitions.

(a) *The issuance of rulings generally*—(1) *Prospective transactions.* It is in the interest of the sound administration of the Customs and related laws that persons engaging in any transaction affected by those laws fully understand the consequences of that transaction prior to its consummation. For this reason, the Headquarters Office of the United States Customs Service or the Regional Commissioner, Region II, or his designee, will give full and careful consideration to written requests from importers or other interested parties for rulings or information setting forth, with respect to a specifically described Customs transaction, a definitive interpretation of applicable law, or other appropriate information. Generally, a ruling may be requested under the provisions of this part only with respect to prospective transactions—that is, transactions which are not already pending before a Customs Service office by reason of arrival, entry, or otherwise.

* * * * *

(b) *Oral advice.* The Customs Service will not issue rulings in response to oral requests, nor will Customs personnel ordinarily discuss a substantive Customs question prior to receiving a written request for a ruling. Oral opinions or advice of Customs Service personnel are not binding on the Customs Service. However, oral inquiries may be made to Customs Service offices regarding existing rulings, the scope of such rulings, the types of transactions with respect to which the Headquarters Office or the Regional Commissioner, Region II, or his designee, will issue rulings, the scope of the rulings which may be issued, or the procedures to be followed in submitting ruling requests, as described in this part.

* * * * *

(d) *Definitions.* (1) A "ruling" is a written statement issued by the Headquarters Office or the Regional Commissioner, Region II, or his designee, that interprets and applies the provisions of the Customs and related laws to a specific set of facts. A "ruling letter" is a ruling issued in response to a written request therefor and set forth in a letter addressed to the person making the request or his designee. A "published ruling" is a ruling which has been published in the Customs Bulletin.

(2) An "information letter" is a written statement issued by the Headquarters Office or the Regional Commissioner, Region II, or his designee, that does no more than call attention to a well-established interpretation or principle of Customs law, without applying it to a particular set of facts. An information letter may be issued in response to a request for a ruling when (i) the request suggests that general information, rather than a ruling, is actually being sought, (ii) the request is incomplete or otherwise fails to meet the requirements set forth in this part, or (iii) the ruling requested cannot be issued for any other reason, and (iv) it is believed that general information may be of some benefit to the party making the request.

* * * * *

3. It is proposed to amend § 177.2(a), (b)(2)(ii) and (d) to read as follows:

§ 177.2 Submission of ruling requests.

(a) *Form.* A request for a ruling should be in the form of a letter. Requests for Valuation and Carrier rulings should be addressed to the Commissioner of Customs, Attention: Office of Regulations and Rulings, Washington, D.C. 20229. The Division and Branch in the Office of Regulations and Rulings to which the request should be directed may also be indicated, if known. Requests for Tariff Classification rulings should be addressed to the Regional Commissioner of Customs, Region II, New York, New York 10048.

(b) * * *

(2) * * *

(ii) *Tariff classification rulings.*

(A) If the transaction involves the importation of an article for which a ruling as to its proper classification under the provisions of the Tariff Schedules of the United States is requested, the request for a ruling should include a full and complete description of the article and whenever germane to the proper classification of the article, information as to the article's chief use in the United States, its commercial, common, or technical designation, and, where the article is composed of two or more materials, the relative quantity (by weight and by volume) and value of each. The ruling request should also note, whenever germane, the purchase price of the article, and its approximate selling price in the United States.

(B) Ruling letters issued by the Regional Commissioner, Region II, or his designee, are limited to prospective transactions. The Regional Commissioner or his designee shall not prepare final decisions under section 177.11 (Requests for Advice by Field Offices), section 174.23 (Further Review of Protests), section 177.10 (Change of Practice), 19 U.S.C. 1516 (petitions under section 516, Tariff Act of 1930), or 14.3(g)(1) Customs Manual ("difference cases").

(C) In complex or sensitive cases, the requesting party may send the request directly to the Director, Classification and Value Division, U.S. Customs Service, Washington, D.C. 20229. The Headquarters office retains authority to independently review all tariff classification ruling letters issued by the Regional Commissioner, Region II, or his designee. If the importer or other person to whom a ruling letter is issued disagrees with the tariff classification set forth, he may, within 30 days of the issuance of the ruling letter, petition the Director, Classification and Value Division, U.S. Customs Service, Washington, D.C., for review of the ruling.

* * * * *

(d) *Requests for immediate consideration.* The Headquarters Office and the Regional Commissioner, Region II, or his designee, will normally process requests for rulings in the order they are received and as expeditiously as possible. However, a request that a particular matter be given consideration ahead of its regular order, if made in writing at the time the request is submitted, or subsequent thereto, and showing a clear need for such treatment, will be given consideration as the particular circumstances warrant and permit. Requests for special consideration made by telegram will be treated in the same manner as requests made by letter, but rulings will not ordinarily be issued by telegram. In no event can any assurance be given that a particular request for a ruling will be acted upon by the time requested. However, upon request and where a clear need is shown for such action, a collect telephone call will be made to advise that the ruling letter has been issued and is being mailed.

4. It is proposed to amend paragraphs (a) and (b) of § 177.4 to read as follows:

§ 177.4 Oral discussion of issues.

(a) *Generally.* A person submitting a request for a ruling and desiring an opportunity to orally discuss the issue or issues involved should indicate that desire in writing at the time the ruling request is filed. Such a discussion will only be scheduled when, in the opinion of the Customs personnel by whom the ruling request is under consideration, a conference will be helpful in deciding the issue or issues involved or when a determination or conclusion contrary to that advocated in the ruling request is contemplated. Conferences are scheduled for the purpose of affording the parties an opportunity to freely and openly discuss the matters set forth in the ruling request. Accordingly, the

parties will not be bound by any argument or position advocated or agreed to, expressly or by implication, during the conference unless either party subsequently agrees to be so bound in writing. The conference will not conclude with the issuance of a ruling letter.

(b) *Time, place, and number of conferences.* If a request for a conference is granted, the person making the request will be notified of the time and place of the conference. Except under highly unusual circumstances, the conference will be held at the Headquarters Office of the United States Customs Service in Washington, D.C., or at the New York Region. No more than one conference with respect to the matters set forth in a ruling request will be scheduled, unless, in the opinion of the Customs personnel by whom the ruling request is under consideration, additional conferences are necessary.

5. It is proposed to amend § 177.5 to read as follows:

§ 177.5 Change in status of transaction.

Each person submitting a request for a ruling in connection with a Customs transaction shall immediately advise the Headquarters Office in writing of any change in the status of that transaction, as defined in § 177.1(d)(3). In particular, the Headquarters Office or the Regional Commissioner, Region II, or his designee, must be advised when any transaction described in the ruling request as prospective becomes current and under the jurisdiction of any Customs Service field office. In addition, any person engaged in a Customs transaction coming under the jurisdiction of a Customs Service field office and having previously requested a ruling with respect to that transaction shall advise the field office of that fact. The field office will normally withhold action with respect to any transaction for which a ruling has previously been requested pending the disposition of the ruling request.

6. It is proposed to amend § 177.6 to read as follows:

§ 177.6 Withdrawal of ruling requests.

Any request for a ruling may be withdrawn by the person submitting it at any time prior to the issuance of a ruling letter or any other final disposition of the request. All correspondence, documents, and exhibits submitted in connection with the request will be retained in the Customs Service file and will not be returned. In addition, the Headquarters Office may forward to Customs Service field offices which have or may have jurisdiction over the transaction to which the ruling request relates, its views in regard to the transaction or the issues involved therein, as well as appropriate information derived from materials in the Customs Service file.

7. It is proposed to amend § 177.8(a)(1), (2) and (3) to read as follows:

§ 177.8 Issuance of rulings.

(a) *Ruling letters*—(1) *Generally.* The Headquarters Office and the Regional Commissioner, Region II, or his designee, will endeavor to issue ruling letters setting forth their determinations with respect to a specifically-described Customs transaction whenever a request for such a ruling is submitted in accordance with the provisions of this part and it is in the interest of the sound administration of the Customs and related laws to do so. Otherwise, a request for a ruling will be answered by an information letter or, in those situations in which general information is likely to be of little or no value, by a letter stating that no ruling can be issued.

(2) *Submission of ruling letters to field offices.* Any person engaging in a Customs transaction with respect to which a ruling letter has been issued by the Headquarters Office or the Regional Commissioner, Region II, or his designee, shall ascertain that a copy of the ruling letter is attached to the documents filed in connection with that transaction with the appropriate Customs Service field office or otherwise bring the ruling to the attention of the appropriate Customs officer. A copy of any ruling letter received after the filing of such documents shall be forwarded immediately to the appropriate Customs Service field office.

(3) *Disclosure of ruling letters.* The ruling letter shall be based on the information set forth in the ruling request. No part of the ruling letter, including names, addresses, or information relating to the business transactions of private parties, shall be deemed to constitute privileged or confidential commercial or financial information or trade secrets exempt from disclosure pursuant to the Freedom of Information Act, as amended (5 U.S.C. 552), unless the ruling request, as provided in § 177.2(b)(7), clearly identifies the information claimed to be exempt from disclosure and set forth the reasons therefor. Prior to the issuance of the ruling letter, the person submitting the ruling request, will be notified of any decision adverse to his claim for exemption from disclosure and will, upon written request to the Commissioner of Customs within 10 working days of the date of notification, be permitted to withdraw the ruling request. All ruling letters issued by the Headquarters Office or the Regional Commissioner, Region II, or his designee, will be available, upon written request, for inspection and copying by any person (with any portions determined to be exempt from disclosure deleted).

* * * * *

8. It is proposed to amend paragraphs (a) and (d) of § 177.9 to read as follows:

§ 177.9 Effect or ruling letters; modification or revocation.

(a) *Effect of ruling letters generally.* A ruling letter issued by the Headquarters Office or the Regional Commissioner, Region II, or his designee, under the provisions of this part represents the official position of the Customs Service with respect to the particular transaction or issue described therein and is binding on all Customs Service personnel in accordance with the provisions of this section until modified or revoked. In the absence of a subsequent change of practice or other modification or revocation which affects the principle of the ruling set forth in the ruling letter, that principle may be cited as authority in the disposition of transactions involving the same circumstances.

* * * * *

(d) *Modification or revocation of ruling letters*—(1) *Generally.* Any ruling letter found to be in error or not in accordance with the current views of the Customs Service may be modified or revoked. Modification or revocation of a ruling letter shall be effected by giving notice to the person to whom the ruling letter was addressed and, where circumstances warrant, by the publication of a notice or other statement in the Customs Bulletin.

(2) *Effect of modification* or revocation of ruling letters. The modification or revocation of a ruling letter will not be applied retroactively with respect to the person to whom the ruling was issued, or to any person directly involved in the transaction to which the ruling related, provided (i) The request for a ruling contained no misstatement or omission of material facts,

(ii) The facts subsequently developed are not materially different from the

facts on which the ruling was based,

(iii) There has been no change in the applicable law,

(iv) The ruling was originally issued with respect to a prospective transaction, and

(v) All of the parties involved in the transaction acted in good faith in reliance upon the ruling and retroactive modification or revocation would be to their detriment.

Nothing in this subparagraph will prohibit the retroactive modification or revocation of a ruling with respect to a transaction which was not prospective at the time the ruling was issued, inasmuch as such a transaction was not entered into in reliance on a ruling from the Headquarters Office or the Regional Commissioner, Region II, or his designee.

9. It is proposed to amend § 177.11(b)(1) to read as follows:

§ 177.11 Requests for advice by field offices.

* * * * *

(b) *Certain current transactions (1) When a ruling has been issued*—(i) *Requests by field offices.* If the Headquarters Office, or the Regional Commissioner, Region II, or his designee, has issued a ruling letter with respect to a particular Customs transaction and the Customs Service field office having jurisdiction over that transaction feels that the ruling should be modified or revoked, the field office will forward to the Headquarters Office, pursuant to § 177.9(b)(1), a request that the ruling be reconsidered. The field office will notify the importer or other person to whom the ruling letter was issued, in writing, that it has requested the Headquarters Office to reconsider the ruling.

* * * * *

Authority

These amendments are proposed under the authority of R.S. 251, as amended, and section 624, 46 Stat. 759 (19 U.S.C. 66, 1624).

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with section 103.8(b), Customs Regulations (19 CFR 103.8(b)), during regular business hours at the Regulations and Research Division, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

Early implementation of this proposal would significantly improve the ruling process and be of substantial public benefit. It is therefore considered impractical and contrary to the public interest to permit a 60-day period for public comments.

Accordingly, the period within which comments are to be submitted is 30 days from the date of publication of this proposal in the **Federal Register**, instead of the 60 days ordinarily required by E.O. 12044 of March 23, 1978 (43 FR 12661), and the implementing Treasury Department directive of November 8, 1978 (43 FR 52120).

Regulation Determined To Be Nonsignificant

In a directive published in the **Federal Register** on November 8, 1978 (43 FR 52120), implementing Executive Order 12044, "Improving Government Regulations," the Treasury Department stated that it considers each regulation or amendment to an existing regulation published in the **Federal Register** and codified in the Code of Federal Regulations to be "significant." However, regulations which are nonsubstantive, are essentially porcedural, do not materially change existing or establish new policy, and do not impose substantial additional requirements or costs on, or substantially alter the legal rights or obligations of, those affected, with Secretarial approval, may be determined not to be significant. Accordingly, it has been determined that these proposed amendments do not meet the Treasury Department criteria in the directive for "significant" regulations.

Drafting Information

The principal author of this document was Lawrence P. Dunham, Regulations and Research Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

R. E. Chasen,

Commissioner of Customs.

Approved: July 18, 1980.

John P. Simpson,

Acting for Assistant Secretary of the Treasury.

[FR Doc. 80-22431 Filed 7-24-80; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 200

[Docket No. R-80-840]

Minimum Property Standards (MPS) for One- and Two-Family Dwellings and for Multifamily Housing

AGENCY: Department of Housing and Urban Development (HUD), Office of the Assistant Secretary for Housing—Federal Housing Commissioner.

ACTION: Advance Notice of proposed rulemaking.

SUMMARY: This advance notice requests comments and information from the public on amendments being considered for the MPS which would change the amount of ventilation currently required in One and Two Family Dwellings (4900.1) and Multifamily Housing (4910.1).

DATES: Comments Due: September 23, 1980.

ADDRESS: Comments should be sent to: Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, D.C. 20410. Comments should refer to the above docket number and title. Copies of any comments received will be available for examination during regular business hours at this address.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Credle, Minimum Property Standards Division, Office of Architecture and Engineering Standards, Room 6170, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, D.C. 20410, telephone 202/755-6590. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: HUD Minimum Property Standards are published in Handbooks, MPS for One- and Two-Family Dwellings 4900.1, MPS for Multifamily Dwellings 4910.1, and the MPS for Care-Type Housing 4920.1. The MPS are the standards for all new construction in HUD associated programs. The MPS are incorporated by reference into 24 CFR 200.927.

All substantive changes in the MPS are required by 24 CFR 200.933 to be published in the **Federal Register** using the same procedure as for the publication of regulations. Proposed changes to MPS 4900.1 and MPS 4910.1

are available for public examination in all HUD Field Offices and in Headquarters, Office of Architecture and Engineering Standards, Room 6170 at the above address during regular business hours.

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

Background

Hud is committed to the goal of energy conservation. Efforts to insulate buildings more efficiently and to reduce air infiltration and exfiltration as a means of conserving energy have created a concern for indoor air quality in residential structures.

The proliferation of codes and standards requirements in these fields, by Federal, State and private sector organizations, has resulted in conflicting criteria in several instances.

In the interest of uniformity, HUD is seeking comment on the ventilation requirements presently contained in the MPS for One- and Two-Family Dwellings, HUD 4900.1, and the MPS for Multifamily Housing, HUD 4910.1, and upon proposed alternatives.

Multifamily

MPS 4910.1 section 403–3, sets forth the ventilation requirements for multifamily structures. Ventilation may be provided by natural means or by mechanical means. When natural means are used, ventilation is provided by windows or doors in exterior walls in the amount of 5 percent of the floor area of the habitable room. When mechanical ventilation is used, the standards prescribe a minimum number of air changes per hour. The requirement is based upon "recommended" values shown in the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE), Standards for Natural and Mechanical Ventilation, No. 62–73.

ASHRAE Standard 90–75, Energy Conservation in New Buildings, and the Code for Energy Conservation based upon ASHREA 90–75 also refer to ventilation rates appearing in ASHREA 62–73. However, the documents have selected the "minimum" values, rather than the "recommended" values, from ASHREA 62–73 and have designated these values as the maximum permitted. This has created a conflict between HUD standards and State codes. HUD is aware that a proposed revision to ASHREA 62–73 is being circulated for comment. The ASHREA 62–73 Standard has been retitled as "Ventilation for Acceptable Indoor Air Quality." The ventilation rates in the proposed ASHRAE 62–73 are approximately the same as those contained in the MPS.

Several of the model codes and local codes have accepted "Ductless" Air Circulating and Treatment Devices in lieu of bathroom exhaust fans when such devices conform to the National Sanitation Foundation (NSF) Basic Criteria C–10. The MPS presently require exhaust fans to be ducted to the outside atmosphere. This difference poses another conflict between the MPS and certain codes. The proposed revision to ASHRAE 62–73 contains procedures by which design engineers may determine acceptable indoor air quality by a combination of mechanical ventilation, filtration and other means.

Single Family

MPS 4900.1 section 403–3 requires natural ventilation for all habitable rooms except that kitchens and baths may be vented mechanically.

The One- and Two-Family Dwelling Code, promulgated by the Council of American Building Officials, permits mechanical ventilation of habitable rooms in lieu of natural ventilation. Here again, a possible conflict exists between HUD standards and the codes.

Comment

HUD is requesting comment on the subject of ventilation and indoor air quality as a basis for proposing changes to the MPS. Technical data, substantiating comments and suggestions would be appreciated. In particular, the following concerns should be addressed:

1. Should MPS 4910.1 contain specific requirements for natural and mechanical ventilation or should reference be made instead to State energy codes? Should ASHRAE 62–73 be adopted by reference in lieu of specific MPS requirements or State energy codes? Should reference of ASHRAE 62–73 be postponed pending completion of the proposed revision?

2. Should MPS 4910.1 follow the model codes and accept Ductless Air Circulating and Treatment Devices in Conformance to NSF C–10, in lieu of mechanical ventilation of bathrooms? Should such acceptance apply to bathrooms containing moisture generating fixtures such as showers or only to toilet rooms without showers? Should acceptance be conditioned upon procedures proposed in ASHRAE 62–73R?

3. Should MPS 4900.1 be amended to permit mechanical ventilation for habitable spaces in lieu of the natural ventilation now required? If mechanical ventilation is to be accepted for such spaces, should the rate of ventilation be that required by the One- and Two-Family Dwelling Code (two air changes per hour), that shown in ASHRAE 62–73 as minimum (5 cubic feet per minute (cfm) per occupant), that shown in ASHRAE 62–73 as recommended (7–10 cfm per occupant), or that proposed in ASHRAE 62–73R (10 cfm per room independent of room size)?

4. Should MPS 4900.1 be amended to accept Ductless Air Circulating and Treatment Devices in conformance to NSF C–10, in lieu of natural or mechanical ventilation of bathrooms? Should such acceptance apply to bathrooms containing moisture generating fixtures such as showers, or only to toilet rooms without showers?

Comments should take into consideration the effects of such revisions to each MPS on first cost, maintenance cost, energy consumption, indoor air quality, and consistency of regulation.

Interested persons are invited to comment on the need for rulemaking and whether there may be practical alternatives to regulation. Commentors are urged to address the questions and issues stated above but need not limit their comments to those questions or issues.

A decision to terminate the rulemaking proceeding will not prejudice any future rulemaking by HUD.

(Sec. 7(d) of the Department of HUD Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., July 18, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 80-22427 Filed 7-24-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[EE-5-78]

Qualified Group Legal Services Plans; Public Hearing

AGENCY: Internal Revenue Service, Treasury.

ACTION: Public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to qualified group legal services plans.

DATES: The public hearing will be held on September 4, 1980, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by August 22, 1980.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue,

N.W., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (EE–5–78), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202–566–3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under sections 120 and 501(c)(20) of the Internal Revenue Code of 1954. The proposed regulations appeared in the **Federal Register** for Tuesday, April 29, 1980 (45 FR 28360).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of oral comments to be presented at the hearing and the time they wish to devote to each subject by August 22, 1980.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive on improving government regulations appearing in the **Federal Register** for Wednesday, November 8, 1978.

By direction of the Commissioner of Internal Revenue.

George H. Jelly,

Director, Employee Plans and Exempt Organizations Division.

[FR Doc. 80–22378 Filed 7–24–80; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Ch. VII

Permanent Regulatory Program; Resubmission of Wyoming Program

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

ACTION: Proposed rule; reopening of public comment period on Wyoming's permanent regulatory program.

SUMMARY: On May 30, 1980, the State of Wyoming resubmitted to the Department of the Interior portions of its proposed permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The resubmission is intended to implement those requirements found in 30 CFR Chapter VII (the permanent program rules issued by the Secretary of the Interior) which were not approved by the Secretary on February 15, 1980.

In the course of a lawsuit challenging the Secretary's rules, certain provisions were suspended or remanded pending further rulemaking. On May 16, 1980, the Court hearing the case ordered that the Secretary must disapprove from programs being considered all State provisions incorporating suspended or remanded Federal rules. On June 16, 1980, the Secretary filed a motion requesting the Court to stay this decision. This notice invites public comment on the Secretary's tentative determination identifying provisions in the Wyoming program which incorporate suspended or remanded Federal rules.

In addition, OSM officials discussed 18 issues raised during review of the Wyoming resubmission with Wyoming officials by telephone on July 9, 1980. The public is invited to comment on those issues.

DATES: All comments must be received by 5:00 p.m. on August 8, 1980.

ADDRESSES: Comments should be submitted to: Administrative Record, Office of Surface Mining, Brooks Tower, 1020 15th Street, Denver, Colorado 80202.

Copies of the Wyoming initial program submission and resubmission, the opinions of the Court in the lawsuit discussed below, OSM's compilation of Wyoming provisions corresponding to suspended and remanded Federal rules and a summary of a July 9, 1980, conversation between representatives of Wyoming and OSM, are available for review and copying during normal business hours at:

Office of Surface Mining Reclamation and Enforcement, Brooks Tower, 1020 15th Street, Denver, Colorado 80202.

Wyoming Land Quality Division, Department of Environmental Quality, Hathaway Building, Cheyenne, Wyoming 82002.

Land Quality Division, 30 East Grinnel Street, Sheridan, Wyoming 82801.

Land Quality Division, 933 Main Street, Lander, Wyoming 82520.

Office of Surface Mining, Room 153, Interior South Building, 1951 Constitution Avenue, Washington, D.C. 20240.

Copies of the Wyoming statutes and regulations contained in Wyoming's program submission may be obtained on request from: Mr. Murray T. Smith, OSM Region V, Brooks Tower, 1020 15th Street, Denver, Colorado 80202 (303) 837–5701.

FOR FURTHER INFORMATION CONTACT: Mr. Murray T. Smith at the address listed above.

SUPPLEMENTARY INFORMATION: Wyoming submitted its permanent regulatory program for approval by the Secretary of the Interior on August 15, 1979. After opportunity for public comment on the program's completeness and adequacy, the Secretary approved the program, in part, and disapproved the program, in part, on February 15, 1980. Notice of that decision and the Secretary's detailed findings were published in the **Federal Register** on March 31, 1980 (45 FR 20930–20982).

Section 503(c) of the Surface Mining Control and Reclamation Act (SMCRA) provides States with the opportunity to resubmit portions of a program that were disapproved. Wyoming submitted revisions to its program on May 30, 1980, as a formal program resubmission. Notice of receipt of that resubmission was published in the **Federal Register** on June 4, 1980 (45 FR 37697–37699).

That notice summarized the contents of the program resubmission, announced a public hearing, which was held in Cheyenne, Wyoming, on June 19, 1980, and solicited public comments on the resubmission until June 24, 1980.

Before Wyoming made its initial program submission and its resubmission, challenges to the Secretary's permanent program regulations were brought by representatives of industry, two States and several environmental groups in the U.S. District Court for the District of Columbia. These suits were consolidated and heard in a single lawsuit entitled—*In Re: Permanent*

Surface Mining Regulation Litigation (Civil Action No. 79–1144).

In response to the arguments raised in the challenges, the Secretary voluntarily suspended several permanent program regulations. These suspensions were announced in the **Federal Register** on Novemberr 27, 1979 (44 FR 67942), December 31, 1979 (44 FR 77447–77454) and January 30, 1980 (45 FR 6913). In two opinions the Court remanded certain other regulations which had been challenged in the lawsuit. These opinions were issued on February 26, 1980, and May 16, 1980. A list of all the suspended and remanded regulations was published in the **Federal Register** on July 7, 1980 (45 FR 45604) in a notice concerning the Louisiana program submission.

In its May 16, 1980, opinion, the Court ordered the Secretary to affirmatively disapprove any regulation in a State program which incorporates a suspended or remanded regulation. Although the Secretary intends to appeal that portion of the Court's opinion, he intends to comply with it pending its modification on appeal or as a result of his Application for Stay filed June 16, 1980.

In his February 15, 1980, decision the Secretary disapproved all of the regulations included in the initial submission because the regulations had not been fully promulgated and contained a number of deficiencies, as identified in the March 31, 1980, **Federal Register** notice. Wyoming included fully enacted, revised regulations in its program resubmission on May 30, 1980. Wyoming was aware of the regulations suspended by the Secretary and the regulations remanded by the court. Wyoming made modifications to several of its regulations in light of the suspensions and remands. These modifications are described in Volume 3A of the program resubmission in a memorandum dated May 28, 1980, from Nancy Wood, Legal Intern, to the Environmental Quality Council.

OSM has prepared a tentative compilation of all Wyoming provisions which are contained in the Wyoming resubmission and which correspond to suspend and remanded Federal regulations. Copies of this compilation are available at the places listed above under "Addresses." The public and the State are invited to comment on the accuracy and completeness of this compilation and the extent, if any, to which the Secretary should disapprove these provisions.

In this regard, the Secretary has requested Wyoming to identify provisions in its resubmission which reflect remanded and suspended Federal rules. While OSM has not yet received a direct response to this request and will place it in the administrative record when it arrives, the Governor of Wyoming has submitted an affidavit on this subject for use in the Secretary's Stay application, and a copy is available at the places identified above under "Addresses."

During review of the resubmission, OSM identified the 18 issues listed below that require clarification. On July 9, 1980, OSM officials discussed the issues in a conference call with Wyoming officials. A summary of the discussion is available at the places listed above under "Addresses." While OSM has not yet received any written material from Wyoming in response to the discussion, materials received, if any, will be placed in the administrative record at the places identified above under "Addresses."

(1) Appendix A to the Memorandum of Understandilng between the Wyoming Department of Environmental Quality and the State Engineer appears to contain requirements inconsistent with SMCRA. The applicable regulations are, however, acceptable. The appendix is also labelled "proposed" (see 30 CFR 816.46(q)).

(2) Numerical effluent limitations for total suspended solids do not contain lower values set by EPA and OSM for Wyoming (see Rule IV 4a, and 30 CFR 816.42(a)(7), including footnotes 4 and 6).

(3) There is no evidence that Wyoming has promulgated a definition for the purpose of advertising the availability of a plan in a permit application (see W.S. 35–11–406(j)(i)).

(4) Wyoming's Rule XIII 2a(3) for self-bonding allows the applicant to demonstrate that he can meet the Federal net worth requirements *or* grant a mortgage or security interest. The Federal regulation requires both (30 CFR 806.11(b)(2)).

(5) Wyoming had seemingly eliminated a provision to require the permittee, upon revocation of his permit, to cease operations and complete reclamation or forfeit his bond. The State pointed to Rule XVII 2d(3) which appears to be acceptable.

(6) The proposed State window alternative allowing removal of sediment ponds should also show that baseline water quality data are adequate to judge the time of removal.

(7) Toxic materials are defined under Wyoming rules as having "lethal" rather than "detrimental" effects (see Rule I 2(98)).

(8) The State wildlife guideline lacks directives for biological surveys to assure that streams with a potential to support a biological community will be protected (see 30 CFR 816.57(a) and Guideline No. 5).

(9) Monitoring requirement for alluvial valley floors are discretionary under State rules rather than mandatory (see Rule V 2d(3) and 30 CFR 822.14).

(10) Wyoming fails to provide for the award of attorney's fees as in 43 CFR Part 4.

(11) Wyoming's rules on intervention in administrative proceedings are in proposed rather than final form.

(12) Wyoming promised an Attorney General's opinion on various issues, including the enforceability of State guidelines, and has yet to include such an opinion.

(13) It is unclear whether relief from the State performance standards, under the special bituminous performance standards, will only be for reasons of physical impossibility rather than for economic considerations.

(14) There is no provision analogous to 30 CFR 786.19(o) which prohibits issuance of a permit that would affect the continued existence of an endangered or threatened species or result in the destruction or adverse modification of their critical habitats.

(15) Wyoming permits Council members to have a financial interest direct or indirect, in matters before it. The State does not make it clear that Council members with an interest in the outcome of a specific case are not permitted to participate in the deliberations on such a case. (Summary of public comment.)

(16) Wyoming provides for publication of a "notice of intended action" rather than general publication of proposed rules in W.S. 9–4–103. A commenter states this procedure appears not to be in accordance with Section 501 of the Act, requiring proposed rules themselves to be published, and may interfere with the public's exercise of its right to comment. Wyoming does not, however, publish a document similar to the **Federal Register.** Instead, the State sends copies of all proposed rules to county clerks and to persons who have requested that they be on a mailing list for such rules. These proposed rules are then available for public review and comment. This procedure appears to be acceptable to the Secretary.

(17) Wyoming's discussion of field issuance in Part G.6 of its resubmission appeared to be vague. In the July 9, 1980, telephone call, however, the State makes it clear that there will be actual delegation for inspectors to issue notices of violation and cessation orders in the field. The Secretary tentatively finds this aspect of the Wyoming resubmmission acceptable.

(18) One commenter stated that it was unclear when State permit applications would be due in relation to a conditional approval of the program by the Secretary. Wyoming, in the July 9, 1980, telephone call, makes it clear that conditional approval is equivalent to final approval for the purpose of permit applications. The Secretary tentatively finds this aspect of the State program acceptable.

The Secretary expects shortly to make a final decision to approve, to approve with conditions, or to disapprove, in whole or in part, the Wyoming program submission. The public comment period on the adequacy of the resubmission is now over. However, the Secretary is soliciting public comments at this time in order to enable the public to assist the Secretary in complying with the Court's May 16, 1980, order.

Miscellaneous Findings

OSM has determined that pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on the decision on the Wyoming program.

The Director of OSM has determined that this document is not a significant rule under E. O. 12044 or 43 CFR Part 14, and no regulatory analysis is being prepared on the decision of the Wyoming program.

Dated: July 23, 1980.

Walter N. Heine, P.E.,

Director, Office of Surface Mining Reclamation and Enforcement.

[FR Doc. 22578 Filed 7-24-80; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1550-4]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: USEPA proposes to approve a revision to the Ohio State Implementation Plan for sulfur dioxide as it applies to the Ohio Edison North Avenue Plant in Mahoning County. The proposed approval is based upon ambient monitoring and emissions data provided by the Ohio Environmental Protection Agency and submitted to USEPA by the Ohio Edison Company that demonstrate that the revised emission limitation will ensure the attainment and maintenance of the National Ambient Air Quality Standards.

DATE: Comments must be received on or before August 25, 1980. Requests for a public hearing on this revision must be received no later than August 11, 1980.

ADDRESSES: Comments and requests for a hearing should be submitted to Gary Gulezian, (5AHAP), Chief, Regulatory Analysis Section, Air Programs Branch, USEPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. The docket (#5A-80-7) for the revision is available for inspection and copying during normal business hours at the above address and at the Central Docket Section, Room 2903B, USEPA, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, Regulatory Analysis Section, USEPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, 312-886-6039.

SUPPLEMENTARY INFORMATION: On August 27, 1976 (41 FR 36324) the USEPA promulgated regulations establishing a State Implementation Plan (SIP) for the control of sulfur dioxide (S02) in Ohio. This proposed rule will amend that SIP as it applies to the Ohio Edison North Avenue Plant.

Since the current regulations were promulgated, there has been a substantial reduction in the S02 emissions in the Mahoning River Valley (Mahoning and Trumbull Counties) with a significant improvement in the air quality. Consequently, on October 9, 1979 (44 FR 57929) the USEPA redesignated Mahoning and Trumbull Counties as attainment areas for sulfur dioxide.

On March 18, 1980, the Ohio Edison Company submitted a request for a revision to the sulfur dioxide plan for their North Avenue steam heating plant in Mahoning County, Ohio. Since the National Ambient Air Quality Standards are currently being proteced, Ohio Edison requested a limit that reflects status quo emissions. This request was supported by ambient monitoring and emissions data for the area that were provided by the Ohio Environmental Protection Agency. The data demonstrates that a comparison between emissions and air quality data for the years 1974 and 1978 indicates that the reduction in S02 ground-level ambient air quality concentrations is comparable (and, consequently, is due to) the reduction in S02 emissions, and that the current attainment status of the area will not be threatened by regulating the North Avenue Plant at approximate current emissions. It should also be noted that the 24 hour and annual primary standards were shown to be more constraining than the 3 hour secondary standard. Thus, an emission limitation designed to protect the primary standards will also protect the secondary standards.

A modeling analysis was not performed for this area because of source-terrain interaction problems. Thus no accurate assessment by modeling for Prevention of Significant Deterioration (PSD) increment consumption is possible. It should be noted, however, that the existing SIP is based on a rollback analyses. Consequently, a screening based on rollback techniques was made to approximate PSD increment consumption. This analysis indicates that the SIP revision will not consume all of the available PSD increment.

Based upon the Agency's review of the technical documentation submitted, USEPA has determined that approval of the proposed SIP will not jeopardize the attainment and maintenance of the National Ambient Air Quality Standards. Thus, USEPA proposes to approve the revised emission limitations for the Ohio Edison North Avenue Plant in Mahoning County.

Final promulgation of this revision will follow an analysis of all comments submitted and will depend on its consistency with Section 110 of the Clean Air Act.

Note.—Under Executive Order 12044 (43 FR 12661), USEPA is required to judge whether a regulation is "significant" and, therefore, subject to certain procedural requirements of the Order or whether it may follow other specialized development procedures. USEPA labels these other regulations, "specialized". I have reviewed this proposed regulation pursuant to the guidance in USEPA's response to Executive Order 12044, "Improving Environmental Regulations," signed March 29, 1979 by the Administrator and I have determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(Section 110 of the Clean Air Act, as amended 42 USC 7410)

Dated: July 18, 1980.

John McGuire,

Regional Administrator.

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

Subpart KK—Ohio

1. § 52.1881 is amended by revising § 52.1881(b)(40)(iv) as follows:

§ 52.1881 Control Strategy: Sulfur Oxides (sulfur dioxide).

* * * * *

(b) Regulations for the control of sulfur dioxide in the State of Ohio

* * * * *

(40) In Mahoning County * * *

* * * * *

(iv) The Ohio Edison Company or any subsequent owner or operator of the North Avenue Steam Plant located in Mahoning County shall not cause or permit the emission of sulfur dioxide from any stack at the North Avenue Steam Plant in excess of 4.75 pounds of sulfur dioxide per million BTU or actual heat input.

* * * * *

[FR Doc. 80-22354 Filed 7-24-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Parts 162 and 163

[OPP-00126, FRL 1550-3]

FIFRA Scientific Advisory Panel; Open Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule notice.

SUMMARY: There will be a three-day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel to discuss Subpart M: Data Requirements for Biorational Pesticides of the Guidelines for Registering Pesticides in the United States, and completion of review of the rebuttable presumption against registration (RPAR) on lindane. The meeting will be open to the public.

DATE: Wednesday, Thursday and Friday, August 13, 14 and 15, 1980, from 9:00 a.m. to 5:00 p.m. daily.

ADDRESS: The meeting will be held at the: Hospitality House, 2000 Jefferson Davis Highway, Arlington, VA, 703-920-8600.

FOR FURTHER INFORMATION CONTACT: H. Wade Fowler, Jr., Executive Secretary, FIFRA Scientific Advisory Panel (TS-766), Office of Pesticide Programs, Rm. 803, Crystal Mall, Building No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, 703-557-7560.

SUPPLEMENTARY INFORMATION: The agenda for this meeting is:

1. Completion of review action for conclusion of the RPAR on lindane;
2. Formal review by the Panel on Subpart M: Data Requirements for Biorational Pesticides of the Guidelines for Registering Pesticides in the United States;
3. Review of final Sec. 24(c) regulations to meet State special local needs;
4. Completion of any unfinished business from previous Panel meetings; and
5. In addition, the agency may present status reports on other ongoing programs of the Office of Pesticides Programs.

Copies of draft documents concerning item 1 may be obtained by contacting: Robert Brown, Special Pesticides Review Division (TS-791), Rm. 728A, Crystal Mall, Building No. 2, at the address given above, telephone: 703-557-8193.

Information concerning item 2 may be obtained by contacting William Preston, Hazard Evaluation Division (TS-769), Rm. 800, Crystal Mall, Building No. 2, at the address given above, telephone: 703-557-1405.

Information concerning item 3 may be obtained by contacting Philip H. Gray, Jr., Office of Pesticide Programs (TS-766), Environmental Protection Agency, 401 M St. SW., Washington, DC 20460, telephone: 202-472-9400.

Any member of the public wishing to attend or submit a paper should contact Dr. H. Wade Fowler, Jr., at the address or phone listed above to be sure that the meeting is still scheduled and to confirm the Panel's agenda. Interested persons are permitted to file written statements before or after the meeting, and may, upon advance notice to the Executive Secretary, present oral statements to the extent that time permits. All statements will be made part of the record and will be taken into consideration by the Panel in formulating comments or in deciding to waive comments. Persons desirous of making oral statements must notify the Executive Secretary and submit the required number of copies of a summary no later than August 8, 1980.

Individuals who wish to file written statements are advised to contact the Executive Secretary in a timely manner to be instructed on the format and the number of copies to submit to ensure appropriate consideration by the Panel.

The tentative date for the next Scientific Advisory Panel meeting is September 4 and 5, 1980.

(Sec. 25(d), as amended, (92 Stat. 819; 7 U.S.C. 136); Sec. 10(a)(2), 86 Stat. 770 (5 U.S.C. App.))

Dated: July 17, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-22426 Filed 7-24-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 180

[FRL 1550-7; PP 9F2134/PP 9F2246/P145]

N-(1-Ethylpropyl)-3,4-Dimethyl-2,6-Dinitrobenzenamine; Proposed Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice propose that tolerances be established for residues of the herbicide pendimethalin (N-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine) and its metabolite (4-[(1-ethylpropyl) amino]-2-methyl-3,5-dinitrobenzyl alcohol in or on the following raw agricultural commodities: Potatoes, and sorghum (fodder, forage, and grain) at 0.1 part per million (ppm). This proposal was submitted by American Cyanamid Company. This proposal would establish the maximum permissible level for residues of pendimethalin in or on the above raw agricultural commodities.

EFFECTIVE DATE: Comments must be received on or before: August 25, 1980.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection agency, 401 M Street, SW, Washington, D.C. 20460, 202/755-2196.

SUPPLEMENTARY INFORMATION: Notices were published in the **Federal Registers** of December 14, 1978 (43 FR 54380) and September 6, 1979 (44 FR 52030) that American Cyanamid Company, PO Box 400, Princeton, NJ 08540, had filed pesticide petitions PP 9F2134 and PP 9F2246, respectively. These petitions proposed that 40 CFR 180.361 be amended by establishing tolerances for the combined residues of the herbicide pendimethalin N-(1-ethylpropyl)-3,4-dimethyl-,2,6-dinitrobenzenamine and its metabolite 4-[(1-ethylpropyl)amino]-2-methyl-3,5-dinitrobenzyl alcohol in or on potatoes, sorghum (fodder, forage, and grain) at 0.1 ppm. No comments were received in response to these notices of filing.

The data submitted in the petitions and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerances included an acute oral LD_{50} (rats) with a LD_{50} of 1.25 grams (gm)/kilogram (kg) for males and a LD_{50} of 1.05 gm/kg for females, an acute dermal LD_{50} (rabbits) of greater than 5.0 gm/kg, skin and eye irritation (rabbits)—non-irritating, a 21-day dermal (rabbits) with a no-observed-effect level (NOEL) of 1 gm/kg/day, a 90-day rat feeding study

with an NOEL of 500 ppm, a 90-day dog feeding study with an NOEL of 62.5 mg/kg/day, a 18-month oncogensis study (mice) with the NOEL of 500 ppm (no oncogenic effects), a 2-year chronic feeding/oncogensis study (rats) with the NOEL of 100 ppm, for systemic effects and no oncogenic effects noted at 5000 ppm, a dominant lethal study with no effect at 2500 ppm (highest dose tested), a teratology study (rats) that was not teratogenic or fetotoxic at doses up to 500 mg/kg/day, a cataractogenic study (negative at 3000 ppm), and an Ames mutagenicity assay (negative at levels up to 100 ug/plate).

The toxicological data presently available has been judged adequate to support the proposed tolerances. Studies desirable are a 6-month or longer subchronic feeding study in a non-rodent species (dog) and a teratology study in a second species. In a letter dated May 1, 1980, the petitioner agreed to perform the above studies and to remove the proposed uses from the label should the results of the above studies exceed the risk criteria for chronic toxicity as stated in 40 CFR 162.11.

Tolerances have previously been established for residues of the herbicide and its metabolite on corn, cottonseed, and soybeans at 0.1 ppm for a theoretical maximum residue contribution (TMRC) of 0.0031 mg/day in a 1.5 kg diet compared with a maximum permissible intake (MPI) of 3.00 mg/day/60 kg person or 0.10 percent of the acceptable daily intake (ADI). The ADI is 0.05 mg/kg/day based on an NOEL of 100 ppm (2-year chronic feeding/oncogenicity study in rats) with a safety factor of 100. This action will increase the percent ADI used up from 0.1% to 0.38%.

The technical preparation of this herbicide contains nitroso contaminant. A risk assessment for the nitroso contaminant in the product and the calculations indicate that if the nitroso contaminant is not in excess of 135 ppm, the associated upper level of risk would not exceed 1×10^{-6} (1/1,000,000). Data submitted to the Agency show the level of the nitroso contaminant is below the level calculated above. Because of the potential risk to humans these tolerances are being proposed at this time to provide an opportunity for public comment.

The nature of the residues of the herbicide in plants and animals is adequately understood. An adequate analytical method (gas chromatography with an electron capture detection system) is available for enforcement purposes. Residues are not likely to occur in eggs, milk, meat, fat, or meat byproducts of livestock from these uses; therefore 40 CFR 180.6 (a)(3) applies. The pesticide is considered useful for the purpose for which the tolerances are sought. There are no other considerations in establishment of these tolerances and it has been determined that the tolerance will protect the public health. Therefore, it is proposed that 40 CFR Part 180 be amended as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains any of the ingredients listed herein, may request on or before August 25, 1980, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicated both the subject and the petition and document control number, "PP 9F2134/PP 9F2246/P145". All written comments filed in response to this petition will be available for public inspection in the office of Robert J. Taylor from 8:30 a.m. to 4:00 p.m., Monday through Friday.

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

(Sec. 408 (e), 68 Stat. 514 (21 U.S.C. 34a(e))).

Dated: July 21, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that Subpart E of 40 CFR Part 180 be amended by alphabetically inserting the following raw agricultural commodities in § 180.361 to read as follows:

§ 180.361 N-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine; tolerances for residues.

Commodities	Part per million
* * * * *	
Potatoes	0.1
* * * * *	
Sorghum, fodder	0.1
Sorghum, forage	0.1
Sorghum, grain	0.1
* * * * *	

[FR Doc. 80-22352 Filed 7-24-80; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF ENERGY

41 CFR Part 109-40

Property Management Regulations, Transportation and Traffic Management

AGENCY: Department of Energy.

ACTION: Proposed rule.

SUMMARY: In the July 1, 1979 revision of Title 41 (Chapter 101 to End) of the Code of Federal Regulations, Part 109-40, Transportation and Traffic Management, appearing in Subchapter G—Transportation and Motor Vehicles, was inadvertently omitted. This Part was republished without revision appearing at 45 FR 16488, March 4, 1980, in a CFR Correction which permitted Part 109-40 to remain in force and effect and to appear in the 1980 revision of Title 41. It is proposed to update and amend Part 109-40 to reflect the transition from U.S. Energy Research and Development Administration (ERDA) to U.S. Department of Energy (DOE) under the DOE Organization Act (Public Law 95-91).

DATE: Comments by: August 25, 1980.

ADDRESSES: Comments should be addressed to: Roy F. Garrison, Department of Energy, 1000 Independence Avenue SW, Mail Stop E-201 (Germantown), Washington, D.C. 20545.

FOR FURTHER INFORMATION CONTACT:

Roy Garrison, (301) 353-5363.

Steven Miller, Office of the General Counsel, (202) 252-6947.

SUPPLEMENTARY INFORMATION: DOE and its contractors for the purposes of transportation and traffic management have certain exemptions from the Federal Property and Administrative Act of 1949, as amended (Public Law 152, 81st Congress, 63 Stat., 377) at Title II, Section 201(b) which provides "The Administrator (GSA) shall, as far as practicable provide any of the services specified . . . to any other Federal agency . . ., *upon request.*"

Title VI, Section 602(d) of the same Act provides "nothing in this act shall impair or affect any authority of . . . (13) the Atomic Energy Commission (AEC).

Title 41 CFR Part 109-40 Transportation and Traffic Management iterates the applicability of and departure from Title 41 Parts 101 et seq. for the U.S. Department of Energy and its cost-type contractors in conducting transportation and traffic management type activities.

Traffic Management and Transportation Operations functions existed in AEC. These functions were transferred to ERDA by Section 104 of the Energy Reorganization Act of 1974 (Pub. L. 93–438) and then to DOE by Section 641 of the Department of Energy Organization Act of 1977 (Pub. L. 95–91).

The Department of Energy desires to continue in effect the exemption granted to it by the Congress and consequently adopts the following amended Property Management Regulations. Further implementation will be published in appropriate DOE Orders. The Department of Energy has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and therefore, is not significant for the purpose of Executive Order 12044.

Issued in Washington, D.C. July 8, 1980.

Ruth C. Clusen,

Assistant Secretary for Environment.

It is proposed to revise 41 CFR Part 109–40 as follows:

PART 109–40—TRANSPORTATION AND TRAFFIC MANAGEMENT

Sec.
109–40.000 Scope of part.
109–40.000–50 Applicability to contractors.

Subpart 109–40.1—General Provisions

109–40.102 Representation before regulatory bodies.
109–40.103 Selection of carriers.
109–40.103–1 Domestic transportation.
109–40.103–2 Disqualification and suspension of carriers.
109–40.103–3 International transportation.
109–40.104 Use of Government owned transportation equipment.
109–40.109 Utilization of special contracts and agreements.
109–40.110 Assistance to economically disadvantaged transportation businesses.
109–40.110–1 Small business assistance.
109–40.110–2 Minority business enterprises.
109–40.112 Transportation factors in the location of Government facilities.
109–40.113 Insurance against transportation hazard.

Subpart 109–40.3—Traffic Management

109–40.301 Traffic management functions administration.
109–40.302 Standard routing principle.
109–40.303–3 Most fuel efficient carrier/mode.
109–40.304 Rate tenders to the Government.
109–40.305–50 Negotiations involving national security.
109–40.306–1 Recommended rate tender format.
109–40.306–2 Required shipping documents and annotations.
109–40.306–3 Distribution.

Subpart 109–40.50—Bills of Lading

Sec.
109–40.5000 Scope of subpart.
109–40.5001 Policy.
109–40.5002 Applicability.
109–40.5003 Commercial bills of lading.
109–40.5004 Government bills of lading.
109–40.5005 Description of property for shipment.

Subpart 109–40.51—Price-Anderson Coverage Certifications for Nuclear Shipments

109–40.5100 Scope of subpart.
109–40.5101 Policy.

Authority: Sec. 161, as amended, 8 Stat. 948; 42 U.S.C. 2201; sec. 205, as amended, 63 Stat. 390; 40 U.S.C. 486; sec. 644, 91 Stat. 565, 42 U.S.C. 7254.

§ 109.40.000 Scope of part.

This part prescribes DOE regulations governing transportation and traffic management activities. It also covers arrangements for transportation and related services by bill of lading. These regulations are designed to ensure that all transportation and traffic management activities will be carried out in the manner most advantageous to the Government in terms of economy, efficiency, and service.

§ 109.40.000–50 Applicability to contractors.

DOE–PMR 109–40, Transportation and Traffic Management, should be applied to cost-type contractors' transportation and traffic management activities. Departure by cost-type contractors from the provisions of these regulations may be authorized by the contracting officer provided the practices and procedures followed are consistent with the basic policy objectives in these regulations and except to the extent such departure is prohibited by statute or executive order.

Subpart 109–40.1—General Provisions

§ 109–40.102 Representation before regulatory bodies.

Participation in proceedings related to carrier applications to regulatory bodies for temporary or permanent authority to operate in specified geographical locations shall be confined to statements or testimony in support of a need for service and shall not extend to support of individual carriers or groups of carriers.

§ 109–40.103 Selection of carriers.

§ 109–40.103–1 Domestic transportation.

(a) Preferential treatment, normally, shall not be accorded to any mode of transportation (motor, rail, air, water) or to any particular carrier when arranging for domestic transportation service. However, where, for valid reasons, a particular mode of transportation or a particular carrier within that mode must be used to meet specific program requirements and/or limitations, only that mode or carrier shall be considered. Examples of valid reasons for considering only a particular mode or carrier are (1) where only a certain mode of transportation or individual carrier is able to provide the needed service or is able to meet the required delivery date; and (2) where the consignee's installation and related facilities preclude or are not conducive to service by all modes of transportation.

(b) The following factors are considered in determining whether a carrier or mode of transportation can meet DOE's transportation service requirements for each individual shipment:

(1) Availability and suitability of carrier equipment;

(2) Carrier terminal facilities at origin and destination;

(3) Pickup and delivery service, if required;

(4) Availability of required or accessorial and special services, if needed;

(5) Estimated time in transit;

(6) Record of past performance of the carrier; and

(7) Availability and suitability of transit privileges.

§ 109–40.103–2 Disqualification and suspension of carriers.

Disqualification and suspension are measures which exclude carriers from participation, for temporary periods of time, in DOE traffic. To ensure that the Government derives the benefits of full and free competition of interested carriers, disqualification and suspension shall not apply for any period of time longer than necessary to protect the interests of the Government.

§ 109–40.103–3 International transportation.

(See 4 CFR 52.2 for a certificate required in nonuse of U.S. flag vessels or U.S. flag certificated air carriers.)

(a) U.S.-flag ocean carriers. Arrangements for international ocean transportation services shall be made in accordance with the provisions of section 901(b) of the Merchant Marine Act of 1936, as amended (46 U.S.C. 1241(b) concerning the use of privately owned U.S.-flag vessels.

(b) U.S.-flag certificated air carriers. Arrangements for international air transportation services shall be made in accordance with the provisions of section 5(a) of the International Air

Transportation Fair Competitive Practices Act of 1974, (49 U.S.C. 1517), which requires the use of U.S.-flag certificated air carriers for international travel of persons or property to the extent that service by these carriers is available.

§ 109-40.104 Use of Government owned transportation equipment.

The preferred method of transporting property for the Government is through use of the facilities and services of commercial carriers. However, Government vehicles may be used when they are available to meet emergencies, and accomplishment of program objectives which cannot be attained through use of commercial carriers.

§ 109-40.109 Utilization of special contracts and agreements.

From time to time special transportation agreements are entered into on a Government-wide or a DOE-wide basis and are applicable, generally to DOE shipments. The DOE-HQ Traffic Manager or appropriate DOE-HQ Transportation Management official will distribute information on such agreements to field offices as it becomes available.

§ 109-40.110 Assistance to economically disadvantaged transportation businesses.

§ 109-40.110-1 Small business assistance.

Consistent with the policies of the Government with respect to small businesses, DOE shall place with small business concerns a fair proportion of the total purchases and contracts for transportation and related services, such as packing and crating, loading and unloading, and local drayage.

§ 109-40.110-2 Minority business enterprises.

Minority business enterprises shall have the maximum practicable opportunity to participate in the performance of Government contracts. DOE shall identify transportation-related minority enterprises and encourage them to provide services that will support the DOE's transportation requirements.

§ 109-40.112 Transportation factors in the location of Government facilities.

Transportation rate, charges, and commerical carrier transportation servics shall be considered and evaluated prior to the selection of new site locations and during the planning and construction phases in the established of leased or relocated Government installations or facilities to ensure that consideration is given to the various transportation factors that may be involved in this relocation or deactivation.

§ 109-40.113 Insurance against transportation hazards.

The policy of the Government with respect to insurance of its property while in the possession of commercial carriers is set forth in 41 CFR 1-19.107

Subpart 109-40.3—Traffic Management

§ 109-40.301 Traffic Management functions administration.

The DOE traffic management functions are accomplished by established field traffic offices under provisions of appropriate Departmental directives and headquarters' staff traffic management supervision.

§ 109-40.302 Standard routing principle.

(a) Shipments shall be routed using the mode of transportation, or individual carriers within the mode, that can provide the required service at the lowest overall delivered cost to the Government.

(b) When more than one mode of transportation, or more than one carrier within a mode, can provide equally satisfactory service at the same overall cost the traffic shall be distributed as equitably as practicable among the modes and among the carriers within the modes.

§ 109-40.303-3 Most fuel efficient carrier/mode.

When more than one mode, or more than one carrier within a mode, can satisfy the service requirements of a specific shipment at the same lowest aggregate delivered cost, the carrier/mode determined to be the most fuel efficient will be selected. In determining the most fuel efficient carrier/mode, consideration will be given to such factors as use of the carrier's equipment in "turn around" service, proximity of carrier equipment to the shipping activity, and ability of carriers to provide the most direct service to the destination points.

§ 109-40.304 Rate tenders to the Government.

Under the provisions of section 10721 (formerly section 22) of the Interstate Commerce Act (49 U.S.C. 10721), common carriers are permitted to submit to the Government tenders which contain rates lower than published tariff rates available to the general public. In addition, rate tenders may be applied to shipments other than those made by the Government provided the total benefits accrue to the Government; that is, provided the Government pays the charges or directly and completely reimburses the party that initially bears the freight charges (323 ICC 347 and 332 ICC 161).

§ 109-40.305-50 Negotiations involving national security.

Title 49 U.S.C., section 10721(b)(2) provides that rate tenders to the Government must be filed by the carriers with the Interstate Commerce Commission unless "a carrier is advised by the U.S. Government that disclosure of a quotation or tender of a rate established . . . for transportation provided to the U.S. Government would endanger the National security." Carriers will be informed by the negotiating official if any quotation or tender to the Department of Energy involves such information.

§ 109-40.306-1 Recommended rate tender format.

Only those rate tenders which have been submitted by the carriers in writing shall be considered for use. Carriers should be encouraged to use the format "Uniform Tender of Rates and/or Charges for Transportation Services" when preparing and submitting rate tenders to the Government. Rate tenders that are ambiguous in meaning shall be resolved in favor of the Government.

§ 109-40.306-2 Required shipping documents and annotations.

(a) To qualify for transportation under section 10721 rates, property must be shipped by or for the Government on:

(1) Government bills of lading;

(2) Commercial bills of lading endorsed to show that these bills of lading are to be converted to Government bills of lading after delivery to the consignee:

(3) Commercial bills of lading showing that the Government is either the consignor or the consignee and endorsed with the following statement:

Transportation hereunder is for the U.S. Department of Energy, and the actual total transportation charges paid to the carrier(s) by the consignor or consignee are assignable to, and are to be reimbursed by, the Government.

(b) When a rate tender is used for transportation furnished under a cost-reinbursable contract, the following endorsement shall be used on covering commercial bills of lading:

Transportation hereunder is for the U.S. Department of Energy and the actual total transportation charges paid to the carrier(s) by the consignor or the consignee are to be reimbursed by the Government, pursuant to cost-reimbursable contract number ( ). This may be confirmed by contacting the agency representative at (name and telephone number). (See 332 ICC 161.)

(c) To ensure proper application of a Government rate tender on all shipments qualifying for their use, the issuing officer shall show on the bills of lading covering such shipments the applicable rate tender number and carrier identification; such as, "Section 10721 tender, ABC Transportation Company, ICC No. 374." In addition, if commercial bills of lading are used, they shall be endorsed as specified above.

§ 109-40.306-3 Distribution.

Each agency receiving rate tenders shall promptly submit one signed copy to the Transportation and Public Utilities Service (WIT), General Services Administration, Washington, DC 20407. Also, two copies (including at least one signed copy) shall be promptly submitted to the General Services Administration (TA), Chester A. Arthur Building, Washington, DC 20406.

Subpart 109-40.50—Bills of Lading

§ 109-40.5000 Scope of subpart.

This subpart sets forth the requirements under which commercial or Government bills of lading may be used.

§ 109-40.5001 Policy.

Generally DOE cost-type contractors will use commercial bills of lading in making shipments for the account of the DOE. Cost-type contractors may be authorized by the contracting officer to use Government bills of lading if such use will be advantageous to the Government. Such authorizations shall be coordinated with the DOE-HQ Traffic Manager.

§ 109-40.5002 Applicability.

The policy and procedures set forth in this subpart shall be applied when DOE's cost-type contractors use commercial bills of lading.

§ 109-40.5003 Commercial bills of lading.

(a) DOE's cost-type contractors using commercial bills of lading in making shipments for the account of the DOE shall include the following statement or one substantially the same on all commercial bills of lading:

This shipment is for the account of the U.S. Government which will assume the freight charges and is subject to the terms and conditions set forth in the standard form of the U.S. Government bills of lading and to any available special rates or charges.

(b) The foregoing language may be varied without materially changing its substance to satisfy the needs of particular cost-type contractors for the purpose of obtaining the benefit of the lowest available rates for account of the Government.

(c) Where practicable, commercial bills of lading shall provide for consignment of a shipment to the DOE c/o the cost-type contractor or by the contractor "for the DOE."

(d) Commercial bills of lading exceeding $10,000 issued by cost-type contractors shall be annotated with a typewritten, rubber stamp, or similar impression containing the following wording:

Equal Employment Opportunity. All provisions of Executive Order 11246 as amended by Exective Order 11375 and of the rules, regulations, and relevant orders of the Secretary of Labor are incorporated herein.

§ 109-40.5004 Government bills of lading.

(a) In those instances where DOE cost-type contractors are authorized to use Government bills of lading, specific employees of cost-type contractors will be authorized by the contracting officer to issue such Government bills of lading (see Title V, U.S. Government Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies).

§ 109-40.5005 Description of property for shipment.

(a) Each shipment shall be described on the bill of lading or other shipping document as specified by the governing freight classification, carrier's tariff, or rate tender. Shipments shall be described as specifically as possible. Trade names such as "Foamite" or "Formica" or general terms such as "vehicles," "furniture," or "Government supplies," shall not be used as bill of lading descriptions.

(b) A shipment containing hazardous materials, such as explosives, radioactives, flammable liquids, flammable solids, oxidizers, or poison A or poison B, shall be prepared for shipment and described on bills of lading or other shipping documents in accordance with the Department of Transportation Hazardous Materials Regulations, 49 CFR, parts 100-189.

Subpart 109-40.51—Price-Anderson Coverage Certifications for Nuclear Shipments.

§ 109-40.5100 Scope of subpart.

This subpart sets forth the policy for issuance of certifications regarding Price-Anderson coverage of particular shipments of nuclear materials.

§ 109-40.5101 Policy.

Upon request of a carrier, an appropriate certification will be issued by an authorized representative of the DOE to the carrier regarding the applicability of Price-Anderson indemnity to a particular shipment. Copies of such certifications if performed by a Field Manager or a DOE cost-type contractor shall be provided in triplicate to the DOE-HQ transportation officer or other appropriate DOE-HQ transportation management official.

[FR Doc. 80-22211 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA 5853]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below and proposed changes to base flood elevations for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426-1460 or Toll Free Line (800) 424-8872, (In Alaska and Hawaii call Toll Free Line (800) 424-9080), Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with section 110 and section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are

required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arkansas	City of Arkadelphia, Clark County	Ouachita River	Just upstream of State Highway 51	*190
		Mill Creek	Just upstream of 15th Street	*204
			Just upstream of 26th Street	*230
		Maddox Branch	Just upstream of Walnut Street	*193
			Just upstream of South 10th Street	*199
	Maps available at City Hall, 610 Kaddo, Arkadelphia, Arkansas 71923.			
	Send comments to Mr. Herman H. Hankins, City Manager, City Hall, 610 Kaddo, Arkadelphia, Arkansas 71923.			
Arkansas	City of Danville, Yell County	Petit Jean River	Just downstream of Chicago, Rock Island and Pacific Railroad	*330
			Just downstream of State Highway 10 and 27	*331
		Dutch Creek	Just downstream of Bailey Branch Road	*334
		Melchor Creek	Just downstream of Chicago, Rock Island and Pacific Railroad	*331
	Maps available at City Hall, Danvile, Arkansas 72833.			
	Send comments to Mr. I.A. Meeler, City Manager, City Hall, P.O. Box 116, Danville, Arkansas 72833.			
Florida	Unincorporated areas of Seminole County.	Lake Adelaide	Entire Shoreline	*61
		Lake Alma	Entire Shoreline	*59
		Lake Ann	Entire Shoreline	*63
		Bear Lake	Entire Shoreline	*107
		Bear Gulley Lake	Entire Shoreline	*53
		Lake Brantley	Entire Shoreline	*48
		Lake Burkette	Entire Shoreline	*56
		Cranes Roost	Entire Shoreline	*61
		Cub Lake	Entire Shoreline	*105
		Lake Destiny	Entire Shoreline	*91
		Dewdrop Pool	Entire Shoreline	*70
		Fairy Lake	Entire Shoreline	*58
		Lake Faith	Entire Shoreline	*73
		Lake Florence	Entire Shoreline	*67
		Garden Lake	Entire Shoreline	*56
		Golden Lake	Entire Shoreline	*40
		Grace Lake	Entire Shoreline	*66
		Grassy Lake	Entire Shoreline	*86
		Hidden Lake	Entire Shoreline	*39
		Lake Hope	Entire Shoreline	*74
		Lake Howell	Entire Shoreline	*55
		Lake Irish	Entire Shoreline	*48
		Island Lake (Lake Mary)	Entire Shoreline	*48
		Island Lake (Longwood)	Entire Shoreline	*85
		Lake Jessup	Entire Shoreline	*10
		Lake Kathryn	Entire Shoreline	*55
		Little Crystal Lake	Entire Shoreline	*45
		Loch Low Lake	Entire Shoreline	*45
		Lake Lotus	Entire Shoreline	*82
		Lake Marietta	Entire Shoreline	*48
		Lake Minnie	Entire Shoreline	*38
		Lake Mobile	Entire Shoreline	*81
		Lake Myrtle	Entire Shoreline	*54
		Lake Orienta	Entire Shoreline	*67
		Pearl Lake (West Altamonte Springs).	Entire Shoreline	*61
		Pearl Lake (East Altamonte Springs).	Entire Shoreline	*88
		Pot Lake	Entire Shoreline	*88
		Prairie Lake	Entire Shoreline	*88
		Red Bug Lake	Entire Shoreline	*68
		Reservoir Lake	Entire Shoreline	*46
		Rock Lake	Entire Shoreline	*81
		Round Lake	Entire Shoreline	*48
		Lake Ruth	Entire Shoreline	*64
		Spring Wood Lake	Entire Shoreline	*91
		Trout Lake (Altamonte Springs)	Entire Shoreline	*63
		Trout Lake (Casselberry)	Entire Shoreline	*81
		St. Johns River	Just upstream of U.S. Highway 17 and 92	*9
			Just downstream of Osceola Road	*13
		Wekiva River	Just upstream of State Route 46	*11
			Just upstream of Miami Springs Drive	*16
		Econlockhatchee River	Just upstream of State Route 13	*22
		Little Econlockhatchee River	Just upstream of State Route 520	*45
		Little Wekiva River	Just downstream of Palm Springs Road (State Road 434)	*29
			Just downstream of Orange Avenue	*55
			Just downstream of Northwestern Avenue	*62
		Tributary B	Just upstream of Alder Avenue	*52
			Just downstream of Lake Brantley Road	*55

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Soldier Creek	Just upstream of U.S. Highway 17 and 92	*20
			Just upstream of State Route 427	*28
		Howell Creek	Just upstream of Tuskawillow Road	*44
			Just downstream of Dodds Road	*51
			Just upstream of North Lake Howell Road	*62
		Tributary A	Just upstream of Kewanee Drive	*85
			Just downstream of Talbot Road	*87
		Sweetwater Creek	Just downstream of State Road 419	*22
		Six Mile Creek	Just upstream of Myrtle Avenue	*15
			Just downstream of State Route S-427	*28
		Six Mile Creek Tributary	Just upstream of State Route S-427	*28
			Just downstream of Airport Blvd.	*34
		Gee Creek	Just upstream of Laura Street	*55
Maps available at Planning Department, Park Avenue, Sanford, Florida 32771.				
Send comments to Mr. Bob French, Chairman, County Commission, County Courthouse, Park Avenue, Sanford, Florida 32771.				
Hawaii	Hawaii County	Gulch 6—Puako	At origin of study [1]	*30
			Approximately 1,290' above origin of study	*43
			Approximately 1,680' above origin of study	*67
			Approximately 2,670' above origin of study	*79
		Gulch 5—Puako	At origin of study [1]	*51
			Approximately 2,560' above origin of study	*65
			Approximately 3,800' above origin of study	*81
		Waiaha Springs	Alii Drive (Upstream side)	$21
			Approximately 1,100' upstream of mouth	*60
			Approximately 1,550' upstream of mouth	*100
			Kuakini Highway (Upstream side)	*157
			Approximately 483' upstream of Kuakini Highway	*200
			Approximately 1,010' upstream of Kuakini Highway	*250
			Approximately 1,555' upstream of Kuakini Highway	*321
		Gulch 4—Puako	At origin of study [1]	*72
			Approximately 540' above origin of study	*90
			Approximately 1,020' above origin of study	*109
		Auwaiakeakua Gulch	Approximately 1,980' downstream of Queen Kaahumanu Highway	*46
			Approximately 300' downstream of Queen Kaahumanu Highway	*72
		Waikoloa Stream	Approximately 8,100' downstream from Lindsey Road	*2,503
			Approximately 6,500' downstream from Lindsey Road	*2,547
			Approximately 5,200' downstream from Lindsey Road	*2,577
			Approximately 4,200' downstream from Lindsey Road	*2,600
			Approximately 3,000' downstream from Lindsey Road	*2,629
			Approximately 2,000' downstream from Lindsey Road	*2,645
			Approximately 800' downstream from Lindsey Road	*2,659
			Lindsey Road	*2,673
			Approximately 1,400' upstream to Lindsey Road	*2,692
			Approximately 2,500' upstream to Lindsey Road	*2,706
			Approximately 3,500' upstream to Lindsey Road	*2,733
			Approximately 4,500' upstream to Lindsey Road	*2,776
			Approximately 5,000' upstream to Lindsey Road	*2,803
			Approximately 5,650' upstream to Lindsey Road	*2,851
			Approximately 6,050' upstream to Lindsey Road	*2,903
			Approximately 6,700' upstream to Lindsey Road	*2,945
			Approximately 7,100' upstream to Lindsey Road	*2,993
			Approximately 7,950' upstream to Lindsey Road	*3,092
		Lanimaumau Stream	Approximately 14,180' downstream of Mamalahoa Highway	*2,628
			Approximately 12,600' downstream of Mamalahoa Highway	*2,659
			Approximately 10,700' downstream of Mamalahoa Highway	*2,691
			Approximately 8,400' downstream of Mamalahoa Highway	*2,728
			Halealii Street (Upstream side)	*2,752
			Approximately 3,000' downstream of Mamalahoa Highway	*2,795
			Mamalahoa Highway (Upstream side)	*2,844
			Approximately 1,200' upstream of Mamalahoa Highway	*2,885
			Approximately 1,900' upstream of Mamalahoa Highway	*2,925
			Approximately 2,400' upstream of Mamalahoa Highway	*2,964
			Approximately 2,850' upstream of Mamalahoa Highway	*3,002
			Approximately 3,200' upstream of Mamalahoa Highway	*3,045
			Approximately 3,800' upstream of Mamalahoa Highway	*3,086
			Approximately 4,200' upstream of Mamalahoa Highway	*3,126
			Approximately 4,650' upstream of Mamalahoa Highway	*3,175
			Approximately 5,700' upstream of Mamalahoa Highway	*3,212
		Gulch 3—Hapuna	Approximately 5,700' upstream of mouth	*7
			Upstream of Puako Road	*23
			Approximately 890' upstream of Puako Road	*39
		Gulch 2—Hapuna	Approximately 70' upstream of mouth	*7
			Upstream of Puako Road	*72
			Approximately 965' upstream of Puako Road	*113
		Ninole Gulch	Approximately 410' upstream of confluence Ninole Cove	*18
			Approximately 1,400' upstream of confluence with Ninole Cove	*45
			Approximately 2,340' upstream of confluence with Ninole Cove	*59
		Alenaio Stream	Approximately 80' upstream of Kilauea Avenue	*15
			AT Ululani Street	*40
			Approximately 1,000' upstream of Kapiolani Street	*96
			Approximately 2,100' upstream of Kapiolani Street	*124
			Approximately 1,100' downstream of Komohana Street	*164
			Approximately 500' downstream of Komohana Street	*212
			Komohana Street (Upstream side)	*250
			Approximately 425' upstream of Komohana Street	*273

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Waiakea Stream	Approximately 440' downstream of Kilauea Avenue	*4
			Kilauea Avenue (Upstream side)	*7
			Approximately 70' upstream of Kinoole Street-Mohouli Street Intersection.	*41
			Approximately 750' downstream of West Lanikaula Street	*101
			Approximately 50' upstream of West Lanikaula Street	*142
			Approximately 250' upstream of West Lanikaula Street	*146
			Approximately 1,750' upstream of West Lanikaula Street	*196
		Kamakoa Gulch	At the origin of study [1]	*15
			Approximately 2,320' upstream of origin of study	*74
			Approximately 700' downstream of Queen Kaahumanu Highway	*176
		Pacific Ocean (Tsunami)	Confluence with Kapole Gulch	*9
			Confluence with Kapae Gulch	*9
			Confluence with Honokoa Gulch	*9
			Confluence with Waiulaula Gulch	*7
			Confluence with Gulch 2—Hapuna	*7
			Confluence with Gulch 3—Hapuna	*7
			Kapuniau Point	*7
			Kaauau Point	*7
			Weliweli Point	*7
			Hou Point	*8
			Mano Point	*7
			Mahewalu Point	*7
			Kahoiawa Point	*7
			Kikaua Point	*7
			Kawili Point	*7
			Makolea Point	*7
			Keahole Point	*8
			Wawahiwaa Point	*10
			Kawi Point	*12
			Kukailmoku Point	*14
			Confluence with Waiaha Springs	*17
			Kamoa Point	*19
			Kaukalaelae Point	*20
			Kualanui Point	*20
			Nenue Point	*20
			Keawekaheka Point	*20
			Palemano Point	*19
			Puuhonua Point	*13
			Palanihi Point	*9
			Kauluoa Point	*7
			Kamilo Point	*18
			Kahilipali Point	*18
			Puuo Point	*20
			Confluence of Ninole Gulch	*18
			Kupapau point	*15
			Hakuma Point	*14
			Kapoho Point	*16
			Confluence of Wailoa River	*23
			Leleiwi Point	*14
			Hilo Breakwater	*20
			Mahiki Point	*17
			Confluence of Wailoa Stream	*27
			Akoakoa Point	*24
			Confluence of Honopue Stream	*15
			Confluence of Halelua Gulch	*26
			Confluence of Waipiele Gulch	*14

[1] Origin of study is shown on maps available for review at location listed below.

Maps available for review at the Hawaii County Department of Public Works, Hilo, Hawaii.

Send comments to the Honorable Herbert Matayoshi, Mayor of the County of Hawaii, 25 Apuni Street, Hilo, Hawaii 96720.

Hawaii	Kauai County	Anahola Stream	Approximately 600' upstream of mouth	*8
			Upstream Kuhio Highway	*18
			Approximately 80' upstream of Foot Bridge	*25
		Hanapepe River	Approximately 500' upstream of confluence of Hanapepe Bay	*9
			Upstream Hanapepe Road	*12
			Ko Road extended to stream	*14
			Confluence of Kapahili Gulch	*18
			Approximately 9,000' upstream of Hanapepe Road	*38
		Hanalei River	Approximately 1,200' upstream of confluence with Halei Bay	*13
			Upstream Kuhio Highway	*15
			Approximately 5,980' upstream of Kuhio Highway	*20
			Approximately 11,370' upstream of Kuhio Highway	*35
		Kalama Stream	At confluence with Opaekaa Stream	*284
			Upstream Kamula Road	*296
			Upstream Puuopae Road	*320
			Approximately 2,500' upstream of Puuopae Road	*327
		Kapaa Stream	Upstream Kuhio Highway	*21
			Approximately 8,200' upstream of Kuhio Highway	*23
			Approximately 12,300' upstream of Kuhio Highway	*28
		Moikeha Canal	Approximately 750' upstream of Kuhio Highway	*5
			Upstream Cane Haul Road	*6
			Upstream Malu Road	*14
			Approximately 2,600' upstream of Malu Road	*49

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
		Nawiliwili Stream	Upstream Old Nawiliwili Road	*11
			Approximately 4,050' upstream of Old Nawiliwili Road (at Kahumoku road extended to stream)	*42
			Kalena Street extended to stream	*105
			Puanani Street extended to stream	*122
			Upstream Haleko Road	*152
			Upstream Private Road	*157
			Approximately 1,820' upstream of Kaumualii Highway	*164
		Opaekaa Stream	5,200' downstream of Kamalu Road	*242
			At confluence of Kalama Stream	*284
			Upstream Kamalu Road	*290
			Downstream Opaekaa Road	*298
		Puali Stream	Approximately 370' downstream of Niumalu Road	*6
			Approximately 60' upstream of Niumalu Road	*9
			Approximately 1,530' upstream of Niumalu Road	*18
		Waikaea Canal	Approximately 350' downstream of Kuhio Highway	*8
			Upstream Kuhio Highway	*9
			Approximately 6,495' upstream of Kuhio Highway	*32
		Waikomo Stream	Approximately 210' upstream of confluence of Pacific Ocean	*7
			Upstream Poipu Beach Road	*39
			Upstream Poipu Road	*51
			Approximately 3,960' upstream of Poipu Road	*115
			Upstream Waikomo Road	*198
			Upstream Koloa Road	*210
			At confluence of Omao Stream	*214
		Omao Stream	At confluence of Waikomo Stream	*214
			At confluence of Poeleele Stream	*228
			Approximately 3,495' upstream of Poeleele Stream	*282
			Downstream of Oamo Reservoir	*370
			Upstream of Oamo Reservoir	*389
		Wailua River	At confluence with Wailua Bay	*16
			Upstream Kuhio Highway	*21
			Approximately 12,400' upstream of confluence with Wailua Bay	*26
		Waioli Stream	Upstream of Kuhio Highway	*12
			Approximately 4,250' upstream of Kuhio Highway	*13
		Waipa Stream	Approximately 630' upstream of Kuhio Highway	*11
			Approximately 2,360' upstream of Kuhio Highway	*14
			Approximately 2,750' upstream of Kuhio Highway	*23
		Pacific Ocean (Tsunami)	Confluence of Manoa Stream	*36
			Haena Point	*24
			Confluence of Waioli Stream	*13
			Confluence of Hanalei River	*12
			Confluence of Kilauea Stream	*21
			Kulikoa Point	*26
			Opana Point	*21
			Confluence of Moikeha Canal	*10
			Hehe Road extended to coastline	*11
			Confluence of Nawiliwili Stream	*7
			Confluence of Huleia Stream	*6
			Kuahonu Point	*8
			Confluence of Waikomo Stream	*7
			Confluence of Hanapepe River	*9
			Confluence Waimea River	*9
			Kokole Point	*12
			Mana Point	*14

Maps available at the Department of Public Works, Lihue, Kauai, Hawaii.

Send comments to Honorable Edward Malapit, Mayor of Kauai, P O Box 111, Lihue, Kauai, Hawaii 96766.

Hawaii	Maui County	Kihei Gulch 4	Approximately 385' downstream of Kihei Road	*10
			At Kihei Road*	*24
			Approximately 775' upstream of Kihei Road	*54
			Approximately 1,110' upstream of Kihei Road	*90
		Kihei Gulch 3	Approximately 120' upstream of mouth	*9
			Approximately 770' upstream of mouth	*39
			Downstream side of new Kihei Road	*78
			Approximately 195' upstream of New Kihei Road	*94
		Kihei Gulch 2	Approximately 100' upstream of mouth	*8
			Approximately 255' downstream of Concrete Road	*55
			At Concrete Road	*72
			Approximately 1,450' upstream of Concrete Road	*82
		Liilioholo Gulch	Approximately 50' upstream of mouth	*6
			Kihei Road upstream	*17
			Approximately 1,700' upstream of Kihei Road	*72
		Kamaole Gulch	Approximately 30' upstream of mouth	*6
			Kihei Road	*16
			Approximately 1,260' upstream of Kihei Road	*44
		Olowalu Stream	Approximately 1,400' upstream of mouth	*34
			Approximately 2,820' upstream of mouth	*73
		Kauaula Stream	Approximately 180' downstream of Front Street	*8
			Front Street	*13
			New Honoapiilani Highway upstream	*31
			Cane Haul Road	*103
			Approximately 80' upstream of Cane Haul Road	*108

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Kohama Stream	Approximately 4,200' upstream of mouth	*73
			Approximately 5,000' upstream of mouth	*109
		Hahakea Gulch	Approximately 320' upstream of mouth	*9
			Honoapiilani Highway	*23
			Lahaina Kaanapali Railroad	*53
			Cane Haul Road Downstream	*72
			Cane Haul Road Upstream	*113
			Approximately 1,410' upstream of Cane Haul Road	*159
		Honokawai Stream	Honoapiilani Highway Downstream	*10
			Honoapiilani Highway Upstream	*12
			New Honoapiilani Highway Downstream	*18
			New Honoapiilani Highway Upstream	*30
			Cane Haul Road	*37
			Approximately 95' upstream of Cane Haul Road	*37
		Mahinahina Gulch	Approximately 120' downstream of Honoapiilani Highway	*11
			Honoapiilani Highway Downstream	*13
			Honoapiilani Highway Upstream	*23
			New Honoapiilani Highway downstream	*23
			New Honoapiilani Highway Upstream	*40
			Approximately 150' Upstream of New Honoapiilani Highway Upstream	*42
		Kahana Stream	New Honoapiilani Highway Downstream	*17
			New Honoapiilani Highway Upstream	*25
			Approximately 560' upstream of the New Honoapiilani Highway	*27
		Kaopala Gulch	Honoapiilani Highway Downstream	*17
			New Honoapiilani Highway Downstream	*30
			New Honoapiilani Highway Upstream	*33
			Approximately 1,330' upstream of the New Honoapiilani Highway	*55
		Honokeana Bay Gulch	Approximately 130' downstream of Honoapiilani Highway	*17
			Approximately 2,000' upstream of Honoapiilani Highway	*85
			Approximately 2,430' upstream of Honoapiilani Highway	*112
		Napili gulch 4-5	Approximately 275' downstream of Honoapiilani Highway	*17
			Honoapiilani Highway Downstream	*26
			Honoapiilani Highway Upstream	*31
			Cane Haul Road Downstream	*116
			Cane Haul Road Upstream	*127
			Approximately 100' upstream of Cane Haul Road	*130
		Napili Gulch 2-3	Approximately 650' downstream of Access Road	*18
			Approximately 300' upstream of Access Road	*43
		Honokahua Stream	Approximately 320' upstream of Honoapiilani Highway	*19
			Approximately 1,170' upstream of Honoapiilani Highway	*40
		Wahee River	Approximately 600' upstream of mouth	*17
			Kahekili Highway Upstream	*104
			Approximately 3,000' upstream of Kahekili Highway	*205
		Kalepa Gulch	Approximately 30' downstream of Dirt Road	*18
			Kahekili Highway Upstream	*132
			Approximately 1,200' upstream of Kahekili Highway	*221
		Kope Gulch	Approximately 440' downstream of downstream crossing of Concrete Road.	*19
			Kahekili Highway	*101
			Approximately 780' upstream of Kahekili Highway	*132
		Waiehu Stream	Waiehu Beach Road Downstream	*18
			Waiehu Beach Road Upstream	*22
			Kahekili Highway Upstream	*67
			Approximately 790' upstream of Kahekili Highway	*80
		Iao Stream	Approximately 1,190' downstream of Waiehu Beach Road	*15
			Waiehu Beach Road Downstream	*29
			Mill Street Downstream	*179
			Mill Street Upstream	*186
			Market Street Upstream	*236
			Approximately 3,700' upstream of Market Street	*357
		Kawela Gulch	Approximately 600' downstream of Kamehameha V Highway	*3
			Kamehameha V Highway	*9
			Approximately 2,350' upstream of Kamehameha V Highway	*68
		Kamalo Gulch	Approximately 680' downstream of Kamehameha V Highway	*3
			Kamehameha V Highway	*8
			Approximately 3,200' upstream of Kamehameha V Highway	*103
		Keawanui Gulch	Approximately 1,950' downstream of Kamehameha V Highway	*3
			Kamehameha V Highway	*46
			Approximately 380' upstream of Kamehameha V Highway	*78
		Ohia Gulch	Approximately 1,000' downstream of Kamehameha V Highway	*3
			Kamehameha V Highway Downstream	*16
			Kamehameha V Highway Upstream	*23
			Approximately 1,200' upstream of Kamehameha V Highway	*70
		Kabananui Gulch	Approximately 800' downstream of Kamehameha V Highway	*3
			Kamehameha V Highway Upstream	*17
			Approximately 1,450' upstream of Kamehameha V Highway	*74
		Manawai Gulch	Confluence with Kahananui Gulch	*44
			Approximately 550' upstream of confluence with Kahananui Gulch	*73
		Pukon Gulch	Approximately 600' downstream of Kamehameha V Highway	*6
			Kamehameha V Highway Upstream	*11
			Approximately 740' upstream of Kamehameha V Highway	*56
		Waialua Stream	Approximately 75' downstream of Kamehameha V Highway	*7
			Kamehameha V Highway Upstream	*11
			Approximately 2,700' upstream of Kamehameha V Highway	*61
		Pacific Ocean (Tsunami) Island of Molokai.	Confluence of Poolau Gulch	*24
			Confluence of Kakaako Gulch	*26

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Ilio Point	*27
			Confluence of Manalo Gulch	*29
			Confluence of Waikolu Stream	*36
			Kukaiwaa Point	*33
			Confluence of Kailiili Stream	*31
			Confluence of Wailau Stream	*30
			Confluence of Kawainui Stream	*27
			Confluence of Halawa Stream	*24
			Cape Halawa	*26
			Confluence of Pohakupili Gulch	*26
			Confluence of Kaipukaula Gulch	*20
			Confluence of Honouliwai Stream	*13
			Confluence of Waialua Stream	*7
			Confluence of Kawaikapu Gulch	*5
			Confluence of Pukoo Gulch	*4
			Confluence of Kaluaaha Gulch	*4
			Confluence of Kahananui Gulch	*3
			Confluence of Kamalo Gulch	*3
			Confluence of Kapuaokoolau Gulch	*3
			Confluence of Kawela Gulch	*3
			Confluence of Kamiloloa Gulch	*3
			Kaunakakai Harbor	*3
			Confluence of Punakou Gulch	*3
			Confluence of Kahinawai Gulch	*9
		Pacific Ocean Island of Maui	Makena Road extended to coastline	*10
			Confluence of Kihei Gulch 4	*8
			Kilahana Road extended to coastline	*7
			Confluence of Liilioholo Gulch	*7
			Honokai Street extended to coastline	*8
			Confluence with Kulanihakoi Gulch	*10
			Kihei Wharf	*12
			Confluence with Malalowaiaole Gulch	*9
			Confluence with Papalaua Gulch	*7
			Confluence with Olowalu Gulch	*6
			Olowalu Wharf	*8
			Launiupoko Point	*8
			Confluence with Kauaula Stream	*8
			Papalaua Street extended to coastline	*7
			Mala Wharf	*9
			Confluence with Hahakea Gulch	*9
			Confluence with Honokowai Stream	*10
			Confluence with Kahana Stream	*16
			Confluence with Honokeana Bay Gulch	*17
			Confluence with Honokaua Stream	*19
			Confluence with Honolua Stream	*18
			Confluence with Pohakupule Gulch	*21
			Confluence with Honokohau Stream	*26
			Kanounou Point	*25
			Nakalele Point	*21
			Confluence with Honanana Gulch	*21
			Confluence with Kahakuloa	*25
			Hakuhee Point	*19
			Confluence with Makamakaole Stream	*19
			Confluence with Waihee River	*18
			Confluence with Kalepa Gulch	*19
			Confluence with Waiehu Stream	*17
			Confluence with Iao Stream	*17
			Confluence with Kalialinui Gulch	*20
			Confluence with Kailua Gulch	*16
			Holomua Avenue extended to coastline	*18
			Maliko Bay	*21
			Confluence with Kuiaha Gulch	*18
			Confluence with Kaupakulua Gulch	*17
			Confluence with Puniawa Stream	*14
			Honomanu Bay	*10
			Confluence with Paakea Gulch	*19

Maps available at the Department of Public Works, Maui County, Hawaii.

Send comments to Honorable Hannibal Tavares, Mayor of Maui, 200 South High Street, Walikuku, Maui, Hawaii 96793.

Indiana	Indian Village (Town), Rankin County.	Judy Creek	Intersection of Lamar Street and Sweeney Avenue	*723

Maps available at Trustee's Residence 18801 Welworth, South Bend, Indiana.

Send comments to Mr. Charles Clark, 18801 Welworth, South Bend, Indiana 46637.

Indiana	(T), Walkerton, St. Joseph County	Pine Creek	Northern corporate limits	*699
			Just upstream Conrail	*701
			Eastern corporate limits	*707

Maps available at the Town Hall, 510 Roosevelt Road, Walkerton, Indiana.

Send comments to Honorable Jack Rizak, President of the Town Board, Town of Walkerton, Town Hall, 510 Roosevelt Road, Walkerton, Indiana 46574.

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Massachusetts	Belchertown, town, Hampshire County.	Swift River	Downstream Corporate Limits	*310
			Downstream side of Central Vermont Railroad	*314
			Upstream side of River Street	*331
			Upstream side of dam upstream of River Street	*343
			Upstream side of Boston and Maine Railroad	*366
			Approximately 0.38 mile upstream Boston and Maine Railroad	*366
		Bachelor Brook	Downstream Corporate Limits	*273
			Upstream 1st Private Road	*284
			Beaver Dam approximately 2.2 miles upstream of Corporate Limits	*299
			Upstream side of Bay Road	*309
			Approximately 0.48 mile upstream of Bay Road	*309
		Jabish Brook	Confluence with Swift River	*317
			Downstream Bradwell Street	*330
			Downstream side of Boston and Maine Railroad	*369
			Downstream side of Private Drive	*380
			Downstream side of Dam	*414
			Upstream side of Aldrich Street	*420
			Upstream side of Jabish Street	*438
			Upstream Sargent Street	*460
			Approximately 100 feet upstream of Allen Street	*531

Maps available at the Office of the Town Clerk, Belchertown, Massachusetts.

Send comments to Honorable William Gary Whitlock, Chairman of the Board of Selectmen of Belchertown, Town Office, 2 Jabish Street, Belchertown, Massachsetts 01007.

Massachusetts	Hinsdale, Town, Berkshire County	Bennett Brook	Upstream Middlefield Road (lower crossing)	*1,445
			Upstream Private Drive	*1,448
			850' downstream of Middlefield Road (middle crossing)	*1,460
			400' downstream of Middlefield Road (middle crossing)	*1,470
			Downstream Middlefield Road (middle crossing)	*1,482
			Upstream Middlefield Road (middle crossing)	*1,487
			800' upstream of Middlefield Road (middle crossing)	*1,495
			75' upstream of East Washington Road	*1,505
			Confluence of Tracy Brook	*1,509
			50' downstream of Middlefield Road (upper crossing)	*1,513
		East Branch Housatonic River	Downstream Corporate Limits	*1,319
			100' downstream of Old Dalton Road	*1,339
			Confluence of Hinsdale Brook	*1,348
			Walsh Road (Extended)	*1,360
			Upstream State Route 8 (lower crossing)	*1,371
			350' upstream of State Route 8 (lower crossing)	*1,380
			700' upstream of State Route 8 (lower crossing)	*1,390
			450' downstream of Arch Bridge	*1,400
			Downstream Arch Bridge	*1,413
			Upstream Arch Bridge	*1,420
			Upstream Main Street	*1,428
			Upstream Maple Street	*1,431
			Downstream State Route 8 (upper crossing)	*1,433
		Hinsdale Brook	30' upstream of Private Crossing	*1,349
			450' upstream of Private Crossing	*1,360
			800' upstream of Private Crossing	*1,370
			1,175' upstream of Private Crossing	*1,380
			1,150' downstream of Old Dalton Road	*1,3,90
			850' downstream of Old Dalton Road (second crossing)	*1,400
			700' downstream of Old Dalton Road	*1,410
			250' downstream of Old Dalton Road	*1,420
			Downstream Old Dalton Road	*1,424

Maps available at the Office of the Town Clerk and at the Kittridge Public School.

Send comments to Honorable Peter Frissell, Chairman of the Board of Selectmen of Hinsdale, 33 Eagle Street, Hinsdale, Massachusetts 01235.

Massachusetts	Monterey, Town, Berkshire County.	Lake Buel	Entire shoreline within community	*913
		Konkapot River		
			Downstream Corporate Limits	*1,002
			Approximately 2,500' downstream of River Road	*1,080
			Upstream River Road	*1,155
			Upstream Curtis Road	*1,161
			Approximately 9,000' upstream of Curtis Road	*1,163
			Downstream Dam	*1,245
			Upstream Dam	*1,253
			Downstream State Route 23	*1,253
			Upstream State Route 23	*1,259
			Downstream Beartown Mountain Road	*1,278
			Upstream Beartown Mountain Road	*1,288
			Upstream dam at Lake Brewer	*1,289

Maps available at the Office of the Planning Board, Monterey, Massachusetts.

Send comments to Honorable Richard Tryon, First Selectman of Monterey, Town Hall, Monterey, Massachusetts 01245.

Michigan	(V) Deerfield, Lenawee County	Camp Brenott Drain	Just downstream of River Street	*672
			Just upstream of River Street	*676
			Just downstream of Keegan Street	*676
		River Raisin	About 2500 feet downstream of Bucholtz Road	*670
			About 2.1 miles upstream of Bucholtz Road	*674

Maps available at the Village Hall, 101 West River Street, Deerfield, Michigan.

Send comments to Honorable Leonard Wolfe, Village President, Village of Deerfield, Village Hall, 101 West River Street, Deerfield, Michigan 49238.

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Michigan	(C) Trenton Wayne County	Frank and Poet Drain	Just upstream of Vreeland Road	*583
			Just downstream of King Road	*588
		Detroit River	At the southern corporate limits	*577
			At the northern corporate limits	*578
Maps available at the Department of Engineering and Building City Hall, 2800 Third Street, Trenton, Michigan.				
Send comments to the Honorable Robert Bovitz, Mayor, City of Trenton, City Hall, 2800 Third Street, Trenton, Michigan 48183.				
Michigan	(Twp) Whiteford, Monroe County	North Ten Mile Creek	At southern corporate limits	*648
			Just downstream of driveway bridge located 4000 feet upstream of corporate limits.	*658
			Just upstream of driveway bridge located 4000 feet upstream of corporate limits.	*660
			About 75 feet upstream of Northbound U.S. Highway 23	*661
		Halfway Creek	At eastern corporate limits	*633
			Just upstream of concrete weir 1350 feet upstream of corporate limits	*643
			Just upstream of concrete bridge 1500 feet upstream of corporate limits.	*645
			Just downstream of Sterns Road	*650
			Just upstream of Sterns Road	*656
			About 450 feet upstream of Sterns Road	*656
Maps available at Whiteford Township Hall, P.O. Box 216, Ottawa Lake, Michigan.				
Send comments to Honorable Robert Schnipke, Supervisor, Township of Whiteford, Whiteford Township Hall, P.O. Box 216, Ottawa Lake, Michigan 49247.				
Minnesota	(C) Minnetonka, Hennepin County	Minnehaha Creek	At downstream corporate limits	*908
			Approximately 100 feet upstream of County Road 5	*910
			Just upstream of the first crossing of the Burlington Northern Railroad	*915
			Just downstream of a private drive located 220 feet downstream of St. Albans Mill Road.	*916
			Just upstream of St. Albans Mill Road	*919
			About 160 feet upstream of the second crossing of the Burlington Northern Railroad.	*919
			Just upstream of Burwell Drive	*922
		Nine Mile Creek	Just upstream County Road 18	*878
			At the confluence of Tributary to Nine Mile Creek	*879
			About 480 feet downstream of 5th Street South	*899
		Purgatory Creek	Just upstream of Excelsior Boulevard	*884
			Just downstream of Trunk Highway 7	*884
			Just upstream of Trunk Highway 7	*886
			Just downstream of Trunk Highway 101	*886
			Just upstream of Trunk Highway 101	*887
			Just downstream of Ridgewood Avenue	*887
			Just upstream of Ridgewood Avenue	*889
			About 450 feet downstream of Chicago and Northwestern Railroad	*889
		Lake Minnetonka (Grays Bay)	Shoreline	*931
Maps available at the Office of the City Clerk, City Hall, 14600 Minnetonka Boulevard, Minnetonka, Minnesota.				
Send comments to Honorable Ken Yager, Mayor, City of Minnetonka, City Hall, 14600 Minnetonka Boulevard, Minnetonka, Minnesota 55343.				
Missouri	(C) Monett, Barry County	Clear Creek	At downstream corporation limites	*1,259
			About 200 feet downstream of Eisenhower Street	*1,272
			Just upstream of Eisenhower Street	*1,278
		Kelly Creek	Just downstream of St. Louis-San Francisco Railroad located about 550 feet upstream of Dairy Street.	*1,287
			About 150 feet downstream of 4th Street	*1,293
			About 950 feet upstream of Low Water Crossing	*1,315
		Unnamed Tributary	About 100 feet upstream of Western corporate limits	*1,278
			About 2100 feet upstream of Nellie Avenue	*1,315
		Clear Creek	At confluence of Kelly Creek	*1,284
			About 60 feet downstream of U.S. Highway 60	*1,285
			Just downstream of corporate limit	*1,300
			At upstream corporate limit	*1,305
Maps available at City Hall, Monett, Missouri.				
Send comments to Honorable Harrell C. Hall, Mayor, City of Monett, City Hall, Monett, Missouri 65708.				
Montana	Deer Lodge (City), Powell County	Clark Fork	Intersection of Railroad Street and Park Street	*4,507
		Cottonwood Creek	Intersection of Second Street	*4,516
		Peterson Creek	20 feet upstream from center of Dixon Street	*4,552
Maps available at Planning Commission, 300 Main Street, Deer Lodge, Montana.				
Send comments to the Honorable John D. Wilson, 300 Main Street, Deer Lodge, Montana 59722.				
Montana	Powell County, (Unincorporated Areas).	Clark Fork	Confluence with Peterson Creek	*4,523
		Cottonwood Creek	20 feet upstream from center of Frontage Road	*4,575
		Peterson Creek	60 feet upstream from center of Main Street	*4,525
Maps available at Planning Department, Mr. Gary Mourhouse, Powell County Courthouse, Deer Lodge, Montana.				
Send comments to the Honorable Sandy O. Rieirson, Powell County Courthouse, Deer Lodge, Montana 59722.				

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New Jersey	Fieldsboro, Borough, Burlington County.	Delaware River	Upstream Corporate Limits	*13
			Downstream Corporate Limits	*13
Maps available at the Borough Clerks Office, Fieldsboro, New Jersey.				
Send comments to Honorable Edward G. Tyler, Mayor of Fieldsboro, 15 Second Street, Fieldsboro, New Jersey 08505.				
New Jersey	Medford Lakes (Borough), Burlington County.	Ballinger Run	50 feet upstream from the center of Tabernacle Road	*52
			50 feet upstream from the center of Beach Drive	*67
		Lake Mishe Mokwa Run	100 feet downstream from the center of Lenape Trail	*51
			130 feet downstream from the center of Hiawatha Trail	*60
Maps available at Administration Building, Medford Lakes, New Jersey.				
Send comments to the Honorable Richard J. McDonald, Administration Building, Medford Lakes, New Jersey 08055.				
New Jersey	Morris Plains (Borough), Morris County.	Watnong Brook	100 feet upstream from center of Hanover Avenue	*371
			50 feet upstream from center of Grannis Avenue	*405
			80 feet upstream from most upstream Conrail crossing	*448
		Jaquis Brook	At center of footbridge	*386
Maps available at Clerk's Office, 531 Speedwell Avenue, Morris Plains, New Jersey.				
Send comments to the Honorable David A. Bryce, 531 Speedwell Avenue, Morris Plains, New Jersey 07950.				
New Jersey	Township of Pohatcong, Warren County.	Delaware River	At Riegelsville Bridge	*160
			Approximately 5,500 feet downstream of confluence of Pohatcong Creek.	*166
			At confluence of Pohatcong Creek	*171
			Approximately 7,600 feet upstream of confluence of Pohatcong Creek	*174
			Approximately 2,000 feet downstream of corporate limits	*179
			At upstream corporate limits	*180
		Musconetcong River	At Conrail Bridge	*159
			At Mount Joy Road	*163
			Approximately 4,100 feet downstream of Willow Lane	*169
			Upstream of Willow Lane	*176
			Approximately 3,000 feet downstream of Milford-Warren Glen Road	*186
			Approximately 1,100 feet downstream of Milford-Warren Glen Road	*194
			Upstream of Milford-Warren Glen Road	*204
			Approximately 1,700 feet upstream of Milford-Warren Glen Road	*212
			Approximately 2,000 feet downstream of Riegel Paper Company Dam.	*219
			Approximately 1,100 feet downstream of Riegel Paper Company Dam.	*225
			Approximately 100 feet downstream of Riegel Paper Company Dam	*231
			Upstream of Riegel Paper Company Dam	*254
			At upstream corporate limits	*260
		Pohatcong Creek	Conrail Bridge	*171
			At Creek Road	*179
			At Winters Road	*185
			Approximately 400 feet downstream of State Route 519	*190
			At State Route 519	*196
			Approximately 400 feet downstream of Conrail Bridge	*205
			At Conrail Bridge	*206
			At Municipal Drive Bridge	*209
			At Still Valley Road	*210
			At Conrail Bridge	*223
			Approximately 1,700 feet upstream of Conrail Bridge	*227
		Tributary #1 to Pohatcong Creek	At Still Valley Road	*212
			Approximately 300 feet upstream of Still Valley Road	*220
			At downstream side of Conrail Bridge	*224
			At upstream side of Conrail Bridge	*240
			Approximately 900 feet upstream of Conrail Bridge	*244
		Lapatcong Creek	At downstream side of corporate limits	*210
			Upstream side of Chestnut Street	*215
			Upstream corporate limits	*217
Maps available at the Town Hall, Municipal Drive, Pohatcong, New Jersey.				
Send comments to Honorable Robert W. Bullock, Mayor of Pohatcong, P.O. Box 35, Route Number 1, Springtown, Phillipsburg, New Jersey 08805.				
New York	Canandaigua, City, Ontario County.	Canandaigua Lake	Entire shoreline	*692
		Canandaigua Outlet	Downstream Corporate Limits	*691
			Inlet from Canandaigua Lake	*692
		Feeder Canal	Downstream Corporate Limits	*690
			Inlet from Canandaigua Lake	*692
		Sucker Brook	Confluence with Canandaigua Lake	*692
			Bristol Street (Upstream)	*704
			80 feet upstream of Private Drive	*713
Maps available at the Office of Code Enforcement, Hurley Building, Canandaigua, New York.				
Send comments to Honorable Patricia Boland, Mayor of Canandaigua, City Hall, 2 North Main Street, Canandaigua, New York 14424.				

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	Penn Yan, Village Yates County	Keuka Lake	Entire Shoreline within Village	*721
		Keuka Lake Outlet	Corporate Limits	*695
			420' downstream of Cherry Street	*705
			520' upstream of Conrail	*715
			Confluence with Keuka Lake	*721
		Sucker Brook	Confluence with Keuka Lake	*721
			450' downstream of State Route 54A	*731
			400' upstream of State Route 54A	*741
			1,000' upstream of State Route 54A	*750
			Upstream Court Street	*760
			80' downstream of School Drive	*769
			450' upstream of School Drive	*780
			930' upstream of School Drive	*789
			20' downstream of Maple Street	*795
			20' upstream of Maple Street	*799
			430' upstream of Maple Street	*809
			740' upstream of Maple Street	*819
			190' downstream of Corporate Limits	*829
			Corporate Limits	*840
		Kimbell Gully	Confluence with Keuka Lake	*721
			140' upstream of Wadell Avenue	*731
			190' upstream of State Route 54	*741
			Upstream South Avenue	*746
			600' upstream of South Avenue	*763
		Jacobs Brook	Jacobs Brook Culvert Inlet	*725
			40' upstream of State Route 54	*735
			1,020' upstream of State Route 54	*745
			350' downstream of North Avenue	*755
			110' upstream of North Avenue	*765
			630' downstream Corporate Limits	*775
			Corporate Limits	*779

Maps available at the Village Clerk's Office, Penn Yan, New York.

Send comments to Honorable R. Bruce LeClaire, Mayor of Penn Yan, Maiden Lane, Penn Yan, New York 14527.

North Carolina	Unicorporated areas of Halifax County.	Roanoke River	Just upstream of the Seaboard Coastline RR	*35
			Just upstream of L-95	*59
			Roanoke Rapids Lake	*134
			Lake Gaston	*204
		Conoconnara Swamp	Just upstream of State Highway 561	*48
		Quankey Creek	Just upstream of State Highway 903	*118
			Just downstream of State Road 1627	*141
		Little Quankey Creek	Just upstream of State Route 1600	*129
			Just downstream of Interstate 95	*133
		Fishing Creek	Just upstream of U.S. Highway 301	*97
			Just upstream of State Route 1222	*105
			Just downstream of I-95	*118
		Deep Creek	Just upstream of U.S. Highway 258	*81
		Little Fishing Creek	Just downstream of State Road 1343	*129
			Just downstream of State Road 1338	*141
			Just upstream of State Road 1002	*155
		Beech Swamp	Approximately 700 feet downstream of U.S. Highway 301	*80
			Just downstream of Seaboard Coastline Railroad	*81
		Marsh Swamp	Just downstream of NC 561	*105
			Just upstream of Interstate 95	*130

Maps available at County Courthouse, King Street, Halifax, North Carolina 27839.

Send comments to Mr. Harry Branch, Chairman of Country Commission, County Courthouse, King Street, Halifax, North Carolina 27839.

North Carolina	Weldon (Town), Halifax County	Roanoke River	Confluence with The Gut	*55
			Intersection of river and U. S. Highway 301	*56
			Confluence with Chockoyotte Creek	*57
		Chockoyotte Creek	50 feet upstream from other center of Old Navigation Channel	*74
			Intersection of Grant Drive and Holmes Street	*80
			250 feet upstream from center of State Road 1641	*81
			Confluence with Chockoyotte Creek Tributary	*84
		Chockoyotte Creek Tributary	50 feet upstream from center of State Road 1600	*90
		The Gut	50 feet upstream from center of U.S. Highway 301	*64
		Graulery Branch	50 feet upstream from center of U.S. Highway 301	*72

Maps available at P.O. Box 551, Weldon, North Carolina.

Send comments to the Honorable S. W. Oakley, P.O. Box 551, Weldon, North Carolina 27890.

Ohio	(V) Camden, Preble County	Beasley Run	Just upstream Main Street	*845
			Just downstream U.S. Route 127	*858
		Seven Mile Creek	About 0.66 mile downstream State Route 725	*828
			At confluence of Beasley Run	*842
			About 150 feet downstream Conrail	*867
			About 0.31 mile upstream Conrail	*876

Maps available at Village Hall, 66 West Central Avenue, Camden, Ohio.

Send comments to the Honorable Clarence Beasley, Mayor, Village of Camden, Village Hall, 66 West Central Avenue, Camden, Ohio 45311.

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Ohio	(C) Eaton, Preble County	Rocky Run	Downstream corporate limit	*1,000
			About 0.4 mile upstream Main Street	*1,014
		Seven Mile Creek	About 0.65 mile downstream State Route 732	*991
			About 200 feet upstream St. Clair Street	*1,007
			Just downstream Conrail	*1,032

Maps available at City Hall, 328 North Maple Street, Eaton, Ohio.

Send comments to the Honorable Robert Schaffer, City Manager, City of Eaton, City Hall, 328 North Maple Street, Eaton, Ohio 45320.

Ohio	(V) New Paris, Preble County	Rocky Fork	About 850 feet upstream from mouth	*1,023
			Just upstream State Route 320	*1,030
			About 220 feet upstream of Spring Street	*1,044
		East Fork Tributary	About 110 feet upstream Conrail	*1,023
			Just upstream Spring Street	*1,048
			About 730 feet upstream Spring Street	*1,054
		East Fork Whitewater River	Confluence of Rocky Fork	*1,001
			About 500 feet upstream Middleborough Road	*1,016
			About 0.48 mile upstream Middleborough Road	*1,018

Maps available at Village Hall, West Cherry Street, New Paris, Ohio.

Send comments to Honorable James Bradshaw, Mayor, Village of New Paris, Village Hall, West Cherry Street, New Paris, Ohio 45347.

Ohio	(Unincorporated), Preble County	Four Mile Creek	Just downstream State Route 725	*955
			About .84 mile upstream State Route 177	*982
		Paint Creek	Just upstream of Lake Lakengren Dam	*1,042
			About 1.2 miles downstream State Highway 723	*1,042
			Just downstream State Highway 732	*1,057
		Seven Mile Creek	About .82 mile downstream State Route 725	*827
			Just upstream Conrail	*871
			About .28 mile upstream Conrail	*876
		Rocky Run	About .4 mile downstream City of Eaton downstream corporate limits	*994
			About .6 mile upstream City of Eaton upstream corporate limits	*1,022
		Tributary East Fork Whitewater River.	At Village of New Paris corporate limits	*1,046
			About .2 mile upstream Village of New Paris downstream corporate limits.	*1,058
		East Fork Whitewater River	About 0.6 mile downstream Conrail	*995
			Just downstream State Route 121	*1,018
		Twin Creek (near West Alexandria).	Just downstream Conrail	*854
			Just downstream U.S. Route 35	*865
			Just downstream Engle Road	*877
		Rocky Fork	At New Paris corporate limits	*1,044
			About 0.34 mile upstream New Paris corporate limits	*1,051
		Twin Creek (near Lewisburg)	About 200 feet downstream State Route 503	*946
			Just downstream Mill Road	*978
		Bantas Fork	Just downstream State Route 503	*860
			Just downstream U.S. Route 35	*901

Maps available at Preble County Courthouse, 100 East Main Street, Eaton, Ohio.

Send comments to Honorable John Shock, County Administrator, Preble County, Preble County Courthouse, 100 East Main Street, Eaton, Ohio 45320.

Ohio	(Unincorporated, Summit County	Tinkers Creek	At the upstream corporate limits of the City of Twinsburg	*977
			About 3800 feet upstream of the corporate limits for the City of Twinsburg.	*979
			Just upstream of Middleton Road	*1,002
			Upstream of the Ohio Turnpike and at the county boundary	*1,007
		Tinkers Creek Tributary	At the confluence with Tinkers Creek	*1,006
			Just upstream of Huntington Road	*1,016
			About 50 feet upstream of Hudson Aurora Road	*1,021
		Brandywine Creek	Just downstream of Brandywine Road	*834
			About 3300 feet upstream of Brandywine Road	*856
			Just downstream of Akron-Cleveland Road	*950
			Just downstream of Hines Hill Road	*980
			Just upstream of the Ohio Turnpike	*983
			Just upstream of Conrail (near the Village of Hudson corporate limits)	*1,027
			About 1400 feet upstream of Prospect Road	*1,032
		Indian Creek	About 500 feet upstream of the mouth at Brandywine Creek	*966
			About 1000 feet upstream of the mouth	*967
		West Branch Roosevelt Ditch	About 425 feet upstream of Gilchrist Road (in Akron)	*1,050
		Little Cuyahoga River	About 4400 feet downstream of Skelton Road	*1,033
			About 1800 feet upstream of Skelton Road	*1,044
		Springfield Lake Outlet	At the City of Akron corporate limits	*1,071
		Tuscarawas River	Just downstream of Center Road	*951
			Just upstream of Vanderhoof Road	*956
			At the City of Barberton downstream corporate limit	*961
			At the City of Barberton upstream corporate limit	*966
			About 1200 feet downstream of Interstate 77	*999
			Just downstream of Pickle Road	*1,025
			Just downstream of the Tritts Millpond Dam	*1,044
			Just upstream of the Tritts Millpond Dam	*1,053
			Just downstream of the dam at Myersville Road	*1,063
			Just upstream of the dam at Myersville Road	*1,075
			Just downstream of the Pine Lake Dam	*1,079
			Just upstream of the Pine Lake Dam	*1,088
			Just downstream of the dam at Twin Lakes Drive	*1,088
			Just upstream of the dam at Twin Lakes Drive	*1,100
			Just upstream of State Route 8	*1,108
		Mud Brook	Just upstream Bath Road	*968
			About 500 feet upstream of Bath Road	*969

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Cuyohoga River	At the City of Akron northern corporate limits	*732
			About 1500 feet upstream of the City of Akron northern corporate limits.	*733
			About 4600 feet downstream of the confluence of Sand Run	*741
			Just downstream of Akron-Peninsula Road	*750
		Ohio & Erie Canal (south of Summit Lake).	About 8800 feet downstream of Manchester Road	*967
			Just upstream of Interstate 277	*968
		Yellow Creek	Just downstream of Chessie System	*735
			Just upstream of Chessie System	*751
			Just upstream of Bath Road	*758
			About 50 feet downstream of Yellow Creek Road (downstream crossing).	*804
			About 150 feet upstream of Yellow Creek Road (downstream crossing).	*814
			About 730 feet upstream of Yellow Creek Road (downstream crossing).	*834
			About 8500 feet upstream of Yellow Creek Road (downstream crossing).	*870
			Just upstream of Interstate 77	*886
			About 130 feet upstream of Yellow Creek Road (upstream crossing)	*893
			Just upstream of Wye Road	*910
			About 1250 feet upstream Wye Road	*918
			About 1400 feet upstream Wye Road	*925
			About 1300 feet upstream Granger Road (downstream crossing)	*952
			About 800 feet upstream Granger Road (upstream crossing)	*970
			About 950 feet upstream Granger Road (upstream crossing)	*976
			About 1000 feet upstream Granger Road (upstream crossing)	*982
			About 530 feet upstream of Crystal Lake Road	*991
		North Branch Yellow Creek	At the confluence with Yellow Creek	*912
			At the confluence of North Branch Yellow Creek Tributary	*924
			Just downstream of the Bath Road Bridge	*949
		North Branch Yellow Creek Tributary.	About 700 feet downstream Bath Road	*964
			About 600 feet downstream Bath Road	*977
			Just downstream of Bath Road	*977
		Pigeon Creek	Just downstream of Knox Boulevard	*970
			Just downstream of Collier Road	*971
			Just downstream of White Pond Drive	*972
			Just upstream of Jacoby Road	*988
			Just upstream of Interstate 77	*1030
			Just upstream of Ridgewood Road	*1045
		Pigeon Creek Tributary 2	Just downstream of Wright Road	*970
			About 75 feet upstream of Jacoby Road	*1,024
		Wolf Creek	Just downstream of Interstate 77	*1,000
			Just downstream of the Medina Line Road	*1,010

Maps available at Summit County Administration Building (Ohio Building), 175 South Main Street, Akron, Ohio.

Send comments to Honorable Mark Reavenscraft, President of the County Commissioners, Summit County Administration Building, 175 South Main Street, Akron, Ohio 44308.

Ohio	(C)Tallmadge, Summit County	Roosevelt Ditch	About 3200 feet downstream of Eastwood Avenue	*1,085
			About 270 feet upstream of Eastwood Avenue	*1,108
			About 250 feet upstream of Southeast Avenue	*1,168
		Camp Brook	At the downstream corporate limits	*1,028
			About 70 feet downstream of Osceola Avenue	*1,051
			Just upstream of Osceola Avenue	*1,061
			About 130 feet downstream of Southwest Avenue	*1,070
			Just upstream of Southwest Avenue	*1,082
			Just downstream of Conrail	*1,082
			Just upstream of Conrail	*1,090
			About 200 feet upstream of South Avenue	*1,091
			About 130 feet downstream of East Avenue	*1,103
			Just upstream of East Avenue	*1,110
			Just downstream of Northeast Avenue	*1,124

Maps available at City Hall, 46 North Avenue, Tallmadge, Ohio.

Send comments to Honorable John Boepker, Mayor, City of Tallmadge, City Hall, 46 North Avenue, Tallmadge, Ohio 44278.

Oregon	Ashland (City), Jackson County	Ashland Creek	20 feet upstream from center Nevada Street	*1,757
			20 feet upstream from center of Hersey Street	*1,831
		Bear Creek	Intersection of creek and center of Nevada Street	*1,733
		Clay Creek	30 feet upstream from center of Culvert at Mobile Home Park	*1,774

Maps available at City Hall, Ashland Oregon

Send comments to Honorable Gray Prickett, City Hall, Ashland, Oregon 97520.

Oregon	Grants Pass (City), Josephine County.	Rogue River	Intersection of Webster Lane and Spruce Street	*910
			150 feet upstream from center of South Seventh Street	*914
		Gilbert Creek	100 feet upstream from center of West L Street	*929
			100 feet upstream from center of West C Street	*956
			150 feet upstream from center of Manzanita Avenue	*977
			100 feet upstream from center of Midland Avenue	*1,012
			100 feet upstream from center of Morgan Lane	*1,063

Maps available at 101 NW A Street, Grants Pass, Oregon.

Send comments to the Honorable Richard Smith, 101 NW A Street, Grants Pass, Oregon 97526.

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Pennsylvania	Christiana, Borough, Lancaster County.	Williams Run	Upstream South Bridge Street	*467
			Upstream Water Street	*468
			Upstream Corporate Limits	*473
		Pine Creek	Upstream Conrail	*476
			Upstream Slokum Avenue	*478
			Upstream Newport Avenue	*482
			Corporate Limits	*483
		East Branch Octoraro Creek	Upstream State Route 372	*458
			Confluence with Williams Run and Pine Creek	*464
	Maps available by appointment by contacting Mayor Joseph Wright at (215) 593-5615.			
	Send comments to Honorable Joseph Wright, Mayor of Christiana, 428 North Bridge Street, Christiana, Pennsylvania 17509.			
Pennsylvania	Drumore, Township, Lancaster County.	Susquehanna River	Downstream Corporate Limits	*114
			Approximately 13,000 feet upstream of Downstream Corporate Limits	*116
			Approximately 19,000 feet upstream of Downstream Corporate Limits	*120
			Approximately 20,300 feet upstream of Downstream Corporate Limits	*124
			Upstream Corporate Limits	*131
	Maps available at the Drumore Township Shed.			
	Send comments to Honorable Wilmer Bolton, Chairman of the Drumore Board of Supervisors, R.D. 1, Holtwood, Pennsylvania 17532.			
Pennsylvania	Eastvale, Borough, Beaver County.	Beaver River	Downstream Corporate Limits	*737
			Downstream of Dam	*738
			Upstream of Dam	*753
			Upstream Corporate Limits	*754
	Maps available at the residence of Mrs. Cathi Marmalich, Borough Secretary, 37th Street, Eastvale, Beaver Falls, Pennsylvania.			
	Send comments to Honorable Steve W. Steindam, Council President of Eastvale, 215 Second Avenue, Eastvale, Beaver Falls, Pennsylvania 15010.			
Pennsylvania	Fulton, Township, Lancaster County.	Susquehanna River	Downstream Corporate Limits	*113
			Upstream Corporate Limits	*114
	Maps available at the Fulton Township Building.			
	Send comments to Honorable David Huber, Chairman of the Fulton Board of Supervisors, R.D. 2, Peach Bottom, Pennsylvania 17563.			
Pennsylvania	Little Britain, Township Lancaster County.	West Branch Octoraro Creek	Approximately 5300 feet downstream of Academy Road	*291
			Upstream of Academy Road	*300
			Downstream of Kings Bridge	*314
			Upstream of Kings Bridge	*319
			Approximately 500 feet downstream of upstream Corporate Limits	*340
	Maps available at the Little Britain Township Building.			
	Send comments to Honorable William A. Monk, Chairman of the Little Britain Board of Supervisors, R.D. 2, Nottingham, Pennsylvania 19362.			
Pennsylvania	Newell, Borough, Fayette County.	Monongahela River	Downstream Corporate Limits	*766
			Upstream Corporate Limits	*768
	Maps available at the Fire Hall, 4th Street, Newell, Pennsylvania.			
	Send comments to Honorable Wilbur Brown, Council President of Newell, Newell, Pennsylvania 15466.			
Pennsylvania	Paradise, Township, Lancaster County.	Pequea Creek	Approximately 3200 feet downstream of U.S. Route 30	*345
			Upstream side of Old Leacock Road	*350
			Upstream side of Conrail	*353
			Downstream side of Belmont road	*357
		Eshleman Run	Confluence with Pequea Creek	*357
			Upstream side U.S. Route 30 Bridge	*357
			Approximately 200 feet upstream of Conrail Bridge	*364
	Maps available at the Paradise Township Building.			
	Send comments to Honorable Benjamin Landis, Chairman of the Paradise Board of Supervisors, R.D. 1, Paradise, Pennsylvania 17562.			
Pennsylvania	Penn Hills, Municipality, Allegheny County.	Allegheny River	Downstream Corporate Limits	*739
			Confluence of Sandy Creek	*741
			Upstream Corporate Limits	*741
		Plum Creek	Downstream Corporate Limits	*750
			Hulton Road (Upstream)	*831
			Conrail Bridge (Downstream of Steurnagle Lane)	*856
			Milltown Road (Approximately 80 feet upstream)	*865
			Private Drive Upstream	*882
			Mary Street Upstream	*897
			Leechburg Road Upstream	*908
			Universal Road (Corporate Limits)	*918
		Sandy Creek	Confluence with Allegheny River	*741
			Private Road Bridge (Approximately 50 feet upstream)	*762
			Bon-Air Products Building (Upstream)	*773
			Private Drive (Upstream)	*801
			Sandy Creek Road (Upstream)	*813
			Approximately 1,800 feet upstream of Verona Road	*855
	Maps available at the Department of Planning and Economic Development, Penn Hills Municipal Office.			
	Send comments to Honorable Donald Herrman, Manager of Penn Hills, 12245 Frankstown Road, Pittsburgh, Pennsyvlania 15235.			

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Texas	City of Athens, Henderson County.	One Mill Creek	Approximately 120 feet upstream of State Highwsy 19	*435
			Just upstream of Hammit Street	*445
		Walnut Creek	Just upstream of Valle Vista Drive	*426
			Just downstream of Cardinal Drive (upstream crossing)	*453
		Coon Creek	Approximately 80 feet upstream of the corporate limits	*452
		Coon Creek North Tributary	Just upstream of the corporate limits	*427
		Coon Creek South Tributary	Just upstream of Farm to Market 1615	*457
			Approximately 180 feet downstream of the upstream corporate limits	*459
	Maps available at City Hall, 501 Pinkerton, Athens, Texas 75751.			
	Send comments to Director, City Hall, P.O. Drawer C, Athens, Texas 75751.			
Texas	City of Bonham, Fannin County	Pig Branch	Just upstream of Pecan Street	*574
			Just upstream of Maple Street	*599
		Powder Creek	Just downstream of Center Street	*562
			Just downstream of Old Extor Road	*582
			Just upstream of U.S. Highway 82	*585
		Tributary of Bois D'Arc Creek	Just upstream of Braz Street	*571
			Just upstream of Robinson Street	*586
		Bois D'Arc Creek	Intersection of eastern corporate limits and the Texas Pacific Railway	*553
	Maps available at City Hall, 301 East 5th, Bonham, Texas 75418.			
	Send comments to Mr. Charles W. Smith, City Manager, City Hall, P.O. Box 578, Bonham, Texas 75418.			
Texas	City of Duncanville, Dallas County	Tenmile Creek	Just upstream of Main Street (Duncanville Road)	*623
			Just upstream of Beaver Creek Road	*668
		Mauk Branch	Just upstream of U.S. Highway 67 (Service Road)	*637
			Just upstream of Wheatland Road	*659
		Steward Branch	Approximately 2,050 feet upstream of confluence with Tenmile Creek	*608
		Horne Branch	Just upstream of Main Street (Duncanville Road)	*630
			Just upstream of Wheatland Road	*676
		Bentle Branch	Just upstream of Dam	*644
			Just upstream of Joe Wilson Road	*657
		Stream 3A29	Just upstream of Greenstone Lane	*674
			Just upstream of Greenhill Lane	*688
	Map available at City Hall, 100 East Center, Duncanville, Texas 75116.			
	Send comments to Mr. Allen Upchurch, City Hall, 100 East Center, Duncanville, Texas 75116.			
Texas	City of Gainesville, Cooke County.	Pecan Creek	Approximately 100 feet upstream of Old Denton Road	*710
			Just upstream of Mass Street	*721
			Just upstream of Garnett Street	*730
			Just upstream of Belcher Street	*741
			Just upstream of U.S. Hwy 82	*750
			Just upstream of Weaver Street	*763
			Just upstream of Interstate Highway 35 West Frontage Road	*782
		Wheeler Creek	Just upstream of Woodbine Street	*733
		Elm Fork Trinity River	Just upstream of State Highway 35	*712
			Just upstream of FM Highway 51	*724
	Maps available at City Hall, 200 South Rusk Street, Gainesville, Texas 76240.			
	Send comments to Mayor Glen Lock or Mr. W. B. Maniss, Mayor Pro-Tem, City Hall, 200 South Rusk Street, Gainesville, Texas 76240.			
Texas	City of Lyford, Willacy County	Shallow Flooding (Ponding)	Intersection of Ninth Street and Oleander Ave	*35
			Intersection of Fourth Street and Oleander Ave	*35
			Intersection of Eighth Street and Orange Ave	*35
			Intersection of Penelope Avenue and Pamela Street (east of Expressway 77).	*35
	Maps available at City Hall, Main Street, Lyford, Texas 78569.			
	Send comments to Mr. Rudy Garcia, City Supervisor, City Hall, P.O. Drawer 310, Lyford, Texas 78569.			
Texas	Port Arthur, City, Jefferson County.	Ponding	Vicinity of 75th Street, U.S. Route 69, F.M. 365	*4
		Neches River, Sabine Lake, Gulf of Mexico.	Areas within community outside hurricane protection system	*14
	Maps available at City Hall, 444—4th Street, Port Arthur, Texas.			
	Send comments to the Honorable Bernis W. Sadler, Mayor of the City of Port Arthur, P.O. Box 1089, Port Arthur, Texas 77640.			
Texas	City of Raymondville, Willacy County.	Shallow Flooding (Ponding)	Intersection of Hidalgo Avenue and 7th Street (U.S. Route 77)	*33
			Intersection of San Francisco Avenue and 1st Street	*33
			Intersection of Sunset Avenue and 7th Street	*33
	Maps available at City Hall, 523 West Hidalgo Avenue, Raymondville, Texas 78580.			
	Send comments to Mayor Ralph Cisneros, City Hall, 523 W. Hidalgo Avenue, Raymondville, Texas 78580.			

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Texas	City of San Benito, Cameron County.	Shallow Flooding (Ponding)	South of intersection of U.S. Business Route 448 and McCulloch	*33
			Intersection of Eighth and Alamo extended	*35
			South of intersection of Sam Houston Boulevard and San Jose Ranch	*37
			South of intersection of Stokey Road and Missouri Pacific Railroad	*33
	Maps available at City Hall, 485 North Sam Houston, San Benito, Texas 78586.			
	Send comments to Mr. James Hill, City Manager or Mr. Arquel Garcia, City Secretary, City Hall, 485 North Sam Houston, San Benito, Texas 78586.			
Texas	City of San Perlita, Wallacy County.	Shallow Flooding (Ponding)	Intersection of La Paloma and 10th Avenue	*21
			Intersection of Sunset Blvd. and 3rd Avenue	*21
	Maps available at City Hall, San Perlita, Texas 78590.			
	Send comments to Ms. Susan Lucander, City Commissioner, City Hall, P.O. Box 121, San Perlita, Texas 78590.			
Texas	City of Santa Rosa, Cameron County.	Ponding Area No. 1	At the intersection of Second Street and San Antonio Avenue	*52
		Ponding Area No. 2	At the intersection of San Benito Avenue and Seventh Street	*50
		Ponding Area No. 3	At Eleventh Street and La Jara Avenue	*49
		Ponding Area No. 4	800 feet east of intersection of Cameron Avenue and Eleventh Street along Cameron Avenue.	*50
	Maps available at City Hall, Main Street, Santa Rosa, Texas 78593.			
	Send comments to Mayor Ruben Ochoa, Jr., City Hall, P.O. Box 326, Santa Rosa, Texas 78593.			
Texas	City of Sweetwater, Nolan County	Wolf Hollow	Just upstream of Crane Street	*2,092
			Just upstream of Crane Street	*2,099
		Stream SW-2	Just upstream of 15th Street	*2,105
			Just upstream of 12th Street	*2,118
		Town Creek	Just upstream of Alabama Avenue	*2,096
			Just upstream of Newman Street	*2,100
	Maps available at City Hall, 201 East 4th, Sweetwater, Texas 79556.			
	Send comments to Mr. John Byrant, City Building Official, City Hall, 201 East 4th, Sweetwater, Texas 79556.			
Texas	Webster, City Harris County	Clear Creek	Nasa Road 1 to 2,500' downstream of Camp Meeting Gully	*16
	Maps available at City Hall, 311 Pennsylvania Avenue, Webster, Texas.			
	Send comments to the Honorable Roy Johnson, Mayor of the City of Webster, 311 Pennsylvania Avenue, Webster, Texas 77598.			
Washington	Cowlitz County (Unincorporated Areas).	Columbia River	Fisher Island	*14
			Confluence with Cowlitz River	*17
			Confluence with Kalama River	*19
			Intersection of channel and southern corporate limits of the Town of Kalama.	*20
		Mill Creek	Ocean Beach Highway over channel	*12
			Approximately 120 feet upstream of the centerline of Spruce Creek Road bridge.	*93
			Intersection of channel and western county limits	*309
		Abernathy Creek	Ocean Beach Highway over channel	*8
			Upstream side of Slide Creek Road bridge over channel	*69
			Upstream side of Abernathy Road bridge (upstream crossing)	*314
		Germany Creek	Centerline of Private Bridge	*267
		Coal Creek	Downstream side of Harmony Drive Bridge over channel	*25
			Centerline of Carlon Loop Road bridge over channel	*198
		Harmony Creek	Downstream side of most downstream Private Bridge	*29
			Centerline of upstream crossing of Harmony Drive	*302
		Coweman River	Upstream side of the first Private Bridge upstream of the confluence with Goble Creek.	*157
			Centerline of second Private Bridge upstream of the confluence with Goble Creek.	*211
		Goble Creek	Centerline of Rose Valley Road over channel	*170
			Approximately 50 feet upstream of South Goble Creek Road	*260
		North Fork Goble Creek	Confluence with Goble Creek	*259
			Centerline of Private Bridge over channel	*343
		Ostrander Creek	Approximately 60 feet upstream of intersection of North Pacific Avenue and the channel.	*30
			Upstream side of the Weyerhaeuser Railroad culvert	*158
		South Fork Ostrander Creek	Confluence with Ostrander Creek	*38
			Upstream side of Private Bridge over channel	*45
		Arkansas Creek	Downstream side of Delameter Road	*49
			Approximately 100 feet downstream of Cline Road	*52
		Delameter Creek	Centerline of Delameter Road over channel (upstream crossing)	*57
		Monahan Creek	Confluence with Delameter Creek	*79
		Kalama River	Upstream side of Modrow Road bridge over channel	*26
			Weyerhaeuser Bridge	*351
		Lewis River	Upstream side of Interstate Highway 5 over channel	*32
			Intersection of State Highway 503 and McCracken Road	*38
			Confluence with Husky Creek	*72
	Maps available at Cowlitz County Courthouse, Kelso, Washington.			
	Send comments to the Honorable Beryl Robison, Cowlitz County Courthouse, Kelso, Washington 98626.			

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Wisconsin	(C) Mayville, Dodge County	East Branch Rock River	Downstream corporate limits	*882
			Just downstream of Main Street	*901
			Just upstream of lower dam	*908
			Just downstream of upper dam	*911
			Just upstream of upper dam	*916
			About 0.90 miles upstream of South German Street	*922
		Spring Brook	Mouth at East Branch Rock River	*893
			About 270 feet downstream of Breckenridge Street	*895
			About 60 feet upstream of Breckenridge Street	*899
			About 175 feet upstream of Willow Circle	*903

Maps available at the Office of the City Clerk, City Hall, P.O. Box 273, Mayville, Wisconsin.

Send comments to Honorable Marge Bachhuber, Mayor, City of Mayville, City Hall, P.O. Box 273, Mayville, Wisconsin 53050.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 Fr 19367; and delegation of authority to Federal Insurance Administrator.)

Issued: June 27, 1980.

Francis V. Reilly,

Acting Federal Insurance Administrator.

[FR Doc. 80-21906 Filed 7-24-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5852]

National Flood Insurance Program; Proposed Zone and Base Flood Elevation Determinations for Okanogan County, Wash.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed zones and base flood elevations as described below.

The proposed zones and base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed zones and base flood elevations are available for review at the Planning Department, Okanogan County Courthouse, Okanogan, Washington.

Send comments to: Mr. Melvin E. Kuhlmann, County Commissioner, Okanogan County Courthouse, P.O. Box 791, Okanogan, Washington 98840.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed zones and base flood elevations for Okanogan County, Washington, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67.

These zones and base flood elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed zones and base flood elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Okanogan River	At downstream limit of study near Mile 8.	789
	Upstream end of Burlington Northern Railroad.	794
	Confluence with Tallant Creek.	811
	Confluence with Felix Creek	815
	Confluence with Wannacott Creek.	850
	Confluence with Tunk Creek.	867
	Confluence with Chewiliken Creek.	883
	Downstream end of Janis-Oroville Road.	887
	Confluence with Antoine Creek.	908
	Upstream end of Ford Road.	910
	Confluence with Mosquito Creek.	912
	At Burlington Northern Railroad.	918

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 11, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-21907 Filed 7-24-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR PART 67

[Docket No. FEMA-5824]

National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Cuyahoga Falls, Summit County, Ohio.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published at 45 FR 32341 on May 16, 1980, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above named community.

ADDRESSES: Send comments to Honorable Robert J. Quirk, Mayor, City of Cuyahoga Falls, 2310 Second Street, Cuyahoga Falls, Ohio 44221. Maps available at the Office of the City Clerk, 2310 Second Street, Cuyahoga Falls, Ohio.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line (800) 424–8872, (In Alaska and Hawaii call Toll Free Line (800) 424–9080), Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the City of Cuyahoga Falls, Summit County, Ohio, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
Ohio	(C) Cuyahoga Falls, Summit County.	Cuyahoga River	Western corporate limits	*998
			Eastern Corporate limits	*999
		Mud Brook	Downstream corporate limit	*967
			At Bath Road	*968
			Approximately 2600 feet upstream from Bath Road	*974
		Kelsey Creek	At the mouth	*999
			Just upstream from Munroe Falls Avenue	*1006
			Just downstream from North Moreland Boulevard	*1017
			Just upstream from North Moreland Boulevard	*1023
			Just downstream from Access Road	*1029
			Just upstream from Access Road	*1033
			Just upstream from Howe Road	*1041

Maps available at the Office of the City Clerk, 2310 Second Street, Cuyahoga Falls, Ohio.

Send comments to Honorable Robert J. Quirk, Mayor, City of Cuyahoga Falls, 2310 Second Street, Cuyahoga Falls, Ohio 44221.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator).

Issued: June 27, 1980.

Francis V. Reilly,

Acting Federal Insurance Administrator.

[FR Doc. 80-22395 Filed 7-24-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5768]

National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This proposed rule corrects the proposed determinations of base (100-year) flood elevations published in 45 FR 3609 on January 18, 1980, and in the *Baltimore News American* and in the *Baltimore Morning Sun*, published on or about December 24, 1980, and December 31, 1980, and hence supersedes those previously published rules. The corresponding Flood Insurance Study (profiles) and Flood Insurance Rate Map were correct as printed.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Planning Office in the Baltimore County Office Building.

Send comments to: Mr. John Seyfert, Director of Planning, Baltimore County Office of Planning and Zoning, Towson, Maryland 21204.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood

Insurance Program, Office of Flood Insurance (202) 426–1460 or Toll Free Line (800) 424–8872, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in Baltimore County, Maryland, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations are:

Proposed Base (100-Year) Flood Elevations

State	City/Town/County	Source of Flooding	Location	Depth in feet above ground. *Elevation in feet (NGVD)
Maryland	Baltimore County	Beaverdam Run	Confluence with Loch Raven Reservoir	*257
			Beaver Run Lane (Upstream)	*258
			York Road (Upstream)	*259
			Beaver Dam Road (Upstream)	*269
		Roland Run	L'Hirondelle Club Road (Upstream)	*235
			Circle Road (Upstream)	*238
			Ruxton Road (Upstream)	*241
			Roland Run Avenue (Upstream)	*247
			Joppa Road (Upstream)	*257
			Thornton Ridge Road (Upstream)	*265
			Essex Farm Road (100' Downstream)	*267
			Essex Farm Road (80' Upstream)	*273
			Conrail (Downstream)	*283
			Conrail (Upstream)	*289
			Interstate Route 695 (Downstream)	*292
			Interstate Route 695 (Upstream)	*296
			Conrail (Upstream)	*303
		Tributary of Roland Run	Confluence with Roland Run	*303
			Seminary Drive (Upstream)	*309
			Morris Avenue (Upstream)	*316
			Conrail (Upstream)	*362
			Conrail Spur (Upstream)	*378
		Dead Run	County Boundary	*287
			Old Ingleside Avenue (Upstream)	*299
			Colonial Road (Upstream)	*318
			Little Creek Drive (125' Upstream)	*331
			Gwynn Oak Avenue (175' Upstream)	*337
			Woodlawn Drive (Upstream)	*348
			Whitestone Road (175' Upstream)	*361
			Interstate Route 695 (Downstream)	*362
			Belmont Avenue (Upstream)	*370
			Gordon Avenue (Upstream)	*374
			Lord Baltimore Road (Upstream)	*388
		Tributary of Dead Run	Confluence with Dead Run	*377
			1,975' upstream of confluence with Dead Run	*417
		Gwynns Falls	County Boundary	*286
			Gwynn Oak Avenue (Upstream)	*306
			Gwynn Oak Park Bridge Ruins (Upstream)	*309
			Liberty Road (Downstream)	*360
			Liberty Road (Upstream)	*368
			Essex Road (Upstream)	*378
			Buckingham Road (Upstream)	*381
			Burley Lane (Upstream)	*383
			Milford Mill Road (Upstream)	*392
			Old Court Road (Upstream)	*404
			Interstate Route 695 (Upstream)	*408
			Mt. Wilson Road (Upstream)	*416
			McDonogh Road (Upstream)	*428
			Painters Mill Road (150' Upstream)	*455
			South Dolfield Road (Upstream)	*463
			U.S. Highway 140 (Upstream)	*477
			Bonita Avenue (Upstream)	*516
			Gwynnbrook Avenue (Upstream)	*543
			Kendigs Mill Road (Upstream)	*563
			Timber Grove Road (Upstream)	*584
		Herbert Run	Harbor Tunnel Thruway (Upstream)	*18
			Chessie System (Downstream)	*27
			Chessie System (Upstream)	*44
			Washington Boulevard (Upstream)	*46
		East Branch Herbert Run	Confluence with Herbert Run	*46
			Tomday Boulevard (Upstream)	*50
			Interstate Route 95 (Upstream)	*55
			Sulphur Spring Road (Upstream)	*69

Proposed Base (100-Year) Flood Elevations—Continued

State	City/Town/County	Source of Flooding	Location	Depth in feet above ground. *Elevation in feet (NGVD)
			Stephens Avenue Footbridge (Upstream)	*75
			Linden Avenue (Upstream)	*78
			Circle Drive (Upstream)	*90
			Leeds Avenue (Upstream)	*92
			Ten Oaks Road (Upstream)	*100
			Leeds Terrace (Upstream)	*101
			Maiden Choice Lane (Upstream)	*104
			Elm Ridge Avenue (Upstream)	*115
			Hooper Avenue (Upstream)	*127
			Ridge Avenue (Upstream)	*132
			Wilkens Avenue	*156
		West Branch Herbert Run	Confluence with Herbert Run	*46
			Francis Avenue (Upstream)	*51
			Interstate Route 95 (200' Upstream)	*64
			Elm Road (Upstream)	*64
			June Road Footbridge (Upstream)	*71
			Sulphur Spring Road (Upstream)	*84
			Shelbourne Road (75' Upstream)	*111
			Poplar Avenue (Upstream)	*122
		Redhouse Creek	Confluence with Back River	*9
			Chessie System (Downstream)	*14
			Chessie System (Upstream)	*37
			Weyburn Road (100' Upstream)	*44
			Interstate Route 95 (150' Upstream)	*55
			Hazelwood Avenue (Upstream)	*60
		Stemmers Run	Confluence with Back River	*9
			Interstate Route 695—Interchange 36 Ramps (Upstream)	*17
			Conrail (Upstream)	*20
			Chessie System (Upstream)	*26
			Golden Ring Mall Road (Upstream)	*31
			State Route 7 (175' Upstream)	*34
			Interstate Route 695—Interchange 33 Ramps (Downstream)	*49
			Interstate Route 695—Interchange 33 Ramps (Upstream)	*74
		Tributary of Stemmers Run	Confluence with Stemmers Run Interstate Route 695	*68
			Interchange 33 Ramps (Upstream)	*69
			Rossville Boulevard (Upstream)	*102
			1,600' upstream of Rossville Boulevard	*178
		Whitemarsh Run	Confluence with Bird River	*10
			Cowenton Avenue (Upstream)	*14
			U.S. Highway 40 (Upstream)	*38
			Conrail (Downstream)	*40
			Conrail (Upstream)	*52
			State Route 7 (Upstream)	*54
			Interstate Route 95 (Upstream)	*63
			Private Road 4,000' downstream of U.S. Highway 1 (Upstream)	*116
			U.S. Highway 1 (100' Downstream)	*143
			U.S. Highway 1 (Upstream)	*156
			Grove Road (bridge destroyed)	*224
			Avondale Road (Upstream)	*258
			Interstate Route 695 (Downstream)	*278
		Honeygo Run	Confluence with Whitemarsh Road	*14
			U.S. Highway 40 (Upstream)	*16
			Conrail (Downstream)	*18
			Conrail (Upstream)	*28
			State Route 7 (Upstream)	*32
			Interstate Route 95 (Downstream)	*46
			Interstate Route 95 (Upstream)	*51
			Joppa Road (Downstream)	*151
			Joppa Road (Upstream)	*159
			Cross Road (Upstream)	*173
			Chapel Road (Upstream)	*188

Maps available at the Baltimore County Office Building in the Planning Department.

Send comments to Mr. John Seyfert, Director of Planning for Baltimore County, Baltimore County Office of Planning and Zoning, Towson, Maryland 21204.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 27, 1980.

Francis V. Reilly,

Acting Federal Insurance Administrator.

[FR Doc. 80–22396 Filed 7–24–80; 8:45 am]

BILLING CODE 6718–03–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 63

[CC Docket No. 78-72]

MTS and WATS Market Structure; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Extension of time for filing comments, proposed rule.

SUMMARY: This document extends the time for filing comments in response to Second Supplemental Notice of Inquiry and Proposed Rulemaking in CC Docket No. 78-72, *In the Matter of MTS and WATS Market Structure.* The National Telecommunications and Information Agency file—a motion seeking a 60 day extension in filing comments on access charges in this docket. Western Union and the Ad Hoc Telecommunications Users Committee supported the motion and the American Telephone and Telegraph Co. opposed it. A 60 day extension was held unjustified but a 15 day extension was granted.

DATES: Comments on access charges are now due on or before August 15, 1980. Reply comments are now due on or before September 30, 1980.

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

FOR FURTHER INFORMATION CONTACT: Albert Halprin, Policy and Program Planning Division, Common Carrier Bureau, Room 546, (202-632-9342).

In the matter of MTS and WATS Market Structure, CC Docket No. 78-72, 45 FR 26724, April 21, 1980.

Adopted: July 15, 1980.

Released: July 18, 1980.

1. On June 30, 1980, the National Telecommunications and Information Administration (NTIA) filed a motion seeking an extension of 60 days, from July 31, 1980 until September 29, 1980, for the filing of comments in response to the Second Supplemental Notice of Inquiry and Proposed Rulemaking in the above-captioned matter, released April 16, 1980.

2. The grounds for this motion are that, in the course of responding to information requests to members of Congress relating to various access proposals made in conjunction with proposed amendments to the Communications Act, new data has been and will be generated and that this data will be useful to the Commission in resolving the complex issue of access charges.

3. NTIA further states in its motion that it has "contacted several parties of record and [has] received assurances that these parties either support or have no objection to the requested extension of time." NTIA expresses its view that granting the requested extension will not prejudice any interested party.

4. Answers to the motion have been filed by Western Union (WU) and the Ad Hoc Telecommunications Users Committee (Users Committee), in support, and by American Telephone & Telegraph (AT&T), in opposition. WU argues in favor of the extension because of the complexity of the subject but suggests that, because of AT&T's unique position and access to data, AT&T be required to file on July 31, 1980. WU believes that such a filing by AT&T would greatly assist all other parties in their analyses and preparation of comments. The Users Committee urges that an extension is warranted because the issues presented in this proceeding are "extremely complex and important."

5. AT&T notes (1) that the Commission has indicated its view of the urgency of the determination of access charges and has split off this issue from the balance of the docket to facilitate its expeditious resolution; (2) that NTIA itself has repeatedly indicated its view of the urgency of this matter; and (3) that time is of the essence since current access charges send out false economic signals and prejudice AT&T vis-a-vis its competitors. AT&T urges that if any extension is granted it be kept to a minimum, that a similar extension be granted for reply comments [1] and that the Commission make clear that no further extensions will be granted.

6. This is both a difficult matter and, as the Commission stated in the Second Supplemental Notice, a "particularly urgent" one. While all those who wish to comment should have a reasonable opportunity to do so, we believe the dates established in the Commission's Notice are reasonable. The Commission allowed a period of more than three months for comments and another one and one half months for reply comments. Notwithstanding the difficulty of this proceeding, this schedule should allow interested parties sufficient time to prepare comments which will adequately present their differing viewpoints and which are helpful to the Commission. The need for expedition in this proceeding makes it particularly important that diligence be exercised. Nevertheless, we recognize that this is an extremely important case. We do not wish to foreclose any party or appear to be harsh or unreasonable.

[1] Neither NTIA's motion nor the answers in support mention reply comments.

We will therefore allow the parties an additional 15 days for the filing of comments and reply comments. This will give parties a period of four months to prepare their comments and continue to allow an adequate time for the preparation of replies thereto.[2]

7. Therefore, it is ordered, that the date for filing comments in response to the Second Supplemental Notice of Inquiry and Proposed Rulemaking is extended to and including August 15, 1980 and the date for filing reply comments is extended to and including September 30, 1980.

8. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1) and 303(f) of the Communications Act, as amended, and § 0.281 of the Commission's rules.

Federal Communications Commission.

Philip L. Verveer,

Chief, Common Carrier Bureau.

[FR Doc. 80-22402 Filed 7-24-80; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 78-92; RM-2979; RM-3086]

FM Broadcast Stations in Rhinelander, Tomahawk, Washburn, and Wausau, Wis.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Request for supplemental information.

SUMMARY: Action taken herein requests additional information from the parties on amendments to Section 73.202(b) of the Commission's Rules, the FM Table of Assignments, with respect to Rhinelander and Wausau, Wisconsin, to wit, substitution of Channel 262 for Channel 300 at Rhinelander, and reassignment of Channel 300 to Wausau. Specifically, further information is sought as to whether a party who has applied for Channel 248 to Rhinelander would amend its application to specify Channel 262.

DATES: Comments must be filed on or before September 11, 1980, and reply comments on or before October 1, 1980.

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

FOR FURTHER INFORMATION CONTACT: Molly Pauker, Broadcast Bureau, (202) 632-6302.

SUPPLEMENTARY INFORMATION:

Adopted: July 11, 1980.

Released: July 16, 1980.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration in this proceeding the *Further Notice of Proposed Rule Making and Order to Show Cause*, 45 Fed. Reg. 16216, released March 6, 1980. The *Further Notice* proposed to substitute Channel 262 for Channel 300 at Rhinelander, Wisconsin, then to reassign Channel 300 to Wausau, Wisconsin. To make Channel 262 available at Rhinelander, we also proposed to delete Channel 261A from Tomahawak, Wisconsin, and substitute Channel 224A there.[1] Comments were filed by Seehafer & Johnson Broadcasting Corp. ("S & J"), licensee of fulltime AM Station WXCO, Wausau (original petitioner for the Wausau assignment); Oneida Broadcasting Company ("Oneida"), licensee of FM Station WRHN (Channel 300) and AM Station WOBT, Rhinelander; and Wausau Broadcasting Company ("Wausau Broadcasting"), a second party interested in the Wausau assignment. S & J filed reply comments.

2. By way of background, this proceeding was commenced in response to S & J's petition seeking to reassign Channel 300 from Rhinelander to Wausau, as a third FM allocation there, and that we require Station WRHN (operating on Channel 300) to modify its license to specify Channel 248 (assigned to Rhinelander but unoccupied). Rhinelander Broadcasting Corporation ("Rhinelander Broadcasting") opposed the assignment, on the grounds that it was in the process of preparing an application for Channel 248, and it would be preempted by WHRN's move to that frequency. Although Channel 291 was also proposed for assignment at Rhinelander, the spacing limitations for that channel could not accommodate either the proposed site for Rhinelander Broadcasting or the current site of Station WRHN. See *Notice of Proposed Rule Making and Order to Show Cause*, 43 FR 10944, released March 6, 1978. Subsequent to the issuance of the *Notice*, Silver Birch Broadcasting Company ("Silver Birch") petitioned for the assignment of Channel 290 to Washburn, Wisconsin. This petition was treated as a counterproposal in the instant proceeding, since Channel 290 at Washburn would be short spaced to Channel 291 at Rhinelander.

3. Acting on Oneida's stated desire to retain its present site, Commission staff analysis revealed that Channel 262 could be assigned to Rhinelander freeing Channel 290 for assignment to Washburn, and allowing Oneida to remain at its present site despite switching to Channel 262. Accordingly, we assigned Channel 290 to Washburn via the *First Report and Order*, released March 6, 1980, and issued the *Further Notice and Order to Show Cause* under discussion herein.

4. In comments, Oneida opposed modification to Channel 262, because the available sites for that channel would prevent it from moving Station WRHN from its current site to an existing television tower which would enable it to increase its facilities.[2] Oneida points out that the ultimate adoption of the rule changes proposed in Docket No. 80-80 would require it to upgrade its facilities or forfeit its Class C classification.[3] Although it decries the necessity for a third FM assignment at Wausau and therefore opposes reassignment of Channel 300 from Rhinelander to Wausau, Oneida now suggests that if we proceed with the reassignment of its present frequency, it be permitted to modify operation to Channel 248 and that Rhinelander Broadcasting be required to amend its application to specify Channel 262 instead of Channel 248. Wausau Broadcasting supports the assignment of Channel 300 to Wausau, and states that it would apply for the channel, as well as provide reimbursement for WRHN's frequency change. S & J likewise expresses these sentiments, and further supports Oneida's proposal that Rhinelander Broadcasting should be permitted to change its application to specify Channel 262.

5. In evaluating the pleadings before us, we find that both Channels 248 and 262 comport with the community coordinates of Rhinelander. It remains to be resolved whether Oneida or Rhinelander Broadcasting should be permitted to utilize what appears to be the more attractive assignment, Channel 248. To this end, we must balance competing considerations. On the one hand, Oneida has told us previously in this proceeding that it opposed modification to Channel 248 (as well as

[2] The suggestion of Western Union that AT&T file comments 60 days before other parties is inappropriate and pointless in this proceeding where all parties are asked to comment on a proposal set forth by the Commission.

[1] In a related action, we assigned Channel 290 to Washburn, Wisconsin, via *First Report and Order*, 45 Fed. Reg. 16292, released March 6, 1980, BC Docket No. 78-92, RM-3086.

[2] Oneida's present site could accommodate a switch to Channel 262 without offending the spacing requirements. Although we have no application currently on file indicating an intent to so upgrade, Oneida's pleading avers that this plan has been in negotiation since 1978. Were it required to operate on Channel 262, Station WRHN would be 6.4 kilometers (4 miles) short spaced to Station WUUN (Channel 261A), Marquette, Michigan, if located on the television tower.

[3] Station WRHN is currently operating with minimum Class C facilities, 91 meters (300 feet) HAAT antenna height, at 25 kW.

Channel 291, and now Channel 262).[4] However, it now finds itself in a posture with respect to impending regulatory change whereby it faces possible loss of its Class C status, should it fail to upgrade its facilities. According to Oneida, it cannot do so, given the site limitation that operation on Channel 262 would impose. On the other hand, Rhinelander Broadcasting has applied for Channel 248, and now has cut-off protection. We could permit retention of that protection if Rhinelander Broadcasting were required to switch channels. However, it would be required to locate at a different transmitter site than it currently proposed for Channel 248 due to spacing limitations. We have been given no indication of Rhinelander's postion with respect to amending its application to specify Channel 262. It has filed no comments on this matter, and, indeed, should be given the opportunity to respond to this possibility.

6. In conclusion, we are hesitant to pursue any of the options open to us in this proceeding without additional information from both Oneida and Rhinelander Broadcasting. Since we must in any case await Canadian concurrence in the Rhinelander and Tomahawk assignments, we believe it to be in the public interest to request more facts from these parties. In particular, we would be aided in our deliberations were we given some more definite indication, beyond its bald assertion, that Oneida does in fact intend to upgrade its facilities and that constraints imposed by modification to Channel 262 would in fact render this impossible at its present site. On the basis of this additional information, we will be better able to weigh the merits of the positions of both parties and arrive at an equitable resolution of this proceeding.

7. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303, and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

8. Interested parties may file comments on or before September 11, 1980, and reply comments on or before October 1, 1980.

9. For further information concerning this proceeding, contact Molly Pauker, Broadcast Bureau, (202) 632-6302.

[4] Indeed, this is one reason we initially searched for alternative channels to assign to Rhinelander, to wit, Channels 291 and 262.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-22451 Filed 7-24-80; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-389; RM-3557]

FM Broadcast Station in Laurel Hill, N.C.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes assignment of television Channel 59 to Laurel Hill, North Carolina, as a first local commercial service.

DATES: Comments must be filed on or before September 11, 1980, and reply comments on or before October 1, 1980.

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

FOR FURTHER INFORMATION CONTACT: Myra G. Kovey, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the Matter of Amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Laurel Hill, North Carolina).

Adopted: July 11, 1980.

Released: July 17, 1980.

By the Chief, Policy and Rules Division:

1. David M. Raley and Sabrina D. Raley have filed a petition [1] proposing assignment of Channel 59 to Laurel Hill, North Carolina. The assignment can be made in conformity with the Commission's minimum distance separation requirements.[2] Petitioners state that they will apply for the channel if assigned.

2. Laurel Hill (pop. 1,215 under the 1970 U.S. Census) is located in Scotland County (1970 pop. 26,929), 125 kilometers (80 miles) southeast of Charlotte. Petitioners propose a first local commercial service for the city.

3. Lacking at this time information concerning Laurel Hill's government, economy and civic and social organizations, we cannot determine whether it is a community for allocation purposes. Petitioners should provide this necessary data in their comments.

4. In order to obtain this information and comments thereon, the Commission proposes to amend the Television Table of Assignments, Section 73.606(b) of the Rules, as follows:

City	Channel No.	
	Present	Proposed
Laurel Hill, North Carolina		59+

5. Authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. *Note:* A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before September 11, 1980, and reply comments on or before October 1, 1980.

7. For further information concerning this proceeding, contact Myra G. Kovey, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until it is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the TV Table of Assignments, Section 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

[1] Public Notice of the petition was given on February 1, 1980, Report No. 1211.

[2] Petitioners amended earlier requests for Channel 46 and Channel 50 to avoid short spacing with proposed assignments of Channel *31 at Lumberton, North Carolina, and Channel *53 at Rockingham, North Carolina (RM-3393).

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments, they will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceedings, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served in the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 80-22452 Filed 7-24-80; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1048

[Ex Parte MC 37 (Sub-32)]

Chicago, Ill., Commercial Zone

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission has been requested to consider whether to amend its existing regulations set forth in 49 CFR Part 1048, et seq., to expand the Chicago, IL, commercial zone to include all or a portion of the County of Lake, IL. The proposed special determination of the zone would expand the zone within which interstate motor carrier operations would be exempt from Federal economic regulation.

DATES: Comments must be filed with the Commission by August 25, 1980.

ADDRESSES: Send an original and 15 copies, where possible to: Ex Parte No. MC-37 (Sub-No. 32), Room 5416, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Thomas J. Barry, 202-275-7982, Donald J. Shaw, Jr., 202-275-7292.

SUPPLEMENTARY INFORMATION: The commercial zone of Chicago, IL, as defined by application of the population-mileage formula set forth in 49 CFR 1048.101, includes all points within 20 miles of the municipal limits of Chicago. Local interstate motor carrier operations performed within this zone are exempt from Federal economic regulation. The County of Lake, IL, ("the County") requests that the limits of the Chicago zone be individually determined to include all points in the County. Presently, only those points in the southern portion of the County which are within 20 miles of Chicago are within the Chicago commercial zone. The City of Zion, IL, ("the City") which is located in the County of Lake, requests that the Chicago commercial zone be redefined to include at least the eastern portion of the county. The City proposes that the present zone be redefined to include all points in the County north of the present zone which are on and east of U.S. Highway 41.

The County presents data to show that it is commercially a part of Chicago. These data include historical development trends, transportation linkages, commercial and industrial relationships, communications networks, socio-economic relationships and governmental factors. In support of its petition, the City submits 27 letters from manufacturers, banks, realtors, retailers, government officials, and individuals within the affected area, expressing support for the City's proposed redefinition of the zone.

Accordingly, the Commission proposes that 49 CFR Part 1048 be supplemented by addition of the following:

§ 1048.19 Chicago, Ill.

The zone adjacent to and commercially a part of Chicago, IL, within which transportation by motor vehicle in interstate or foreign commerce, not under common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond such zone, is partially exempt from regulation under 49 U.S.C. 10526(b)(1) includes and is comprised of all points as follows:

(a) The municipality of Chicago, IL, itself;

(b) All points within a line drawn 20 miles beyond the municipal limits of Chicago;

(c) Those points in the County of Lake, IL, which are not within the area described in paragraph (b) of this section;

(d) All of any municipality any part of which is within the limits of the combined areas defined in paragraphs (b) and (c) of this section; and

(e) All of any municipality any part of which is wholly surrounded, or so surrounded except for a water boundary, by the municipality of Chicago, IL, or by any other municipality included under the terms of paragraph (d) of this section.

The inclusion of all points in the County of Lake in paragraph (c) above is intended as notice to the public of the scope of this proceeding. It is only a proposal and should not be read as a decision by the Commission to adopt the County's proposal rather than the City's. The Commission will decide what is the proper definition of the Chicago commercial zone on the basis of the record compiled in this proceeding.

Comments and Procedural Matters

No oral hearing in this proceeding is contemplated. Any person wishing to participate in this proceeding, in support of or in opposition to the proposal, is invited to submit written representations, views, and arguments. We do not believe that the action proposed will have an adverse effect on either the quality of the human environment or conservation of energy resources. However, anyone may comment on these aspects of the proposal. Written comments submitted will be available for public inspection at

the Office of the Secretary of the Interstate Commerce Commission, 12th & Constitution Avenue, NW., Washington, D.C., during regular business hours.

Notice to the general public of the matters under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy with the Director, Office of the Federal Register.

This notice of proposed rulemaking is issued under authority of 49 U.S.C. 10321, 49 U.S.C. 105 and 5 U.S.C. 553.

Decided: July 14, 1980.

By the Commission, Division 2, Commissioners Stafford, Alexis, and Gilliam. Commissioner Stafford concurring.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-22373 Filed 7-24-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Wage and Hour Division, Employment Standards Administration

29 CFR Part 4

Service Contract Act; Labor Standards for Federal Service Contracts; Further Extention of Comment Period

AGENCY: Wage and Hour Division, Labor.

ACTION: Proposed Rule; Further Extension of Comment Period.

SUMMARY: This document further extends the period for filing comments regarding a proposed rule intended to revised Part 4 of Title 29 of the Code of Federal Regulations (29 CFR Part 4) which concerns Labor Standards for Federal Service Contracts. This action is taken to permit additional comment from the public.

DATE: Comments must be received on or before September 23, 1980.

ADDRESS: Comments should be sent to Mrs. Dorothy P. Come, Assistant Administrator, Wage and Hour Division, Employment Standards Administration, Frances Perkins Department of Labor Building, Room S-3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Dorothy P. Come, Assistant Administrator, Wage and Hour Division, Employment Standards Administration, Frances Perkins Department of Labor Building, Room S-3502, 200 Constitution Avenue, N.W., Washington, D.C., 20210. Telephone: 202-523-8333.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 28, 1979 (44 FR 77036) the Department of Labor published a proposed rule intended to revise 29 CFR Part 4 which concerns Labor Standards for Federal Service Contracts. Interested persons were requested to submit comments on or before February 26, 1980. Extensions of the period for comment, until July 25, 1980, have previously been granted.

Because of the continuing interest in this proposal, the agency believes that it is desirable to grant a further extension of the comment period for all interested persons. Therefore, the comment period for the proposed rule, revising 29 CFR Part 4 (Labor Standards for Federal Service Contracts), is extended to September 23, 1980.

Signed at Washington, D.C., this 24th day of July, 1980.

Donald Elisburg,

Assistant Secretary of Labor, Employment Standards Administration.

[FR Doc. 80-22663 Filed 7-24-80; 12:14 pm]

BILLING CODE 4510-27-M

Notices

Federal Register
Vol. 45, No. 145
Friday, July 25, 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

Spruce Budworm Management Program; Intent To Prepare an Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, U.S. Department of Agriculture, in cooperation with the Bureau of Forestry, Maine Department of Conservation, will prepare a programmatic statement for an Integrated Management System of the Spruce Budworm population for the protection of spruce and fir.

The preparers will develop, on the basis of previous suppression projects, and consultation with Canadian research and project personnel, a program that will incorporate combinations of silvicultural, other biological, and chemical methods to achieve optimum protection of spruce and fir with a minimum adverse impact on the environment. The program will be implemented in spruce-fir forests generally in the nothern half of Maine.

Information and comments will be collected from other agencies and the public. This process will include a scoping session (a meeting to receive public comment) to be held by the USDA Forest Service, in cooperation with the Maine Forest Service in Bangor, Maine from 9:00 a.m. to 5:00 p.m. on August 6, 1980.

Allen J. Schacht, Director of the Northeastern Area, is the responsible official; and the Staff Director of Insect and Disease Management may be contacted for further information. Forest Insect and Disease Management will be the team leader for the Environmental Statement. A. Temple Bowen of the Department of Conservation (Augusta) will represent the State of Maine.

The Draft Environmental Statement is scheduled for completion by September 30, 1980. This will be followed by a review period. The final Environmental Statement is scheduled for filing in January 1981.

Questions about the Notice of Intent or on the program should be sent to the Staff Director, Forest Insect and Disease Management, Northeastern Area State and Private Forestry, Forest Service, U.S. Department of Agriculture, 370 Reed Road, Broomall, PA 19008.

John F. Chansler,
Acting Area Director.
July 16, 1980.
[FR Doc. 80-22341 Filed 7-24-80; 8:45 am]
BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations

Notice is hereby given that, during the week ended July 18, 1980 CAB has received the applications listed below, which request the issuance, amendment, or renewal of certificates of public convenience and necessity or foreign air carrier permits under Subpart Q of 14 CFR 302.

Answers to foreign permit applications are due 28 days after the application is filed. Answers to certificate applications requesting restriction removal are due within 14 days of the filing of the application. Answers to conforming applications in a restriction removal proceeding are due 28 days after the filing of the original application. Answers to certificate applications (other than restriction removals) are due 28 days after the filing of the application. Answers to conforming applications or those filed in conjunction with a motion to modify scope are due within 42 days after the original application was filed. If you are in doubt as to the type of application which has been filed, contact the applicant, the Bureau of Pricing and Domestic Aviation (in interstate and overseas cases) or the Bureau of International Aviation (in foreign air transportation cases).

Subpart Q Applications

Date filed	Docket No.	Description
July 18, 1980	38487	Deutsches Reiseburo GmbH (Germany) d.b.a. Der Travel Service, c/o Paul Reiber, 1625 Eye Street, N.W. Suite 921, Washington, D.C. 20006. Application of Deutsches Reiseburo GmbH (Germany) pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests a foreign air carrier permit authorizing it to engage indirectly in foreign air transportation of persons and their accompanying baggage from any point or points in the United States to any point or points outside the United States, and return. Answers may be filed by August 15, 1980.
July 15, 1980	38407	Continental Air Lines, Inc., Los Angeles International Airport, Los Angeles, California 90009. Corrected Conforming Application of Continental Air Lines, Inc. pursuant to section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests that the Board amend its certificate of public convenience and necessity for Route 29 so as to authorize it to perform round trip nonstop air transportation between Denver, Colorado and Sioux Falls, South Dakota. Answers may be filed by July 29, 1980.
July 18, 1980	38406	Ozark Air Lines, Inc., Lambert-St. Louis International Airport, St. Louis, Missouri 63145. Amendment to the Application of Ozark Air Lines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations amends its Application dated June 30, 1980, so as to add several persons for service thereof who were omitted regarding the original Application and to amend the Certificate of Service accordingly by the addition of those appearing in the certificate attached. Conforming Applications and Answers may be filed by August 4, 1980.

Phyllis T. Kaylor,
Secretary.
[FR Doc. 80-22422 Filed 7-24-80; 8:45 am]
BILLING CODE 6320-01-M

[Order 80-7-134, Docket 37554]

Establishment of the Standard Foreign Fare Level

The International Air Transportation Competition Act (IATCA), Pub. L. 96-192, requires that the Board establish a Standard Foreign Fare Level (SFFL) by adjusting the SFFL base [1] periodically by percentage changes in actual operating costs per available seat-mile (ASM). The SFFL thus computed becomes the benchmark for measuring the statutory no-suspend zone similar to the zone of reasonableness established by the Airline Deregulation Act and set forth in section 1002(d) of the Federal Aviation Act of 1958 (the Act). Order 80-2-69 established the first interim SFFL and subsequent Order 80-5-139 established the currently effective SFFL effective through July 31, 1980.

In establishing the SFFL for the two month period commencing August 1, 1980, we have projected non-fuel costs, based on the year ended March 31, 1980, and we have adjusted fuel prices to reflect the experienced monthly rate of fuel cost escalation. Our analysis has examined the change in non-fuel costs both on a quarterly and an annual basis, and in the absence of compelling reasons to do otherwise, we are continuing our policy of relying on annual data. As we have stated before, twelve-month data are more reliable because quarterly results can be completely distorted, and in the absence of unusual circumstances, annual data provide a preferable base.

Our calculations measure inflation from October 1, 1979, to September 1, 1980, the midpoint of the August-September projection period, for the three ratemaking entities: Atlantic, Latin America, and Pacific. The four-month average of February-May fuel cost increases produces the following rates of escalation: 2.51 cents per gallon in the Atlantic; 2.44 cents per gallon in Latin America; and 2.54 cents per gallon in the Pacific. The resulting projections are fuel prices of 112.94 cents in the Atlantic, 103.02 cents in Latin America, and 111.00 cents in the Pacific at September 1, 1980.

Consequently, based on our calculations, we find the projected cost adjustment factor to be 13.85 percent in the Atlantic; 19.94 percent in Latin America, and 14.96 percent in the Pacific, over the October 1, 1979, level. (See Appendix A).[2] This results in an increase over the June 1, 1980, fares of 1.54 percent in Latin America, 1.44 percent in the Pacific, and a reduction of 2.33 percent in the Atlantic. The increases range from negative to modest because the previous SFFL levels were based on projected fuel cost escalation which did not fully materialize.

We calculated both a two-month and a four-month SFFL effective June 1, in Order 80-5-139. The four month period continues through September 30, 1980, and carriers whose filings utilized the higher 4-month figures may not rely upon the increases permitted by this Order. The next four-month SFFL, along with the usual two-month projection, will be effective October 1.

It should also be noted that our calculations do not include a capitalized lease adjustment. Since capitalized leases have been treated consistently in the base period and subsequent periods, this adjustment is unnecessary.

Accordingly, pursuant to sections 102, 204(a), 403, 801 and 1002(j) of the Federal Aviation Act of 1958, as amended:

1. Effective August 1, 1980, fares may be increased by the following adjustment factors over the October 1, 1979, level:

Atlantic, 1.1385.
Latin America, 1.1994.
Pacific, 1.1496.

2. We shall serve a copy of this order upon all U.S. certificated air carriers and all foreign air carriers; and

3. We shall publish this order in the **Federal Register.**

By the Civil Aeronautics Board:

Phyllis T. Kaylor,[3]

Secretary.

[FR Doc. 80-22443 Filed 7-24-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

National Bureau of Standards

Proposed Federal Information Processing Standard; Additional Controls for Use With ASCII

Under the provisions of Pub. L. 89-306 and Executive Order 11717, the Secretary of Commerce is authorized to establish uniform Federal automatic data processing standards. A new standard is being proposed for Federal use, adopting in whole the American National Standard X3.64-1979, Additional Controls for Use with American National Standard Code for Information Interchange (ASCII).

Prior to the submission of this standard to the Secretary of Commerce for review and approval as a Federal Information Processing Standard, it is essential to assure that proper consideration is given to the views of the public, state and local governments, and to offerors of applicable equipment and services. The purpose of this notice is to solicit such views.

The proposed Federal Information Processing Standard contains two basic sections: (1) An announcement section which provides information concerning the applicability and implementation of the standard, and (2) a specifications section defining the technical parameters of the standard. The specifications section incorporates by reference American National Standard X3.64-1979, Additional Controls for Use with American National Standard Code for Information Interchange. Only the announcement section of the proposal is provided in this notice.

Interested parties may obtain a copy of the technical specifications from and submit comments in writing to the Standards Administration Office, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, DC 20234, ATTENTION: Proposed FIPS PUB on Additional Controls. To be considered, comments on this proposed standard must be received on or before September 8, 1980.

Written comments received in response to this notice plus written comments obtained from Federal departments and independent agencies will be made part of the public record and will be made available for inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, Main Commerce Building, 14th Street between Constitution Avenue and E Street, NW., Washington, DC 20230.

Dated: July 21, 1980.

Ernest Ambler,

Director.

FIPS PUB ——

Federal Information Processing Standards Publication—

(Date) ——

Announcing the Standard for Additional Controls for Use With ASCII

Federal Information Processing Standards Publications are issued by the National Bureau of Standards pursuant to the Federal Property and Administrative Services Act of 1949, as amended, Pub. L. 89-306 (79 Stat. 1127),

[1] As defined in section 1002(j)(7) of the Federal Aviation Act of 1958.

[2] The Appendix was filed with the original at the Office of the **Federal Register.**

[3] All members concurred.

Executive Order 11717 (38 FR 12315, dated May 11, 1973), and Part 6 of Title 15 Code of Federal Regulations (CFR).

Name of Standard. Additional Controls for Use with ASCII (FIPS ——).

Category of Standard. Hardware Standard, Interchange Codes and Media.

Explanation. This standard specifies a set of encoded control functions to facilitate data interchange between data processing equipment, data communication equipment, and two-dimensional character-imaging input-output devices, such as interactive ADP terminals of the display or printer type, line printers, microfilm printers, typesetting composers, word processors, and related devices. These control functions augment the basic set of control functions prescribed by ASCII (FIPS 1). They may be used in 7 or 8 bit environments in accordance with the standard for Code Extension Techniques in 7 or 8 Bits (FIPS 35) or American National Standard X3.41–1974, Code Extension Techniques for Use with the 7-Bit Coded Character Set of American National Standard Code for Information Interchange.

Approving Authority. Secretary of Commerce.

Maintenance Agency. Department of Commerce, National Bureau of Standards (Institute for Computer Sciences and Technology).

Cross Index. American National Standard X3.64–1979, Additional Controls for Use with American National Standard Code for Information Interchange.

Related Documents. (a) American National Standard Code for Information Interchange (ASCII), X3.4–1977 (FIPS PUB 1). (b) International Standard ISO 646–1973, 7-Bit Coded Character Set for Information Processing Interchange. (c) American National Standard X3.41–1974, Code Extension Techniques for Use with the 7-Bit Coded Character Set of American National Standard Code for Information Interchange (FIPS PUB 35). (d) International Standard ISO 2022–1973, Code Extension Techniques for Use with the ISO 7-Bit Coded Character Set. (e) Draft International Standard ISO 6429, Additional Controls for Character-Imaging Devices.

Applicability. This standard is applicable to all ADP equipment and services procured and used by the Federal Government for information processing or data interchange.

Specifications. This standard adopts in whole American National Standard X3.64–1979, Additional Controls for Use with American National Standard Code for Information Interchange.

Qualifications. None.

Implementation Schedule. This standard becomes effective 60 days after the publication date of the announcement of its approval in the **Federal Register**. All applicable equipment ordered after that date must be in conformance with this standard unless a waiver has been obtained in accordance with the procedure described below. Exceptions to this standard are made in the following cases: (a) For equipment installed or on order prior to the effective date of this standard. (b) Where procurement actions are into the solicitation phase (i.e., Request for Proposals or Invitation for Bids has been issued) prior to the effective date of this FIPS PUB.

Waivers. Heads of agencies may request that the requirements of this standard be waived in instances where it can be clearly demonstrated that there are appreciable performance or cost advantages to be gained and that the overall interests of the Federal Government are best served by granting the requested waiver. Such waiver requests will be reviewed by and are subject to the approval of the Secretary of Commerce. The waiver request must address the criteria stated above as the justification for the waiver.

Forty-five days should be allowed for review and response by the Secretary of Commerce. Waiver requests shall be submitted to the Secretary of Commerce, Washington, D.C. 20230, and labeled as a Request for a Waiver to a Federal Information Processing Standard. No agency shall take any action to deviate from the standard prior to the receipt of a waiver approval from the Secretary of Commerce. No agency shall begin any process of implementation or acquisition of non-conforming equipment unless it has already obtained such approval.

Special Information. The types of controls specified by this standard include editing functions, formatting, and the specification and control of special regions of data, such as guarded and/or protected areas, as well as certain status setting and interrogation functions, mode selection and typesetting composition functions.

A control sequence structure is defined (similar to that of FIPS 35 escape sequences;) which permits numeric and selective parameters to be included as part of many of the controls. This structure, as well as the structure of the standard as a whole, is open ended so that more controls can be included in future revisions.

Where to Obtain Copies. Copies of this publication are available for sale from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22161. (Sale of the included specifications document is by arrangement with the American National Standards Institute.) When ordering, refer to Federal Information Processing Standards Publication —— (FIPS–PUB——), and title. Payment may be made by check, money order, or deposit account.

[FR Doc. 80–22290 Filed 7–24–80; 8:45 am]

BILLING CODE 3510–13–M

National Oceanic and Atmospheric Administration

Issuance of a General Permit to Incidentally Take Marine Mammals

On July 17, 1980, a general permit was issued to *Sovrybflot*, Moscow, U.S.S.R. in Category 1: Towed or Dragged Gear, permitting them to incidentally take 200 otariid seals, 10 phocid seals and 10 cetaceans during commercial fishing operations within the United States fishery conservation zone, pursuant to 50 CFR 216.24 (42 FR 64551–64560). This general permit is available for public review in the Office of the Assistant Administrator for Fisheries, 3300 Whitehaven Street, N.W., Washington, D.C.

Dated: July 22, 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 80–22430 Filed 7–24–80; 8:45 am]

BILLING CODE 3510–22–M

National Telecommunications and Information Administration

Frequency Management Advisory Council; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that the Frequency Management Advisory Council (FMAC) will meet from 9:30 a.m. to 3:30 p.m. on August 22, 1980, in the Aspen Room at the National Telecommunications and Information Administration, 1325 "G" Street NW., Washington, D.C. (Public entrance to the building is on "G" Street, between 13th Street and 14th Street NW.)

The Council was established on July 19, 1965. The objective of the Council is to advise the Secretary of Commerce on radio frequency spectrum allocation matters and means by which the effectiveness of Federal Government frequency management may be enhanced. The Council consists of 11 members whose knowledge of telecommunications is balanced in the functional areas of manufacturing, analysis and planning, operations,

research, academia and international negotiations.

The agenda items for the meeting will be:

(1) US/ITU Relationships.

(2) Future ITU Conference Preparation.

(3) Any other procedural business of the Council.

(4) Scheduling of the next meeting.

The meeting will be open to public observation; and a period will be set aside for oral comments or questions by the public which do not exceed 10 minutes each per member of the public. More extensive questions or comments should be submitted in writing before August 20, 1980. Other public statements regarding Council affairs may be submitted at any time before or after the meeting. Approximately 15 seats will be available for the public on a first-come first-served basis.

Copies of the minutes will be available on request 30 days after the meeting.

Inquiries may be addressed to the Council Control Officer, Mr. Charles L. Hutchison, National Telecommunications and Information Administration, Room 268, 1325 "G" Street NW., Washington, D.C. 20005, telephone 202–724–3301.

Dated: June 22, 1980.

C. C. Dodson,

Committee Liaison Officer, National Telecommunications and Information Administration.

[FR Doc. 80–22308 Filed 7–24–80; 8:45 am]

BILLING CODE 3510–60–M

National Technical Information Service

Cost Comparison Reviews Scheduled for Commercial or Industrial Activities Performed by Government Personnel in the National Technical Information Service

Notice is hereby given that pursuant to Office of Management and Budget (OMB) Circular A–76 and Department of Commerce Administrative Order 201–41, the National Technical Information Service intends to conduct cost comparisons of the following commercial or industrial activities performed by Government personnel in the National Technical Information Service and to issue an invitation for bids or request for proposals after the start date scheduled for each review:

Description of activity	Location	Review start	Estimated review completion
Input processing	Springfield, Va...	8/1/79	7/25/80
Subscription maintenance	Springfield, Va...	8/1/79	9/15/80
Input preparation of SIE	Springfield, Va...	7/1/80	5/31/81
Order processing and maintenance.	Springfield, Va...	7/1/80	5/31/81
Keyboarding	Springfield, Va...	4/1/81	3/31/82
Automated data processing.	Springfield, Va...	4/1/81	3/31/82

Each invitation for bids or request for proposals will be announced in the *Commerce Business Daily.*

A contract or contracts may or may not result from the cost comparison of each activity. Results of the cost comparison of an activity will be made available to responding bidders or offerors and other interested parties. For further information contact Ronald M. Aaron, National Technical information Service, 5285 Port Royal Road, Springfield, VA 22161—Phone (703) 557–4793.

Melvin S. Day,

Director, National Technical Information Service.

[FR Doc. 80–22286 Filed 7–24–80; 8:45 am]

BILLING CODE 3510–04–M

Kontes; Grant of Limited Exclusive Patent License

Notice is hereby given that the National Technical Information Service (NTIS) on July 8, 1980 granted to Kontes, having offices on Spruce Street, Vineland, New Jersey 08360, a limited exclusive right in the United States for the manufacture, use and sale of the products embodied in U.S. Patent 4,058,460, "Horizontal Flow-Through Coil Planet Centrifuge Without Rotating Seals," issued November 15, 1977.

The limited exclusive license granted by NTIS to Kontes is a royalty-bearing license for a term of five years from the effective date of the license agreement. The license may be revoked by NTIS in accordance with Title 41 CFR 101–4.1.

The limited exclusive license granted to Kontes is subject to an irrevocable, nonexclusive, non-transferable, royalty-free right in the U.S. Government to make, use or sell the licensed invention throughout the world by or through contract on behalf of the U.S. Government or any foreign government pursuant to a treaty or agreement with the United States. Notice of intent to grant this limited exclusive license to Kontes was previously published in the **Federal Register** (45 FR 27971; April 25, 1980).

Dated: July 14, 1980.

Melvin S. Day,

Director, National Technical Information Service.

[FR Doc. 80–22371 Filed 7–24–80; 8:45 am]

BILLING CODE 3510–04–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Increases in Import Restraint Levels for Certain Cotton and Man-Made Fiber Textile Products From India

July 22, 1980.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing the import restraint levels for women's, girls' and infants' cotton coats in Category 335 and woven blouses of man-made fibers in Category 641, produced or manufactured in India and exported during the twelve-month period which began on January 1, 1980. (A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463).)

SUMMARY: Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1977, as amended, between the Governments of the United States and India, agreement has been reached to increase the consultation levels for cotton textile products in Category 335 from 16,949 dozen to 24,213 dozen and for man-made fiber textile products in Category 641, from 48,276 dozen to 68,966 dozen during the agreement year which began on January 1, 1980 and extends through December 31, 1980.

EFFECTIVE DATE: July 25, 1980.

FOR FURTHER INFORMATION CONTACT: Ross C. Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230. (202/377–5423).

SUPPLEMENTARY INFORMATION: On December 28, 1979, there was published in the **Federal Register** (44 FR 76840) a letter dated December 21, 1979 from the Chairman of the Committee for the Implementation of Textile Agreements, which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, including Categories 335 and 641, produced or manufactured in India, 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 levels for textile products in Categories 335 and 641 to 24,213 dozen and 68,966 dozen, respectively, during the year which began on January 1, 1980. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the previously established levels of restraint for Categories 335 and 641 to the designated amounts.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

July 22, 1980.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 21, 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 India.

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 December 30, 1977, as amended, between the Governments of the United States and India; 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 25, 1980, and for the twelve-month period beginning on January 1, 1980, and extending through December 31, 1980, entry into the United States for consumption, and withdrawal from warehouse for consumption, of textile products in Categories 335 and 641 in excess of the following adjusted levels of restraint:

Category	Adjusted 12-month levels of restraint [1]
335	24,213 dozen.
641	68,966 dozen.

[1] The levels of restraint have not been adjusted to reflect any imports after December 31, 1979.

The actions taken with respect to the Government of India and with respect to imports of cotton and man-made fiber textile products from India have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 80-22307 Filed 7-24-80; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1980; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to procurement list.

SUMMARY: This action adds to Procurement List 1980 services to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: July 25, 1980.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On April 25, 1980 and May 23, 1980, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (45 FR 27972 and 45 FR 34950) of proposed additions to Procurement List 1980, November 27, 1979 (44 FR 67925).

After consideration of the relevant matter presented, the Committee has determined the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following services are hereby added to Procurement List 1980:

SIC 7349

Janitorial Service, Federal Building, 35 Ryerson Street, Brooklyn, New York.

SIC 7641

Furniture Rehabilitation, Lawton, Oklahoma (including Fort Sill), Altus Air Fore Base, Oklahoma.

E. R. Alley, Jr.,

Acting Executive Director.

[FR Doc. 80-22328 Filed 7-24-80; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1980; Proposed Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed addition to procurement list.

SUMMARY: The Committee has received a proposal to add to Procurement List 1980 a service to be provided by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: August 27, 1980.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested parties an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed addition, all entities of the Federal Government will be required to procure the service listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following service to Procurement List 1980, November 27, 1979 (44 FR 67925):

SIC 7369

Commissary Shelf Stocking and Custodial Service, McConnell Air Force Base, Wichita, Kansas.

E. R. Alley, Jr.,

Acting Executive Director.

[FR Doc. 80-22327 Filed 7-24-80; 8:45 am]

BILLING CODE 6820-33-M

COMMODITY FUTURES TRADING COMMISSION

Proposed Futures Contract, Availability

The Commodity Futures Trading Commission ("Commission") is making available and requesting public comment on a 1000 Ounce Silver futures contract proposed to be traded by the Chicago Board of Trade. Copies of this proposed contract will be available at the Commission's offices in Washington, New York, Chicago, Minneapolis, Kansas City and San Francisco. The Commission will also furnish copies upon request made to the Commission Secretary.

Any person interested in expressing views on the terms and conditions of this proposed contract should send comments by August 25, 1980 to Ms. Jane Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C., 20581 (202) 254-6314. Copies of all comments

will be available for inspection at the Commission's Washington office.

Issued in Washington, D.C., on July 22, 1980.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 80-22412 Filed 7-24-80; 8:45 am]

BILLING CODE 6351-01-M

Proposed Futures Contract; Availability

The Commodity Futures Trading Commission ("Commission") is making available and requesting public comment on a heating oil futures contract proposed to be traded by the Chicago Board of Trade. Copies of this proposed contract will be available at the Commission's offices in Washington, New York, Chicago, Minneapolis, Kansas City and San Francisco. The Commission will also furnish copies upon request made to the Commission Secretary.

Any person interested in expressing views on the terms and conditions of this proposed contract should send comments by August 25, 1980 to Ms. Jane Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C., 20581. (202) 254-6314. Copies of all comments will be available for inspection at the Commission's Washington office.

Issued in Washington, D.C., on July 22, 1980.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 80-22413 Filed 7-24-80; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF ENERGY

Requests for Interpretation Months of April and May 1980

Notice is hereby given that during the months of April and May 1980, the requests for interpretation listed in the Appendix to this notice were filed pursuant to 10 CFR Part 205, Subpart F, with the Office of General Counsel, Department of Energy (DOE). Notice of requests received subsequently will be published at the end of each calendar month. Copies of the requests for interpretation listed herein are on file in and should be obtained from the DOE's Public Reading Room, Information Access Office, Room 5B-180, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-5968.

The statement of issue that follows each request for interpretation listed in the Appendix is not intended to be definitive or final. Rather, the issue statement should be regarded as the initial restatement by the DOE of the

Appendix—List of Requests for Interpretation Received by the Office of General Counsel

[Months of April and May 1980]

Date received	Name and location of requester	File No.
Apr. 1, 1980	Johnson Oil Company, Inc.; Stephen G. Crockett, Esq., Robert G. Holt, Esq., Martineau, Rooker, Larsen & Kimball, 1800 Beneficial Life Tower, 36 South State Street, Salt Lake City, Utah 84111 Issue: Where sales of crude oil by Johnson Oil Company, Inc., to Southwestern Refining Company, Inc. in May 1973, when the owner of both Johnson and Southwestern were members of the same family, "transactions" under 10 CFR 212.31?.	A-536
Apr. 1, 1980	Forest Oil Corporation; G. Edward Ellison, Esq., 2100 First City National Bank Building, Houston, Texas 77002. Issue: Where crude oil was recovered from a property in 1978 in the course of testing, was crude oil "produced" from that property for purposes of the "newly discovered crude oil" provisions of 10 CFR 212.79(b)?	A-537
Apr. 2, 1980	Giant Industries, Inc.; Neal J. Tonken, Esq.; Chapman, Duff and Paul, 1730 Pennsylvania Avenue, NW., Washington, D.C. 20006. Issue: Does a contract clause which provides that a supplier-purchaser relationship will continue on a month-to-month basis unless cancelled by either party upon 30 days notice, constitute consent to terminate that relationship in accordance with 10 CFR 211.63(d)?.	A-538
Apr. 4, 1980	Cities Service Company; Darrel A. Kelsey, Esq.; Cities Service Company, P.O. Box 300, Tulsa, Oklahoma 74102. Issue: Does 10 CFR 211.67(d)(2) of the Mandatory Petroleum Allocation Regulations require Cities Service Company to reduce its volume of crude oil runs to stills for purposes of the entitlements program based upon export sales of petroleum coke?.	A-539
Mar. 28, 1980	Yazoo City; William T. Miller, Esq.; 301 Watergate Office Building, 2690 Virginia Avenue, NW., Washington, D.C. 20037 Issue: Does Title V of the Fuel Use Act allow utilities to file system compliance option (SCO) plans after the December 31, 1979 filing date?	A-540
Apr. 9, 1980	Illinois Petroleum Marketers Association; Gregg R. Potvin, Esq., Bassman, Mitchell & Levy, Suite 1000, 1612 K Street, NW., Washington, D.C. 20006. Issue: May a supplier require its wholesale purchaser-resellers to (1) certify that all assigned volumes have been delivered or (2) downward certify under 10 CFR 211.13(f) if its requirements are less than as it has certified or if its product is diverted to other purchasers or uses?.	A-541
Apr. 4, 1980	Southern Gulf Oil Distributors Association; Robert S. Bassman, Esq.; Bassman, Mitchell & Levy, Suite 1000, 1612 K Street, NW., Washington, D.C. 20006. Issue: (1) Where a refiner will not supply its maximum lawful selling price (MLSP) to wholesale purchaser-resellers recently converted from consignees, may the wholesale purchaser-reseller compute its MLSP in accordance with the provisions of 10 CFR 212.111(c), or must it use the refiner's actual price to its purchasers?. (2) Is a reseller-retailer still entitled to the 16.1 cent retail margin pursuant to 10 CFR 212.93(a)(2) after conversion from a consignee?. (3) Does the wholesale purchaser-reseller after conversion from a consignee inherit the bank accumulated by the refiner in sales to the same purchasers?.	A-542
Apr. 16, 1980	Standard Oil Company (Ohio); Dennis R. Jonke, Manager; The Standard Oil Company, Midland Building, Cleveland, Ohio 44115. Issue: Do the provisions of 10 CFR 212.54, 212.74(c), and 212.131(a)(1)(ii) entitle a producer of crude oil to receive the additional revenue for the sale of crude oil which had qualified as stripper well oil, but was not so certified until a later date?.	A-543
Apr. 16, 1980	Bassman, Mitchell & Levy; Barbara Rother Hedges, Esq.; Bassman, Mitchell & Levy, Suite 1000, 1612 K Street, NW., Washington, D.C. 20006. Issue: Is a response to a Special Report Order (SRO) deemed as filed upon: (1) regular mailing; (2) registered or certified mail; or (3) upon receipt by the DOE under the provisions of 10 CFR 205.8(b)(5)(ii)?.	A-544
Apr. 17, 1980	Brock Exploration Corporation; John S. Logan, Esq.; Kirkland & Ellis, 1776 K Street, NW., Washington, D.C. 20006. Issue: Does crude oil qualify as newly discovered crude oil pursuant to 10 CFR 212.79, if it is produced from a new unitized property composed of segments that did not produce crude oil in 1978?.	A-545
Apr. 22, 1980	Energy Services, Inc.; C. David Stinson, Esq.; McAfee & Taft, 5th Floor, 100 Park Avenue, Oklahoma City, Oklahoma 73102. Issue: (1) How many "rights to produce" crude oil, in accordance with the "property" definition of 10 CFR 212.72, were created by the conveyance of three assignments of full leasehold interests in certain premises from two assignors?. (2) Does crude oil produced from each well on the determined "property" qualify as "newly discovered crude oil" pursuant to 10 CFR 212.79?.	A-546
Apr. 21, 1980	Mobil Oil Corporation; Mark J. Forsch, Esq.; Mobil Oil Corporation, P.O. Box 900, Dallas, Texas 75221. Issue: Pursuant to 10 CFR 212.165 how must Mobil Oil Corporation calculate the price of natural gas liquid products transferred to Coastal States Gas Producing Company as in-kind payment for processing natural gas produced from the Mobil-David Field located in Nueces County, Texas?	A-547
Apr. 29, 1980	The Detroit Edison Company; Bruce R. Maters, Esq.; Detroit Edison, 2000 Second Avenue, Detroit, Michigan 48226. Issue: (1) Do the terms "major fuel burning installation" and "new major fuel burning installation" defined in Sections 103(a) (10) and (11) of the Fuel Use Act, and 10 CFR 500.2(a) of the ERA Interim Rule include auxiliary boilers at a powerplant?. (2) Is the fuel consumed in an auxiliary boiler deemed a "primary energy source" as defined in Section 103(a)(15) of the FUA and § 500.2(a)?.	A-548
Apr 30, 1980	Florida Association of Blood Banks; Thomas J. Guilday, Esq.; Akerman, Senterfitt & Eidson, Suite 510—Lewis State Bank Building, Tallahassee, Florida 32302. Issue: Do the services performed by hospital and community blood banks and transfusion operations qualify as "emergency services" as defined in 10 CFR 211.51, so that bulk purchasers engaged in these services may receive a first priority allocation for motor gasoline under 10 CFR 211.103(b)(3)?.	A-549

Appendix—List of Requests for Interpretation Received by the Office of General Counsel—Continued

[Months of April and May 1980]

Date received	Name and location of requester	File No.
May 1, 1980	New York State Energy Office; Peter B. Shawhan, Esq.; New York State Energy Office, Rockefeller Plaza, Albany, New York 12223. Issue: If the State unilaterally terminates concession contracts with the current operators of State-owned motor gasoline service stations on Long Island parkways, is the state, as a base period supplier, obligated under the provisions of 10 CFR 211.9(c), 211.11(d) and 211.106(e) to supply the allocation entitlement to the new operator?.	A-550
May 8, 1980	Mitchell Energy Corporation; Colin D. Mathews, Esq., Vinson & Elkins, 1101 Connecticut Avenue, NW., Suite 900, Washington, D.C. 20036. Issue: Is the sale of crude oil that Mitchell will own by virtue of a limited overriding royalty interest, acquired for the specific purpose of financing a tertiary project, a "first sale" of crude oil by or for the behalf of a "producer" under 10 CFR 211.78(a)(2)?.	A-551
May 5, 1980	Department of Defense; Patrick Corbin; Office of the General Counsel; Army and Air Force Exchange Service; Department of Defense, Washington, D.C. 20301. Issue: Are Army and Air Force Exchange Service retail motor gasoline stations instrumentalities of the United States government and therefore exempt from the discrimination provisions of 10 CFR 210.62(b) as applied to the Mandatory Petroleum Allocation Regulations, 10 CFR Part 211?	A-552
May 6, 1980	Farmers Union Central Exchange; Corinne Courtney, Esq., Moulton, Bellingham, Longo & Mather, P.C., Securities Building, Billings, Montana 59103. Issue: Can crude oil produced in 1979 from a non-contiguous section of a three-section lease qualify as newly discovered crude oil according to 10 CFR 212.79 if it constitutes a separate property?.	A-553
May 2, 1980	Upham Oil & Gas Co.; Thomas B. Hudson, Jr., Esq.; Baker & Botts, 1701 Pennsylvania Avenue, NW., Washington, D.C. 20006. Issue: Does Presidential Proclamation No. 4744, the Gasoline Conservation Fee-Entitlements Program, apply to natural gasoline produced in a gas processing plant and not sold as a finished motor fuel?.	A-554
May 13, 1980	Ezell Oil Company, Inc.; Allen Ezell, President; Ezell Oil Company, Inc., P.O. Box 506, Tulelake, California 96134. Issue: Do the provisions of 10 CFR 210.62 prohibit a reseller-retailer from selling motor gasoline in a keylock pump operation if, in addition to keys given individual holders, there is a key available to anyaone upon request during regular business hours?.	A-555
May 22, 1980	Burns & McDonnell Engineering Company, Inc.; W. R. Thomassett; Section Chief, Burns & McDonnell Engineering Company, Inc., P.O. Box 173, Kansas City, Missouri 64141 Issue: Should auxiliary oil-fired boilers be classified as separate major fuel-burning installations under Title I, Section 103 of the FUA if they are used primarily for unit start-up and in combination with the fuel oil allowed in the main boiler unit, and the total fuel oil Btu input will not exced 5 percent of the main boiler's heat input?.	A-556
May 27, 1980	L.P.G. Energy Corporation; Kansas-Nebraska Gas Company, Inc.; Western Gas Corporation; Joseph K. Reynolds, Esq.; Allott & Reynolds, 2030 Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202. Issue: Must L.P.G. Energy Corp. establish a maximum lawful selling price for natural gas liquid products produced by Western Gas Corporation, an acquired firm, under 10 CFR Part 212, Subpart F or under 10 CFR Part 212, Subpart K?	A-557
May 28, 1980	Sun Oil Company (Delaware); Diane Galbraith, Esq.; Sun Production Company, Campbell Centre II, P.O. Box 2880, Dallas, Texas 75221. Issue: (1) May a producer recoup under the provisions of 10 CFR 212.78(c) those expenses which were contracted for after August 22, 1979, but were not paid for until October 1, 1981?. (2) Does a bona fide contract for the delivery of items, payment for which is due upon delivery, satisfy the requirement that recoupable allowed expenses be paid and reported to the ERA between August 22, 1979, and October 1, 1981, where delivery and therefore payment does not occur until after October 1, 1981?. (3) May a producer recoup under the provisions of § 212.78(c) those expenses actually paid between August 22, 1979, and October 1, 1981, for tertiary injectants, supplies and capital items even though such materials will be scheduled for delivery and use after October 1, 1981?.	A-558
May 27, 1980	State of Louisiana; Frank A. Ashby, Jr.; Department of Natural Resources, P.O. Box 44396, Baton Rouge, Louisiana 70804. Issue: The State of Louisiana has enacted legislation designed to control distribution of the State's royalty crude oil and products refined from that crude oil and asks the following questions bearing on the consistency of that legislation with the Mandatory Petroleum Allocation and Price Regulations:. (1) Where a clearly expressed and mutually agreed to lease provision provides to the lessor a right to take its royalty volumes in kind upon proper notice at any time during the life of the production, may the State, as such a lessor, exercise this right without an exemption from 10 CFR 211.63 for:. (a) Royalty volumes which have been the subject of a first sale by the lesee, if it can be shown that the lessee can make up such volumes out of its own production or imported supplies, and no substantial detriment to a purchaser/supplier relationship is thereby created; or. (b) Royalty volumes which arise from future production under leases containing such a right, if the right is exercised prior to a first sale by the lessee; or. (c) Royalty volumes which arise from future production under leases containing such right if, prior to any first sale, waivers are obtained from all subsequent purchasers, acknowledging this right.. (2) Where the State regulatory program conditions the sale or processing of its royalty crude volumes upon a right of the State to a first refusal of the refined products, may the State exercise such right without an exemption from Part 212.. (3) Where the State's program affects disposition of royalty crude volumes which are subject to federal price controls, may a per barrel administrative fee be collected by the State in addition to the regulated price applicable to a sales or processing agreement, as otherwise provided in its legislation and implementing regulations?.	A-559

question that appears to have been presented for resolution. The issue may, of course, be refined and modified during the interpretive process.

Interested parties may submit written comments on the listed interpretation requests by August 25, 1980. Comments should be identified on the outside envelope and on documents submitted with the file number of the interpretation request and all comments should be filed with the Assistant General Counsel for Interpretations and Rulings, Office of the General Counsel, Department of Energy, Room 5E–052, 1000 Independence Avenue, SW., Washington, D.C. 20585. Any comments submitted should be served on the requesting parties as identified in the Appendix below. When appropriate, aggrieved parties, as defined in 10 CFR 205.2, will continue to receive actual notice of pending interpretation requests in accordance with the current practice of the Office of General Counsel.

For further information contact Diane Stubbs, Office of General Counsel, 1000 Independence Avenue, SW., Room 5E052, Washington, D.C. 20585, (202) 252–2931.

Issued: July 21, 1980.

Lona L. Feldman,

Acting Assistant General Counsel for Interpretations and Rulings.

International Atomic Energy Agreements; Proposed Subsequent Arrangements

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy, as amended.

These subsequent arrangements to be carried out under the above mentioned Agreement involve the shipment of enriched uranium/aluminum alloy fuels from the locations below to the DOE Savannah River facility for reprocessing and storage of recovered uranium.

Reactor and Location	Kilograms of contained uranium
HOR, Netherlands	10
NEREIDE, France	35

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that these subsequent arrangements will not be inimical to the common defense and security. These arrangements for

Appendix—List of Requests for Interpretation Received by the Office of General Counsel—Continued

[Months of April and May 1980]

Date received	Name and location of requester	File No.
May 29, 1980	Monsanto Company and Conoco Company, Inc.; Arthur Wright; Monsanto Company, 800 N. Lindbergh Boulevard, St. Louis, Missouri 63166. Issue: During the operating phase of an ethylene production facility constructed pursuant to a joint venture created by Monsanto and Conoco, are they separate firms for purposes of the Mandatory Petroleum Price Regulations if each provides its own feedstocks and separately owns and disposes of the finished products once processed?.	A-560
May 20, 1980	Shell Oil Co.; Kim Jensen Clifford, Esq.; Shell Oil Co., One Shell Plaza, P.O. Box 2463, Houston, Texas 77001. Issue: Does the Tertiary Incentive Program, 10 CFR 212.78, permit Shell to recoup expenses associated with CO_2 producing properties that are vital and necessary to an EOR project conducted on a separate property, regardless of whether the CO_2 producing properties are now producing or ever will produce crude oil?	A-561

[FR Doc. 80-22406 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-01-M

returning U.S. origin highly enriched uranium (HEU) to the U.S. are consistent with U.S. non-proliferation policy in that they serve to reduce the amount of HEU abroad.

These subsequent arrangements will take effect no sooner than August 11, 1980.

Dated: July 18, 1980.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-22399 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Sweden Concerning the Civil Uses of Atomic Energy, as amended, and the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

This subsequent arrangement would give approval, which must be obtained under the above mentioned Agreements, for the transfer of special nuclear material of United States origin from France to Sweden. The material to be transferred is 19.193 kilograms of uranium, containing 17.850 kilograms of U-235 (93.003 percent enrichment) contained in 70 fuel elements for the R-2 research reactor in Sweden.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the approval of this transfer (RTD/SW(EU)-111) will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than August 11, 1980.

For the Department of Energy.

Dated: July 21, 1980.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-22400 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Proposed Subsequent Arrangements

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Switzerland Concerning Civil Uses of Atomic Energy, as amended.

These subsequent arrangements would give approval, which must be obtained under the above mentioned Agreements, for the transfer of special nuclear materials of United States origin as follows:

(1) From Switzerland to the Federal Republic of Germany, one damaged fuel element containing 410.115 kilograms of uranium, and 13.580 kilograms of U-235 (3.311% enrichment) to RBU for repair. This subsequent arrangement is designated as RTD/EU(SD)-32.

(2) From the Federal Republic of Germany to Switzerland, one repaired fuel element containing 410.115 kilograms of uranium, and 13.580 kilograms of U-235 (3.311% enrichment) to KKG for use as power reactor fuel. This subsequent arrangement is designated as RTD/SD(EU)-33.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the approval of these retransfers will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than August 11, 1980.

For the Department of Energy.

Dated: July 21, 1980.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-22403 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Sweden Concerning Civil Uses of Atomic Energy, as amended, and the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

This subsequent arrangement would give approval, which must be obtained under the above mentioned Agreements, for the transfer from the Federal Republic of Germany to Sweden of 3.305 kilograms of Uranium, containing 1.500 kilograms of U-235 (45.386% enrichment) in the form of prototype fuel elements to be used in the R-2 research reactor.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that approval of this subsequent arrangement (designated as RTD/SW(EU)-112) will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: July 21, 1980.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-22404 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Sweden Concerning Civil Uses of Atomic Energy, as amended.

This subsequent arrangement would give approval, which must be obtained under the above mentioned Agreements, for the transfer of special nuclear material of United States origin from Sweden to the Federal Republic of Germany. The material consists of 5,000 kilograms of Uranium, containing 175 kilograms of U-235 (3.5% enrichment) for scrap recovery. After purification, it is planned to return this material to Sweden.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that approval of this retransfer (designated as RTD/EU(SW)-53) will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: July 21, 1980.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-22405 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. ERA-TA-80-05]

Mitchell Energy Corp.; Issuance of Proposed Decision and Order

Notice is hereby given that the Economic Regulatory Administration has issued to Mitchell Energy Corporation (Mitchell) a Proposed Decision and Order with regard to an application for incentive prices allowed under 10 CFR .78(a)(2) of the Tertiary Enhanced Recovery Program. Under the provisions of 10 CFR 205.98, such a Proposed Decision and Order must be published in the **Federal Register.** Interested parties have thirty calendar days from the date of publication to submit objections or comments. Upon review of any matters submitted, we may issue a final Decision and Order in the form proposed, issue a modified proposed or final Decision and Order, or take other appropriate action. All parties offering objections or comments will be notified of the action taken and will be furnished a copy of that action. Objections or comments should cite the docket number and be addressed to: Administrator, Economic Regulatory Administration, Department of Energy, Washington, D.C. 20461. Attention: Manager, Tertiary Enhanced Recovery Program.

A copy of the text of the Proposed Decision and Order together with a copy of Mitchell's application is available in the Public Affairs Office, Room B-110, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays) and the Department of Energy Reading Room, Room 5B-180, James Forrestal Building, 1000 Independence Avenue, Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays).

Issued in Washington, D.C., on July 18th, 1980.

Paul T. Burke,

Deputy Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Department of Energy, Economic Regulatory Administration

Proposed Decision and Order—Under the Tertiary Incentive Program

To: Mitchell Energy Corporation, Houston, Texas.

SUBJECT: Designation of Additional Allowed Expenses for Alvord South and Deaver Units Enhanced Oil Recovery Project (Docket Number ERA-TA-80-05).

I. Introduction

On February 20, 1980, Mitchell Energy Corporation (Mitchell) of Houston, Texas, a subsidiary of Mitchell Energy and Development Corporation, submitted an application pursuant to section 212.78(e)(3) of the Department of Energy's Tertiary Incentive Revenue Program for an order which would permit Mitchell to recover expenses in addition to those otherwise recoverable under section 212.78(d)(2) for miscible fluid displacement projects.

II. Background

On August 21, 1979, the Economic Regulatory Administration (ERA) amended 10 CFR 212.78 to establish the Tertiary Incentive Program. In general, this program permits producers which are engaged in EOR projects to recover upon self-certification certain "allowed expenses" associated with such projects. An allowed expense is seventy-five of an environmental expense (as defined in section 212.78(c)), seventy-five percent of an engineering and laboratory expense (as defined in section 212.78(c)), or seventy-five percent of an expense listed in the Appendix to section 212.78. Section 212.78(e)(3) provides that, with respect to a project that employs a "self-certifiable technique" (as defined in section 212.78), a producer may apply for an ERA order designating allowed expenses in addition to those designated in the Appendix to section 212.78 for self-certified projects.

Mitchell is a qualified producer with respect to the Alvord South Project ("Alvord") and the Deaver Project ("Deaver"), which will employ a miscible carbon-dioxide (CO_2) injection technique. Mitchell has requested ERA to issue an order designating additional items as allowed costs with respect to these projects.

III. Findings and Analysis

On February 20, 1980, Mitchell certified to the ERA that it had interests in the properties on which the Alvord South Unit and the Deaver Unit, both in Wise County, Texas, are located, and that it contributed to the operation on those properties of two projects which employ a miscible fluid displacement technique as defined in section 212.78(c). Thus, Mitchell is a qualified producer with respect to Alvord and Deaver.

Because Alvord and Deaver employ miscible fluid flooding, Mitchell, as a qualified producer, would be entitled to purchase injection quality CO_2 delivered to the project site, and to treat it as an allowed cost. Mitchell has asserted that it would be more efficient and economical for Mitchell to supply itself with carbon dioxide, rather than for it to purchase the carbon dioxide from an outside source. Without an order from ERA, however, Mitchell could not recover the cost of producting carbon dioxide. Accordingly, Mitchell has requested an order designating the expenses associated with its producing carbon dioxide as allowed expenses.

ERA believes that its regulatory program should not encourage distorted economic arrangements. Thus, ERA will consider granting an order designating additional items as allowed expenses if those items represent a more efficient and economical way of supplying a producer with an item already designated as an allowed expense.

Some 51.5 billion cubic feet of CO_2 will be required over the next ten years for Alvord and Deaver. Moreover, a source is needed which will provide a continuous and economic supply of carbon dioxide.

As to naturally occurring sources of CO_2 within a 250 miles radius of the project sites, which may be said to be the range for economic delivery, there are none. Beyond 250 miles, assuming availability in requisite volumes, which has not been confirmed, CO_2 would have a delivered price estimated at $5.05 per thousand cubic feet (mcf) at 1980 prices.

Within the 250 mile range, Mitchell advises that it may be able to purchase carbon-dioxide from commercial generating (manufactured) sources, existing and to be promoted by Mitchell's anticipated needs, at 1980 prices ranging from $2.45 to $3.50 per mcf. CO_2 so produced would be delivered by tank truck. Over the ten year period of injection, the average price of truck delivered CO_2 from such commercial sources has been estimated conservatively to average not less than $4.25 per mcf.

The cost savings against obtaining CO_2 from natural sources outside the 250 mile range are substantial—a preliminary estimate shows a saving of about $92 million. However, because of the (1) comparatively high and potentially variable CO_2 cost, (2) the uncertainty and interruptibility of supply from varying sources in the large volumes required for the project, (3) the continuing mandate to meet premium market prices in order to assure continued supply once injection has commenced (or to abort the project either prematurely or even after reservoir response has been proved), (4) the awkwardness and logistical problems involved in managing a truck delivery system, and (5) the important environmental objections to the constant stream of tank truck traffic, Mitchell has sought to fashion an alternative approach.

In order to obtain an assured supply of CO_2 which is critical to the project, at reasonable cost, Mitchell proposes to construct a facility to recover CO_2 from exhaust flue gas near its gas plant at Bridgeport, Texas, and to deliver the recovered CO_2 to the project through a six inch pipeline a distance of about 12 miles. The estimated cost for CO_2 delivered to the project sites by this method is $3.00 per mcf over the 10 year life of the projects. The CO_2 extraction, continuity of delivery, and quality of injectant would be under Mitchell's control, thus permitting efficient operation of Alvord and Denver.

Our evaluation of the options available to Mitchell with respect to different sources of carbon-dioxide, and the assurance of the continuous supply of that injectant over the life of the project, indicates that the construction and operation by Mitchell of a nearby CO_2-from-flue gas plant and its movement by a short pipeline to the project sites is the most economical means of acquiring the necessary and assured volume of the injectant.

Accordingly, ERA is proposing to designate as allowed expenses for Alvord and Deaver the following items:

1. Costs of constructing the facility to recover CO_2 from flue gas near Bridgeport, Texas, provided that the costs thereof are allocated between Alvord and Deaver in accordance with the respective CO_2 volume requirements of each unit, which is approximately 85 percent to Alvord and 15 percent to Deaver.

2. Costs of constructing a pipeline for delivery of the CO to the injection sites from the recovery facility, provided that the costs thereof are allocated between Alvord and Deaver in accordance with the respective CO_2volume requirements of each unit, which is approximately 85 percent to Alvord and 15 percent to Deaver.

IV. Comment Procedures

10 CFR 205.98 requires that this Proposed Decision and Order be published in the **Federal Register** and sets forth the procedures for entering objection or comment on this Proposed Decision and Order. Objections or comments must be received by the designated Office in ERA within thirty calendar days from the date of publication in the **Federal Register** of the Proposed Decision and Order. All submissions with respect to this application will be available for public inspection in the DOE Reading Room, Room GA-152, James Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays) and in the Public Affairs Office, Room B-110, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays).

V. Order

1. Except as othewise indicated in each subparagraph below, the following expenses, in addition to the allowed expenses for a self-certified miscible fluid flooding project as stated in the Appendix to section 212.78 are declared to be allowed expenses for the Alvord and Deaver Projects undertaken by Mitchell Energy Corporation in the Caddo Conglomerate Reservoir of the Alvord South and Deaver Units of the Alvord/Caddo Field of Wise County, Texas:

1. Costs of constructing the facility to recover CO_2 from flue gas near Bridgeport, Texas, provided that the costs thereof are allocated between Alvord and Deaver in accordance with the respective CO_2 volume requirements of each unit, which is approximately 85 percent to Alvord and 15 percent to Deaver.

2. Costs of constructing a pipeline for delivery of the CO_2 from the recovery facility to the injection sites, provided that the costs thereof are allocated between Alvord and Daver in accordance with the respective CO_2 volume requirements of each unit, which is approximately 85 percent to Alvord and 15 percent to Deaver.

In all other respects, Mitchell's application for the designation of allowed expenses is hereby denied.

2. This Order is based on the presumed validity of statements, assertions, and documentary materials submitted by Mitchell. It is further based on our understanding that all actual and projected costs reported by Mitchell represent fair and reasonable market price valuations for the expenditures involved, that all actual and projected production figures have been derived from reliable records or made on the basis of generally acceptable engineering practice, and that every effort has been made to insure that all cost, revenue and production estimates are reasonably accurate. This Order may be revoked or modified upon a determination that the factual basis underlying the Order is incorrect.

3. Pursuant to this Order any qualified producer with respect to the Alvord South/Deaver Project may recover all allowed costs specified herein which were incurred and paid on or after August 22, 1979, so long as such producer is engaged in the project described in this Order.

Issued in Washington, D.C., on July 18, 1980.

Paul T. Burke,

Deputy Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 80-22407 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-01-M

[(OFC Case No. 55119-9044-01-12, 55119-9044-02-12, 55119-9044-03-12) Docket No. ERA-FC-79-012]

Availability of Tentative Staff Determination

AGENCY: Economic Regulatory Administration.

ACTION: Notice of Availability of Tentative Staff Determination.

SUMMARY: On October 29, 1979, General Motors Corporation (GM) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order exempting three major fuel burning installations (MFBIs) from the provisions of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act) (42 U.S.C. 8301 *et seq.*), which prohibit the use of petroleum and natural gas as a primary energy source in new MFBIs. GM requested a permanent fuel mixtures exemption for each of the three MFBIs in order to use a fuels mixture of coal and less than 25 percent natural gas in each installation.

The MFBIs for which the petition is filed are three new identical field-erected boilers (identified as Boiler Numbers 1, 2, and 3) installed at GM's Assembly Division (GMAD), Oklahoma City, Oklahoma facility. Each boiler has a design heat input rate of 182 million Btu's per hour with a steam generating capacity of 150,000 pounds per hour and is capable of burning fuel oil, coal, and natural gas.

ERA accepted the petition November 28, 1979, and published notice of its acceptance, together with a statement of the reasons set forth in the petition for requesting the exemptions, in the **Federal Register** on December 18, 1979, (44 FR 74901). Publication of the notice of acceptance commenced a 45 day public comment period pursuant to Section 701 of FUA. During this period, interested persons were afforded an opportunity to request a public hearing. The period expired February 1, 1980. No comments were submitted. No hearing was requested.

Based upon ERA's review and analysis of the information presently

contained in the record of this proceeding, a Tentative Staff Determination has been made recommending that ERA issue an order which would grant the requested permanent exemptions to use a mixture of natural gas and coal in which the amount of natural gas used in each of the three units will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of each unit.

The public file containing a copy of the Tentative Staff Determination and other documents and supporting materials on this proceeding is available upon request at: ERA, Room B-110, 2000 M Street, NW, Washington, DC, Monday through Friday, 8:00 am–4:30 pm.

ERA will issue a final order granting or denying the petition for permanent exemptions from the prohibitions of the Act within six months after the public comment period provided for in this notice has expired, unless ERA extends such period. Notice of any extension, together with a statement of reasons for such extension, will be published in the Federal Register.

DATES: Written comments on the Tentative Staff Determination are due on or before August 8, 1980.

ADDRESSES: Fifteen copies of written comments shall be submitted to the Department of Energy, Case Control Unit, Box 4629, Room 2313, 2000 M Street, NW, Washington, DC 20461. Docket Number ERA–FC–79–012 should be printed clearly on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW, Room 3128, Washington, DC 20461, phone (202) 653–3679.

E. Jiran, Office of the General Counsel, Department of Energy, 1000 Independence Avenue, SW, Room 6G–087, Washington, DC 20461, phone (202) 252–2967.

Kathleen Ewing, Case Manager, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW, Room 3319, Washington, DC 20461, phone (202) 653–3675.

SUPPLEMENTARY INFORMATION: General Motors Corporation (GM) has installed at its Oklahoma City, Oklahoma facility, three new identical field-erected boilers. Each unit has a design heat input rate of 182 million Btu's per hour with a steam generating capacity of 150,000 pounds per hour and is capable of burning fuel oil, coal, and natural gas.

ERA published Interim Rules on May 15 and 17, 1979, (44 FR 28530 and 44 FR 28950) to implement provisions of Title II of FUA. ERA published Final Rules on June 6, 1980 (45 FR 38276 and 45 FR 38302) which do not become effective until August 5, 1980. Title II of FUA prohibits the use of natural gas or petroleum in certain new MFBI's unless an exemption for such use has been granted.

On October 29, 1979, in accordance with Section 505.28 of the Interim Rules, GM filed a petition with ERA requesting permanent fuel mixtures exemptions for the three subject boilers in order to burn a coal-natural gas fuels mixture with coal being used alternately with natural gas in each unit. GM certified that the total amount of natural gas proposed to be used in each of the three units will not exceed 25 percent of the total annual Btu heat input of each unit.

GM contends that, although it has obtained all necessary permits to consume coal at this facility, the use of natural gas in a mixture with coal in these boilers will allow the company to operate the boilers at low steam production levels without wasting coal energy or incurring potential opacity and noise pollution problems.

ERA's staff has reviewed the information contained in the record of this proceeding to date and made a Tentative Staff Determination recommending that an order be issued granting permanent fuel mixtures exemptions for Boiler Numbers 1, 2, and 3, to use a coal-natural gas fuels mixture in each unit, provided that the amount of natural gas to be used in each unit does not exceed 25 percent of the total annual Btu heat input of the primary energy source used by each installation. This determination also takes into account the purposes for which the minimum percentage of natural gas provided by a fuels mixtures exemption is to be used, i.e., to maintain reliability of operation, consistent with maintaining a reasonable level of fuel efficiency. Therefore, should these exemptions be granted, ERA will not exclude any fuel from the definition of primary energy source for the purposes of unit ignition, start-up, testing, flame stabilization, and control uses for Boiler Numbers 1, 2, and 3.

This recommendation is based upon the petitioner's demonstration, pursuant to Section 212(d)(A) and (B) of the Act, that he proposes to use a mixture of coal and natural gas as a primary energy source in the installations, and that the amount of natural gas to be used will not exceed 25 percent of the annual Btu heat input of each unit.

On the basis of the analysis provided by the Office of Fuels Conversion, and reviewed by the Office of Environment, with consultation from the Office of the General Counsel, DOE has concluded that the granting of this exemption will not be a major Federal action significantly affecting the quality of the human environment, within the meaning of the National Environmental Policy Act of 1969 (NEPA). Accordingly, neither an environmental impact statement nor an environmental assessment is required.

Recommended Terms and Conditions: ERA's staff also has tentatively determined and recommends that any order granting the exemptions described above should, pursuant to Section 214 of the Act, be subject to the following terms and conditions:

(1) No petroleum, as that term is defined in Section 103(a)(4) of the Act, shall be use in Boiler Numbers 1, 2 and 3;

(2) The amount of natural gas to be used in each MFBI shall not exceed 25 percent of the total annual Btu heat input of the primary energy sources used in each unit;

(3) In accordance with the reporting requirement in Section 505.28(d) GM will submit an annual report to the Economic Regulatory Administration (ERA), Case Control Unit (Fuel Use Act), Box 4629, Room 2313, 2000 M Street, NW, Washington, DC 20461, each year on the anniversary of the effective date of the exemption containing the following:

(a) a certification that the amount of natural gas used in each MFBI does not exceed 25 percent of the total annual Btu heat input of the primary energy sources of each unit. The certification must be made on a unit specific basis and must be executed by a duly authorized representative of the company.

(b) identification of the actual quantities of coal (in tons) and natural gas (in MCF) used during the year, as well as the higher heating value (in Btu's per lb., per MCF) of those fuels. The following report format will be used:

Boiler No.	Fuel type	Amount used (tons) (MCF)	Btu equivalent	Percent of annual fuel consumption
1.				
2.				
3.				

The Tentative Staff Determination does not constitute a decision by ERA to grant the exemptions requested. Such a decision will be made in accordance with Section 501.66 of the Interim Rules on the basis of the entire record of this proceeding, including any comments

received on the Tentative Staff Determination.

Issued in Washington, D.C. on July 18, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-22285 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-01-M

Condor Operating Co.; Proposed Remedial Order

Pursuant to 10 CFR § 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Condor Operating Company. This Proposed Remedial Order charges Condor with pricing violations in the amount of $510,240.62, connected with the sale of crude oil and condensate at prices in excess of those permitted by 10 CFR 212, Subpart D during the time period September 1, 1973 through May 31, 1977, in the State of Texas.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, District Manager, Southwest District Enforcement, Department of Energy, Economic Regulatory Administration, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767-7745. On or before August 11, 1980, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR § 205.193.

Issued in Dallas, Texas, on the 18th day of July, 1980.

Wanye I. Tucker,

District Manager, Southwest District Enforcement.

[FR Doc. 80-22283 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-01-M

Mosbacher Production Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective Date: June 30, 1980.

COMMENTS BY: August 25, 1980.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager of Enforcement, Southwest District, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, phone 214/767-7745.

SUPPLEMENTARY INFORMATION: On June 30, 1980, the Office of Enforcement of the ERA executed a Consent Order with Mosbacher Production Company, formerly Robert Mosbacher, a Sole Proprietorship (Mosbacher) of Houston, Texas. Under 10 CFR § 205.199J(b), the Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Mosbacher, with its office located in Houston, Texas, is a firm engaged in crude oil production, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of crude oil sales, the Office of Enforcement, ERA, and Mosbacher entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the audit was September 1, 1973 through December 31, 1978, and it included all sales of crude oil which were made during that period.

2. Mosbacher allegedly misapplied the provisions of 10 CFR Part 212, Subpart D, when determining the prices to be charged for crude oil; and as a consequence, charged prices in excess of the maximum lawful sales prices resulting in overcharges to its customers.

3. In order to expedite resolution of the disputes involved, the DOE and Mosbacher have agreed to a settlement in the amount of $80,000. The negotiated settlement was determined to be in the public interest as well as the best interests of DOE and Mosbacher.

4. Because the sales of crude oil were made to refiners and the ultimate consumers are not readily identifiable, the refund will be made through the DOE in accordance with the Consent Order.

5. The provisions of 10 CFR § 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Mosbacher agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $80,000 on or before July 30, 1980. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR § 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR § 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR § 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects

of this Consent Order. You should send you comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767–7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Mosbacher Consent Order." We will consider all comments we received by 4:30 p.m., local time, on August 25, 1980. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR § 205.9(f).

Issued in Dallas, Texas on the 16th day of July 1980.

Herbert F. Buchanan,

Deputy Director, Southwest District Enforcement.

[FR Doc. 80–22284 Filed 7–24–80; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Project No. 3052]

City of Black River Falls, Wis.; Application for a Short Form License (Minor)

July 18, 1980.

Take notice that on February 26, 1980, the City of Black River Falls, (City) Wisconsin, filed an application for license [pursuant to the Federal Power Act, 16, U.S.C., § 791(a)–825(r)] for continued operation of an existing run-of-the-river water power project known as the Black River Falls Project No. 3052. The project is located on the Black River, a navigable waterway of the United States, in Jackson County, Wisconsin. Correspondence with the Applicant should be directed to: Mr. Delmer D. Dahl, Administrator, City of Black River Falls, 119 North Water Street, Black River Falls, Wisconsin 54615.

Project Description—The project consists of: (1) a 16-foot high and 487-foot long dam with a 269-foot long overflow section with 8 radial gates; (2) a powerhouse containing two hydroelectric generating units with a total installed capacity of 920 kW; (3) a reservoir with a surface area of 198 acres; and (4) appurtenant facilities. Average annual power generated is 3,642,730 kW.

Purpose of Project—All project energy produced is utilized by the City to provide for its resident's electric needs.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before *September 5, 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 *January 5, 1981*. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), *(as amended* 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d), *(as amended*, 44 FR 61328, October 25, 1979.]

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be filed on or before *September 5, 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. 80–22266 Filed 7–24–80; 8:45 am]

BILLING CODE 6450–85–M

[Project Nos. 3206 and 3217]

City of New Martinsville and American Municipal Power—Ohio, Inc., Applications for Preliminary Permits

July 21, 1980.

Take notice that the City of Martinsville, West Virginia (NM) and American Municipal Power—Ohio, Inc. (AMPO) filed on June 5, 1980, and June 13, 1980, respectively, competing applications [pursuant to the Federal Power Act, 16 U.S.C. § 791(a)—825(r)] for preliminary permits for proposed hydroelectric power projects to be called the New Martinsville Project No. 3206 and the Hannibal Hydroelectric Project No. 3217, respectively, that would be located at the U.S. Army Corps of Engineers' Hannibal Locks and Dam, on the Ohio River at river mile 126.4, near the City of New Martinsville, in Wetzel County, West Virginia. Correspondence with the City of New Martinsville should be directed to: Mr. Michael Francis, City Attorney, City of New Martinsville, P.O. Drawer 98, New Martinsville, West Virginia 26155. Correspondence with the AMPO should be addressed to: Mr. George Crosby, Executive Manager, American Municipal Power—Ohio., Inc., P.O. Box 21315, Columbus, Ohio 43221.

Purpose of Project—Project energy developed from Project No. 3206 would be partially utilized by the City of New Martinsville for municipal purposes with the remainder being sold to area industries and public utilities in the region. Project energy developed from Project No. 3217 would be sold to municipal electric systems in Ohio.

Proposed Scope and Cost of Studies under Permit—Both Applicants seek issuance of a preliminary permit for a period of three years, during which time each Applicant proposes that it would perform surveys and geologic investigations, negotiate with the U.S. Army Corps of Engineers for water rights at the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. The City of New Martinsville and American Municipal

Power—Ohio estimate the costs of studies under the permit would be less than $124,500 and $400,000, respectively.

Project Descriptions—Both Applicants would utilize the U.S. Army Corps of Engineers' Hannibal Locks and Dam on the Ohio River, and each project would consist of: (1) a powerhouse to be located at the east (left) abutment of the existing dam; (2) turbine-generator units installed in the powerhouse; (3) an approach channel; (4) a tailrace channel; (5) a transformer/switching area; (6) recreational facilities; and (7) appurtenant facilities.

The City of New Martinsville proposes an installed generating capacity of 55 MW and estimates that annual generation would average about 272 million kWh.

American Municipal Power—Ohio proposes an installed generating capacity of 70 MW and estimates that annual generation would average about 275 million kWh.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other 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 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 not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—These applications were filed as competing applications to Hannibal Hydroelectric Project, filed by Ohio Edison Company, on Novemnber 5, 1979, Project No. 2989, under 18 CFR 4.33 (*as amended*, 44 *FR* 61328, October 25, 1979), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protest about these applications should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comment, protest, or petition to intervene must be filed on or before September 2, 1980. The Commission's address is 825 North Capitol Street, N.E., Washington, D.C. 20426. The applications are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-22267 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP79-92]

Columbia Gas Transmission Corp. and Consolidated Gas Supply Corp.; Petition To Amend

July 21, 1980.

Take notice that on June 30, 1980, Columbia Gas Transmission Corporation (Columbia), 1706 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, and Consolidated Gas Supply Corporation (Consolidated), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP79-92 a joint petition to amend the order issued March 13, 1979, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the exchange of natural gas at an additional point of delivery between the two companies, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners state that by order issued March 13, 1979, they were authorized to exchange natural gas, to construct and operate certain facilities for such exchanges, and were granted permission and approval to abandon 2.6 miles of pipeline. Petitioners herein propose to exchange gas at an additional point of delivery near Buckhannon, Upshur County, West Virginia. Specifically, Petitioners propose that Columbia deliver natural gas from its 4-inch Line 18456 to Consolidated's Line No. H-21128 in order to allow the abandonment of approximately 2 miles of non-jurisdictional production Line 18456 which has been encroached upon by extensive residential and commercial development. Petitioners contend that service to existing customers would not be affected by the abandonment of this segment of Line 18456 and would not result in the termination of any of Columbia's existing gas purchases.

Petitioners further state that the interconnecting measuring and regulating facilities required for the requested additional point of delivery would be constructed by Columbia pursuant to its budget authorization. It is also stated that the interconnecting mainline tap required for the additional point of delivery would be constructed by Consolidated under its budget authority.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 11, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene for a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-22268 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-442]

Consolidated Gas Supply Corp.; Application

July 21, 1980.

Take notice that on July 7, 1980, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP80-442 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing increased deliveries of natural gas to an existing resale customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to increase the sale of natural gas to Hanley and Bird (Hanley), an existing resale customer, in order to meet Hanley's increased demands for natural gas in its service area. It is stated that Hanley currently purchases natural gas from Applicant under Applicant's Rate Schedule SCQ at 3 delivery points in Clarion, Elk, and Jefferson Counties, Pennsylvania. Applicant asserts that it and Hanley have entered into a revised service agreement dated November 19, 1979, whereby Applicant would deliver to Hanley up to 8,000 dekatherms (dt) equivalent of natural gas per day, with monthly and annual maximum delivery limits of 215,000 dt equivalent and 2,200,000 dt equivalent respectively. It is stated that pursuant to the agreement, upon Hanley's written request and if sufficient quantities of gas are available, Applicant would deliver up to an additional 2,000 dt equivalent per day, for a maximum aggregate daily quantity of natural gas of 10,000 dt equivalent. Applicant also notes that the agreement provides for minimum monthly deliveries of 125,000 dt equivalent, that all deliveries would occur at the three existing delivery points, and that delivery at each point would be limited to 6,700 dt equivalent of natural gas per day, the present maximum daily capacity of each point.

Applicant contends that no new or additional facilities would be constructed. Additionally, Applicant would continue to serve Hanley in accordance with its Rate Schedule SCQ and all deliveries within the delivery limitations of the applicable service agreement would be on a firm basis, it is stated.

Applicant states that Hanley estimates it would purchase an additional 873,000 dt equivalent from Applicant in 1981, while Applicant's total annual sales in 1981 are estimated to be 639,713,000 Mcf. Because, as Applicant contends, its gas supply has substantially improved, it anticipates that it would be able to meet the requirements of its customers through 1986 without curtailment of service.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 11, 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. 80-22269 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA80-56]

Duffy's Car Wash Inc.; Filing of Petition for Review Under 42 U.S.C. 7194

July 21, 1980.

Take notice that Duffy's Car Wash Inc. on June 17, 1980, filed a Petition for Review under 42 U.S.C. § 7194(b) (1977 Supp.) from an order of the Secretary of Energy.

Copies of the petition for review have been served on the Secretary, Department of Energy, and all participants in prior proceedings before the Secretary.

Any person desiring to be heard with reference to such filing should on or before August 4, 1980, file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8). Any person wishing to become a party or to participate as a party must file a petition to intervene. Such petition must also be served on the parties of record in this proceeding and the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 5142, 12th and Pennsylvania Ave., N.W., Washington, D.C. 20461. Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-22270 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA80-41]

Eagle's Chevron Service; Filing of Petition for Review Under 42 U.S.C. 7194

July 21, 1980.

Take notice that Eagle's Chevron Service on April 14, 1980, filed a Petition for Review under 42 U.S.C. § 7194(b) (1977 Supp.) from an order of the Secretary of Energy.

Copies of the petition for review have been served on the Secretary, Department of Energy, and all participants in prior proceedings before the Secretary.

Any person desiring to be heard with reference to such filing should on or before August 4, 1980 file a petition to intervene with the Federal Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8). Any person wishing to become a party or to participate as a party must file a petition to intervene. Such petition must also be served on the parties of record in this proceeding and the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 5142, 12th and Pennsylvania Ave. NW., Washington, D.C. 20461. Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St. NE., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-22271 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2769]

Alleghany Electric Cooperative, Inc., and Pennsylvania Electric Co.; Application for Major License

July 18, 1980.

Take notice that an application was filed on March 31, 1980, under the Federal Power Act, 16 U.S.C. 791(a)–825(r), by the Alleghany Electric

Cooperative, Inc., and the Pennsylvania Electric Company for major license for the Raystown Project. The proposed project would be located at the existing Raystown Lake Development on the Juniata River, Huntingdon County, Pennsylvania and is owned and operated by the U.S. Army Corps of Engineers. Correspondence with the Applicant on this matter should be addressed to: Mr. William F. Matson, Executive Vice President and General Manager, Alleghany Electric Cooperative, Inc., 212 Locust St., Harrisburg, Pennsylvania 17108; Mr. E. Simmons, Secretary and Treasurer, Pennsylvania Electric Company, 1001 Broad Street, Johnstown, Pennsylvania 15907.

Project Description—The proposed project would consist of: (1) a multi-level, gated power intake constructed in the Raystown Lake near the right abutment of Raystown Dam; (2) a 12-foot diameter, 1,015-foot long concrete-lined pressure tunnel; (3) a 12-foot diameter, 86-foot long buried steel penstock, which branches at the powerhouse into two 8-foot diameter penstocks and then into one 7-foot diameter and two 5-foot diameter penstocks; (4) a powerhouse containing three turbine-generator units having a total installed capacity of 21,816 kW. One of the units would be rated at 10,908 kW and the two other units would each be rated at 5,454 kW; (5) and excavated tailrace; (6) transmission facilities; and (7) appurtenances. Applicant estimates that the average annual generation would be 77,100 megawatt-hours.

The Applicant proposes to enhance and complement the existing recreation facilities provided at the Raystown Lake Development by the U.S. Army Corps of Engineers. Public access would be permitted at the intake structure for the purpose of observation of the Raystown Lake, and a display would be installed at the existing Observation Center. The Applicant also proposes to install ramps and pathways along shore areas immediately downstream of the dam.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before *September 10, 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 *January 8, 1981.* A notice of intent must conform with the requirements of 18 CFR 4.83(b) and (c), *(as amended* 44 *FR* 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33(a) and (d), *(as amended,* 44 *FR* 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in Section 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before *September 10, 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. 80-22293 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3142]

City of Ann Arbor; Application for Preliminary Permit

July 21, 1980.

Take notice that City of Ann Arbor (Applicant) filed on April 18, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3142 to be known as the Barton Dam Project located on the Huron River in Washtenaw County, Michigan near the City of Ann Arbor. Correspondence with the Applicant should be directed to: Leigh A. Chizek, City Engineer, City of Ann Arbor, 100 N. Fifth Avenue, P.O. Box 8647, Ann Arbor, Michigan 48107.

Project Description—the proposed project would consist of: (1) an existing dam composed of an earth embankment, approximately 1,500 feet long and 29 feet high, which is located on the north-western side of a reinforced concrete section, approximately 29 feet high and 207 feet long, containing ten radial gates; (2) an existing reinforced concrete powerhouse, with a proposed capacity of 1,500 kW; (3) an existing reservoir with a storage capacity of 7,298 acre-feet at normal power pool elevation of 803 feet m.s.l.; (4) a proposed 600-foot transmission line; and (5) appurtenant facilities. The estimated annual putput of the proposed project would be 5,200,000 kWh.

Purpose of Project—The City of Ann Arbor would utilize the majority of the energy produced for its own facilities, and transmit any excess power for sale directly to the Detroit Edison Company's Hobart substation.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it proposes to conduct economic and environmental studies, prepare application for necessary state and federal permits, and to develop preliminary and final designs of the project. The Applicant estimates the cost of the proposed studies would be $10,000.

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 September 2, 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 3, 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 September 2, 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. 80-22301 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3143]

City of Ann Arbor; Application for Preliminary Permit

July 21, 1980.

Take notice that City of Ann Arbor (Applicant) filed on April 18, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3143 to be known as the Geddes Dam Project located on the Huron River in Washtenaw County, Michigan near the City of Ann Arbor. Correspondence with the Applicant should be directed to: Leigh A. Chizek, City Engineer, City of Ann Arbor, 100 N. Fifth Avenue, P.O. Box 8647, Ann Arbor, Michigan 48107.

Project Description—The proposed project would consist of: (1) an existing dam composed of an earth embankment, approximately 60 feet long and 20 feet high and a concrete section approximately 84 feet long and 20 feet high; (2) a proposed powerhouse containing two generating units rated at 500 kW each; (3) an existing reservoir with a gross storage capacity of 5,425 acre-feet at normal power pool elevation of 751 feet m.s.l.; (4) a proposed 2,000 foot long transmission line; and (5) appurtenant facilities. The estimated annual output of the proposed project would be 4,000,000 kWh.

Purpose of Project—The City of Ann Arbor would utilize the majority of the energy produced for its own facilities, and transmit any excess power for sale directly to the Detroit Edison Company's Hobart substation.

Proposed Scope and Cost of Studies Under Permit— The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it proposes to conduct economic and environmental studies, prepare application for necessary state and federal permits, and to develop preliminary and final designs of the project. The Applicant estimates the cost of the proposed studies would be $10,000.

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 September 2, 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 3, 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 September 2, 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. 80-22302 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3150]

City of Ann Arbor; Application for Preliminary Permit

July 21, 1980.

Take notice that City of Ann Arbor (Applicant) filed on April 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. 3150 to be known as the Argo Dam Project located on the Huron River in Washtenaw County, Michigan near the City of Ann Arbor. Correspondence with the Applicant should be directed to: Leigh A. Chizek, City Engineer, City of Ann Arbor, 100 N. Fifth Avenue, P.O. Box 8647, Ann Arbor, Michigan 48107.

Project Description—The proposed project would consist of: (1) an existing dam composed of an earth embankment, approximately 80 feet long and 15 feet high and a concrete section approximately 163 feet long and 15 feet high; (2) an existing powerhouse with a proposed capacity of 1,000 kW; (3) an existing reservoir with a gross storage capacity of 1,270 acre-feet at normal power pool elevation of 777 feet m.s.l.; (4) a proposed transmission line

approximately 1,500 feet long; and (5) appurtenant facilities. The estimated annual output of the proposed project would be 3,400,000 kWh.

Purpose of Project—The City of Ann Arbor would utilize the majority of the energy produced for its own facilities, and transmit any excess power for sale directly to the Detroit Edison Company's Hobart substation.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it proposes to conduct economic and environmental studies, prepare application for necessary state and federal permits, and to develop preliminary and final designs of the project. The Applicant estimates the cost of the proposed studies would be $10,000.

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 September 2, 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 3, 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 September 2, 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. 80-22303 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3152]

City of Ann Arbor; Application for Preliminary Permit

July 21, 1980.

Take notice that City of Ann Arbor (Applicant) filed on April 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. 3152 to be known as the Superior Dam Project located on the Huron River in Washtenaw County, Michigan near the City of Ann Arbor. Correspondence with the Applicant should be directed to: Leigh A. Chizek, City Engineer, City of Ann Arbor, 100 N. Fifth Avenue, P.O. Box 8647, Ann Arbor, Michigan 48107.

Project Description—The proposed project would consist of: (1) an existing dam composed of an earth embankment, approximately 160 feet long and 20 feet high, and a concrete section approximately 140 feet long and 20 feet high; (2) a proposed powerhouse containing three generating units, rated at 250 kW, 450 kW, and 650 kW, respectively; (3) an existing reservoir with a gross storage capacity of 2,803 acre-feet at normal power pool elevation of 738 feet m.s.l.; (4) a proposed transmission line approximately 500 feet long; and (5) appurtenant facilities. The estimated annual output of the proposed project would be 5,200,000 kWh.

Purpose of Project—The City of Ann Arbor would utilize the majority of the energy produced for its own facilities, and transmit any excess power for sale directly to the Detroit Edison Company's Hobart substation.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it proposes to conduct economic and environmental studies, prepare application for necessary state and federal permits, and to develop preliminary and final designs of the project. The Applicant estimates the cost of the proposed studies would be $10,000.

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 September 2, 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 3, 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 *September 2, 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. 80-22304 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-111]

ANR Storage Co.; Order Accepting for Filing and Suspending Proposed Tariff Sheets Subject To Refund, Subject To Conditions, Granting Waiver, and Consolidating Procedures

July 9, 1980.

On June 9, 1980, ANR Storage Company (ANR) filed, pursuant to section 4 of the Natural Gas Act, revised tariff sheets[1] to its FERC Gas Tariff, Original Volume No. 2, which, for one of its storage service customers, would increase annual jurisdictional revenues above the present certificated base tariff rates by $18,000 or 31 percent. ANR requests that the Commission waive the 30-day notice period provided in section 4(d) of the Natural Gas Act and suspend the effectiveness of the proposed tariff sheets for only one day in order to permit and effective date of May 3, 1980, the same date authorized by the Commission for collection of increased rates in Docket No. RP80-83. ANR also requests consolidation of the proceedings herein with those in Docket No. RP80-83.

Public notice of ANR's filing was issued on June 17, 1980, with petitions or protests due by June 27, 1980.

ANR states that the purpose of the increase is to recover short-term interest cost which are not reflected in ANR's monthly revenue charge. The proposed tariff sheets also reflect a new provision that, "for a limited time," would adjust rates periodically as short-term interest rates change. Finally, ANR requests a one-day suspension and waiver of the notice requirement because of the critical situation created as a result of changed money market conditions and because of the limited nature of its filing.

Based upon a review of ANR's filing, the Commission finds that the proposed tariff sheets have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept ANR's tariff sheets for filing, grant the requested waiver of the 30-day notice requirement, and suspend the filing for one day until June 10, 1980, subject to refund and subject to conditions set out in this order. In addition, we shall grant the request for consolidation of this proceeding with Docket No. RP80-83.[1]

ANR's proposal to include a short-term interest tracking provision in its FERC Gas Tariff is proscribed by § 154.38(d)(3) of the Commission's regulations. However, we believe that the reasonableness of the tariff provision for tracking changes in short-term interest costs proposed by ANR should be evaluated in this proceeding. Accordingly, the Commission will accept ANR's proposed tariff sheets subject to the condition that ANR file revised tariff sheets excluding the interest tracking provision. The tracking provision will, however, be made a part of the record in this rate proceeding and the reasonableness of such provision will be an issue in this proceeding.

The Commission Orders:

(A) ANR's filing is accepted for filing and suspended for one day such that the filing may become effective June 10, 1980, subject to refund in the manner provided by the Natural Gas Act and subject to the condition in the ordering paragraph (C).

(B) ANR's request for waiver of the notice requirements is granted.

(C) The acceptance of the subject tariff sheets is conditioned upon ANR's filing within 15 days revised tariff sheets excluding the short-term interest tracking provision.

(D) Pursuant to the authority of the Natural Gas Act, particularly section 4 and 5 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the tariffs proposed to recover increased costs in short-term interest and the lawfulness of the interest tracking provision.

(E) The Commission Staff shall prepare and serve top sheets on all parties on or before August 1, 1980.

(F) This proceeding is to be consolidated with Docket No. RP80-83 for purposes of hearing and decision.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-22292 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-85-M

[1] First Revised Tariff Sheet No. 117 and Original Tariff Sheet No. 117A, 117B, and 117C to FERC Gas Tariff Original Volume No. 2.

[1] Docket No. RP80-83 did not include service to United Cities Gas Company, the customer covered in the instant filing.

[Docket No. ER79-339]

Arkansas Power & Light Co.; Filing

July 18, 1980.

The filing Company submits the following:

Take notice that on July 11, 1980, Arkansas Power and Light Company (APL) submitted for filing a Refund Compliance Report pursuant to the Commission's order, issued May 28, 1980, in the above-referenced proceeding.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before August 11, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-22294 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3228]

Atlantic Power Development Corp.; Application for Preliminary Permit

July 21, 1980.

Take notice that Atlantic Power Development Corporation (Applicant) filed on June 24, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-

825(r)] for proposed Project No. 3228 to be known as Mahoning Creek Dam Water Power Project located on Mahoning Creek, a tributary to the Allegheny River, in Redbank and Wayne Townships, Armstrong County, Pennsylvania. Correspondence with the Applicant should be directed to: Mr. Thomas F. Nolan IV, Attorney at Law, 401 C Street, N.E., Washington, D.C. 20002.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Mahoning Creek Dam. Applicant would study three alternative projects as follows: (1) Alternative A comprising (a) utilization of the two penstocks through the dam; (b) a powerhouse on the left bank at the toe of the dam and containing two one megawatt generating units operated at a 71-foot net head, and (c) appurtenant facilities; (2) Alternative B comprising (a) a powerhouse on the right bank at the toe of the stilling weir located about 950 feet downstream of the dam and containing two one megawatt generating units operated at a 90-foot net head, and (b) appurtenant facilities; or (3) Alternative C comprising (a) a powerhouse on the left bank at the toe of the stilling weir located about 950 feet downstream of the dam and containing two one megawatt generating units operated at a 90-foot net head, and (b) appurtenant facilities. Project energy would be connected to existing power lines through a 3-mile long 4,000 volt power line.

Applicant estimates the annual generation would average about 7,000 MWh.

Purpose of Project—Project energy would be sold to the local public utility.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time it would perform a technical feasibility study, an economic feasibility study, an environmental impact study, and develop data and drawings for inclusion in an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $60,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permitte, 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 rom 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 *September 22, 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 21, 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 *September 22, 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. 80-22295 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2893]

BSR Co., Inc.; Application for Short-Form License (Minor)

July 21, 1980.

Take notice that BSR, Inc. (Applicant) filed on March 21, 1980, and supplemented on May 28, 1980, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for construction and operation of a water power project to be known as Saxtons River Hydroelectric Project No. 2893. The project would be located on the Saxtons River in Windham County, Vermont. The application was filed during the term of a preliminary permit issued December 10, 1979. Correspondence with the Applicant should be directed to: BSR Company, Inc., 18 Bridge Street, Bellows Falls, Vermont 95101.

Project Description—The proposed project would consist of: (1) a new rockfill dam, 65 feet in height and approximately 375 feet long; (2) a 120-acre reservoir; (3) an 840-foot long penstock; (4) a powerhouse containing a turbine and generator with a rated capacity of 1500 kW; and (5) appurtenant facilities.

Purpose of Project—Project energy would be sold to a local public utility.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 22, 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 January 20, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (*as amended,* 44 FR 61328, October 25, 1979). A competing

application must conform with the requirements of 18 CFR 4.33 (a) and (d), (*as amended*, 44 FR 61328, October 25, 1979).

Comments, Protests or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not 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 September 22, 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. 80-22296 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1903]

Ralph M. Bilby; Filing

July 21, 1980.

Take notice that on June 24, 1980, Ralph M. Bilby (Applicant) filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Director and Chairman of the Board; APS; Public Utility.

Director; Phelps Dodge; Supplying Electrical Equipment.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 15, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-22298 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1904]

Charles De Bretteville; Filing

July 21, 1980.

Take notice that on July 9, 1980, Charles De Bretteville (Applicant) filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Director, Pacific Gas and Electric Company, Public Utility.

Director, Amfac, Inc., Supplier of electrical equipment.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 15, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-22299 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA80-39]

Channell's Gulf Service; Filing of Petition

July 21, 1980.

Take notice that Channell's Gulf Service on June 4, 1980, filed a Petition for Review under 42 U.S.C. 7194(b) (1977 Supp.) from an order of the Secretary of Energy.

Copies of the petition for review have been served on the Secretary, Department of Energy, and all participants in prior proceedings before the Secretary.

Any person desiring to be heard with reference to such filing should on or before August 4, 1980, file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8). Any person wishing to become a party or to participate as a party must file a petition to intervene. Such petition must also be served on the parties of record in this proceeding and the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 5142, 12th and Pennsylvania Ave., N.W., Washington, D.C. 20461. Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-22300 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-85-M

[Volume 237]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

July 21, 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 August 11, 1980.

Please reference the FERC Control Number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

BILLING CODE 6450-85-M

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

VOLUME 237

NOTICE OF DETERMINATIONS
BY JURISDICTIONAL AGENCIES UNDER
THE NATURAL GAS POLICY ACT OF 1978

VOLUME 237 PAGE 001

JD NO	JA DKT	API NO	SEC	* WELL NAME	FIELD NAME	PROD	PURCHASER
OHIO DEPARTMENT OF NATURAL RESOURCES							
*ADOBE OIL & GAS CORP				RECEIVED: 06/20/80 JA: OH			
8041911		3415723465	103	HAROLD HORSFALL #1	NEW PHILADELPHIA	372.0	
*ALTHEIRS OIL INC				RECEIVED: 06/20/80 JA: OH			
8041986		3412724683	103	EDGAR NEWLON #2-A	PIKE TWP	10.0	COLUMBIA GAS TRANSMI
*AMERICAN EXPLORATION CO				RECEIVED: 06/20/80 JA: OH			
8041973		3411923946	103	BEDNARCZUK #1-A	WASHINGTON	750.0	TIMKEN CO
*APPALACHIAN ENERGY INC				RECEIVED: 06/20/80 JA: OH			
8041944		3401320315	103	G THORNTON #1-A A-E-121	PULTNEY	30.0	COLUMBIA GAS TRANSMI
*APPALACHIAN PETROLEUM CORP				RECEIVED: 06/20/80 JA: OH			
8041999		3416725147	103	HERBERT MARSCH #1	ADAMS	3.5	COLUMBIA GAS TRANSMI
*B & D DRILLING CO				RECEIVED: 06/20/80 JA: OH			
8042005		3416725062	107	JUNE HENDERSHOT #3	JUNE HENDERSHOT #3	0.0	
*BCS NATURAL RESOURCES CORP				RECEIVED: 06/20/80 JA: OH			
8042002	07482	3400720421	108	BITALA #1		7.8	EAST OHIO GAS CO
8042008		3400720448	108	BLAUMAN #1	GENEVA	4.6	EAST OHIO GAS CO
8042013	07484	3400720411	108	COMODUS #1		0.7	EAST OHIO GAS CO
8042012	07485	3400720406	108	EVANS UNIT #1	LENOX	3.8	GASOIL INC
8042009	07479	3400720445	108	GIRARD #1	GENEVA	5.3	EAST OHIO GAS CO
8042001	07483	3400720422	108	HAYFORD UNIT #1	ROCK CREEK	0.4	EAST OHIO GAS CO
8042011	07486	3400720403	108	KASDAN ET AL #3	LENOX	1.7	CHANCE PETROLEUM COR
8042010	07487	3400720410	108	KINDIG-SHIMANDLE #1		2.1	EAST OHIO GAS CO
8042000	07480	3400720430	108	PALLANT #1	GENEVA	3.8	EAST OHIO GAS CO
8042003	07481	3400720424	108	PHILLIPS #1	GENEVA	6.8	EAST OHIO GAS CO
*BETHEL RESOURCES INC				RECEIVED: 06/20/80 JA: OH			
8041995		3416922247	103	D GLENN WELLS #1	CLINTON	12.0	COLUMBIA GAS TRANSMI
8041993		3416922258	103	MARY N SNYDER #1	WAYNE	12.0	COLUMBIA GAS TRANSMI
8041990		3416922318	103	PAUL SNURE #2	WAYNE	12.0	COLUMBIA GAS TRANSMI
8041992		3416922274	103	THOMAS SPARR #1	CLINTON	12.0	COLUMBIA GAS TRANSMI
8041994		3416922252	103	ZIMMERMAN #1	WAYNE	12.0	COLUMBIA GAS TRANSMI
*BUCKHORN OIL COMPANY INC				RECEIVED: 06/20/80 JA: OH			
8041930		3407522486	103	RUSSELL #1	KILLBUCK	20.0	COLUMBIA GAS TRANSMI
8041928		3407522487	103	RUSSELL #2	KILLBUCK	20.0	COLUMBIA GAS TRANSMI
8041929		3407522488	103	RUSSELL #3	KILLBUCK	20.0	COLUMBIA GAS TRANSMI
8041903		3407522489	103	RUSSELL #4	KILLBUCK	20.0	COLUMBIA GAS TRANSMI
*CLAY COUNTY PRODUCTION CO INC				RECEIVED: 06/20/80 JA: OH			
8041988		3412724544	103	LUCILLE HURSEY #1	SIO-READING	18	.2 COLUMBIA GAS TRA
8041955		3412724506	103	RICHARD EVANS #1	SIO-READING	18	.2 COLUMBIA GAS TRA
*CLINTON OIL CO				RECEIVED: 06/20/80 JA: OH			
8041972		3411924158	103	L SWINGLE #1	BRUSH CREEK	200.0	
*COLUMBIA GAS TRANSMISSION CORP				RECEIVED: 06/20/80 JA: OH			
8041909		3415520074	108	TCO-C C LAWRENCE #1 711341	NORTHERN DIST STE OF OHI	12.0	COLUMBIA GAS TRANS C
8041910		3415721766	108	TCO-REGULA #1 711301	SOUTHERN DIST STE OF OHI	6.0	COLUMBIA GAS TRANS C

JD NO	PA DKT	API NO	SEC	* WELL NAME	FIELD NAME	PROD	PURCHASER
*DORAN & ASSOCIATES INC				RECEIVED: 06/20/80 JA: DH			
8041985		3412724742	103	HOUSEHOLDERS #1	JACKSON	12.0	COLUMBIA GAS TRANSMI
8041963		3411925220	103	RALPH TAGGART #1	NEWTON	12.0	NATIONAL GAS & OIL C
*DORSET DRILLING CO INC				RECEIVED: 06/20/80 JA: DH			
8041950		3400721161	103	ASH-SHAHEED #1	LENOX	25.0	JONES & LAUGHLIN STE
8041952		3400721020	103	CARTER #1	LENOX	25.0	JONES & LAUGHLIN STE
8041953		3400721065	103	CARTER #3	LENOX	25.0	JONES & LAUGHLIN STE
8041954		3400720979	103	RYSKA/DENMARK #3	LENOX	25.0	JONES & LAUGHLIN STE
8041948		3400721188	103	RYSKA/DENMARK #4	LENOX	25.0	JONES & LAUGHLIN STE
8041949		3400721185	103	SWANSON/RYSKA UNIT #1	LENOX	25.0	JONES & LAUGHLIN STE
*ENTERPRISE GAS & OIL INC				RECEIVED: 06/20/80 JA: DH			
8041940		3405921953	103	PRESTON-NICKLES #3	CENTER	36.5	COLUMBIA GAS TRANSMI
*GUARDIAN MANAGEMENT INC				RECEIVED: 06/20/80 JA: DH			
8041943		3403125816	103	MRS W A HANES #1	PERRY	10.0	
*HOPEWELL OIL AND GAS DEVELOPMENT CO				RECEIVED: 06/20/80 JA: DH			
8041967		3411924883	103	HAYES #1	SPRINGFIELD	12.0	
*JERRY C OLDS				RECEIVED: 06/20/80 JA: DH			
8041987		3412724672	103	HAMPTON #2	JACKSON	7.0	FORAKER GAS CO INC
*JOE L SCHRIMSHER				RECEIVED: 06/20/80 JA: DH			
8041989		3416922319	103	CHESTER & ESTHER KIEFFABER #1	CHIPPEWA	30.0	EAST OHIO GAS CO
*JUD NOBLE AND ASSOCIATES INC				RECEIVED: 06/20/80 JA: DH			
8041977		3413321958	103	BRUGMANN #2	SHALESVILLE	20.0	AMERICAN ENERGY SERV
*LOJ DRILLING DBA JEFF MORAN				RECEIVED: 06/20/80 JA: DH			
8041914		3408322357	103	KENNETH A MORAN #1	JACKSON	0.0	
*LEADER EQUITIES INC				RECEIVED: 06/20/80 JA: DH			
8041969		3411924605	103	CHARLES & CAROL J MITCHELL #2	CASS	15.0	COLUMBIA GAS TRANSMI
8041957		3412122248	103	EDWARD D & DORENA ALLEN #1	CENTER	15.0	COLUMBIA GAS TRANSMI
8041971		3411924600	103	GERALD E MCHENRY #1	SALEM	15.0	
8041958		3412122247	103	JOHN C MILEY #1	SENECA	15.0	COLUMBIA GAS TRANSMI
8041959		3412122194	103	KENNETH R & SHELIA A WILEY #1	BUFFALO	15.0	
8041970		3411924601	103	MARGARET R KNICELY #1	SALEM	15.0	
8041961		3412122156	103	RANDOLPH MURPHY #1	BUFFALO	15.0	
8041960		3412122184	103	RANDOLPH MURPHY #2	BUFFALO	15.0	
8041968		3411924773	103	W H PICKENS #1	SALEM	15.0	
*LIBERTY OIL & GAS CORP				RECEIVED: 06/20/80 JA: DH			
8041921		3410521836	103	FRANCIS KIBBLE #1	ORANGE	19.0	COLUMBIA GAS TRANSMI
8041922		3410521837	103	GEORGE V STONE #1	OLIVE	19.0	COLUMBIA GAS TRANSMI
8041923		3410521863	103	KENNETH HAGEN #2	ORANGE	18.0	COLUMBIA GAS TRANSMI
*M C F OIL COMPANY INC				RECEIVED: 06/20/80 JA: DH			
8041934		3407522381	103	HEFNER - SKEEN UNIT NO 1	MONROE	5.0	COLUMBIA GAS TRANSMI
*MADCO ENERGY CORP				RECEIVED: 06/20/80 JA: DH			
8041938		3407322228	103	MOORE #1	WASHINGTON	30.0	COLUMBIA GAS TRANSMI
*NEW FRONTIER EXPLORATION INC				RECEIVED: 06/20/80 JA: DH			
8041975		3413322071	103	SRS UNIT #4	DEERFIELD	35.0	
*OHIO NATURAL FUEL CO				RECEIVED: 06/20/80 JA: DH			
8041996		3416922095	103	HODGEN #1	PLAIN	18.0	COLUMBIA GAS
8041918		3410322127	103	MASTNEY #1	LIVERPOOL	7.0	COLUMBIA GAS TRANSMI
8041919		3410322181	103	MILLER #1	LIVERPOOL	5.0	COLUMBIA GAS TRANSMI
8041936		3407522158	103	NEDOMA #1	KNOX	24.0	COLUMBIA GAS TRANSMI
*OILTECH INC				RECEIVED: 06/20/80 JA: DH			
8041933		3407522388	103	CAMPBELL UNIT #1	MECHANIC	0.0	COLUMBIA GAS TRANS C
*ORION ENERGY CORP				RECEIVED: 06/20/80 JA: DH			
8041912		3415723490	103	MIMFS #1	FRANKLIN	15.0	

JD NO	JA DKT	API NO	SEC	* WELL NAME	FIELD NAME	PROD	PURCHASER
*PARTNERS OIL COMPANY				RECEIVED: 06/20/80 JA: OH			
8041939		3405922691	103	#1-79C LAWYER	KNOX	100.0	COLUMBIA GAS TRANSMI
*PEDGECO INC				RECEIVED: 06/20/80 JA: OH			
8041915		3408923805	103	HAWKE #1	EDEN	20.0	
*PETRO EVALUATION SERVICES INC				RECEIVED: 06/20/80 JA: OH			
8041991		3416922311	103	GORDON #2	MILTON	40.0	COLUMBIA GAS TRANSMI
*PHOENIX ENERGY PARTNERS 80-81				RECEIVED: 06/20/80 JA: OH			
8041916		3409921223	103	D & R MYERS #5-3033	SMITH	36.5	
8041917		3409901224	103	D & R MYERS #6-3034	SMITH	36.5	
*PDI ENERGY INC				RECEIVED: 06/20/80 JA: OH			
8041908		3415320724	103	BERGIN-RARDIN #1	HUDSON	10.0	
8041979		3413321856	102	GALF #1	STREETSBORO	7.5	
8041978		3413321857	102	GALF #2	STREETSBORO	7.5	
8041980		3413321819	102	GOTT #2	STREETSBORO	7.5	
8041981		3413321818	102	GOTT #3	STREETSBORO	10.0	
8041945		3400721211	103	HARTMAN #1	NEW LYME	40.0	
8041907		3415320695	103	LAKE ERIE GIRL SCOUTS #2	RICHFIELD	5.0	
8041951		3400721099	103	ROMAN #1	CLINTON	55.0	
8041984		3413321647	103	SPERRY #3	STREETSBORO	50.0	
8041947		3400721194	103	SYLVESTER #1	ROME	25.0	
8041946		3400721193	103	SYLVESTER #2	ROME	25.0	
8041976		3413322043	103	WILCOX #2	STREETSBORO	110.0	
*QUADRANT EXPLORATION				RECEIVED: 06/20/80 JA: OH			
8041997		3416725470	103	E A HARRIS #3	LAWRENCE	50.0	
8041998		3416725385	103	LAWRENCE M SMITH #3	LAWRENCE	6.0	
*R D CURRY PRODUCTION COMPANY				RECEIVED: 06/20/80 JA: OH			
8041935		3407522371	103	WALLACE BELL NO 1	KNOX	5.0	COLUMBIA GAS TRANSMI
*RALPH H HAMBLIN				RECEIVED: 06/20/80 JA: OH			
8041927		3411900521	103	D MIDWEST EXPLORATION INC #1 WATTS	WAYNE	10.0	NATIONAL GAS & OIL C
*ROYAL PETROLEUM VIII LTD				RECEIVED: 06/20/80 JA: OH			
8041926		3411522092	103	HAINES #1	MORGAN	5.0	COLUMBIA GAS TRANSMI
*STRATA EXPLORATION INC-LTD PART 80-				RECEIVED: 06/20/80 JA: OH			
8041931		3407502463	103	#1 JAMES FLYNN	KILLBUCK	500.0	EAST OHIO GAS CO
*T & H DRILLING COMPANY				RECEIVED: 06/20/80 JA: OH			
8041920		3410521729	108	DAVIDSON-CASTO #1		2.0	COLUMBIA GAS TRANSMI
8041942		3405320352	108	D LEWIS LEE #1		5.4	COLUMBIA GAS TRANSMI
8041941		3405320353	108	D LEWIS LEE #2		5.4	COLUMBIA GAS TRANSMI
*THE CLINTON OIL CO				RECEIVED: 06/20/80 JA: OH			
8041962		3411925250	103	A JONES #1	CLAY	125.0	
8041964		3411925008	103	C BALLOU #1	CLAY	200.0	
8042006		3416724474	103	L LANG #2	WATERTOWN	110.0	GAS TRANSPORT INC
8041983		3413321750	103	RIDDLE #3	HAVENNA	200.0	TIMKEN CO
8042007		3416724473	103	SILEY #3	MUSKINGUM	300.0	GAS TRANSPORT INC
*THE OXFORD OIL CO				RECEIVED: 06/20/80 JA: OH			
8041956		3412723776	103	BARRICK-WALCUTT #3	LICKING	6.0	
8041924		3411121888	103	HARLEY BEARDMORE #1	FRANKLIN	15.0	
*VESCORP INDUSTRIES INC				RECEIVED: 06/20/80 JA: OH			
8041982		3413321752	103	C SCHUUR #1	MANTUA	175.0	
*VIKING RESOURCES CORPORATION				RECEIVED: 06/20/80 JA: OH			
8041904		3415123110	103	ARMSTRONG #1	LEXINGTON	30.0	
8041974		3415123109	103	ARMSTRONG #2	LEXINGTON	30.0	
8041905		3415123176	103	PARISO #1	PARIS	30.0	
8041906		3415123177	103	PARISO #2	PARIS	30.0	

JD NO	JA DKT	API NO	SEC	* WELL NAME	FIELD NAME	PROD	PURCHASER
=W E SHRIDER CO				RECEIVED: 06/20/80 JA: OH			
8041937		3407322246	103	CHARLES WORKMAN #2	MARION	3.0	PARAMOUNT TRANSMISSI
=W J LYDIC INC				RECEIVED: 06/20/80 JA: OH			
8041925		3411521778	103	J FITCH #7	MEIGSVILLE	8.0	
=WHIPPLE RUN OIL & GAS CORP				RECEIVED: 06/20/80 JA: OH			
8041913		3416724392	103	R L GUINN & G D BAUER #1	MUSKINGUM	18.0	
8042004		3416725210	103	R Q A OFFICE SYSTEMS #1	RENO	15.0	
=WILLIAM F HILL				RECEIVED: 06/20/80 JA: OH			
8041932		3407322404	103	HAROLD TIMBALL ETAL #2	MONROE	0.0	COLUMBIA GAS TRANSMI
=WILLISTON OIL & DEVELOPMENT CORP				RECEIVED: 06/20/80 JA: OH			
8041966		3411924996	103	B & D WILKINS #1	SALT CREEK	14.6	
8041965		3411924997	103	B & D WILKINS #2	SALT CREEK	14.6	
**********							
WEST VIRGINIA DEPARTMENT OF MINES							
**********							
=BOWSER GAS & OIL COMPANY				RECEIVED: 06/20/80 JA: WV			
*8042071		4701303013	108	BENNETT-STEVENS #1	CENTER DISTRICT	5.1	CONSOLIDATED GAS SUP
*8042070		4701303014	108	E BURROWS #1	SHERMAN	1.5	CONSOLIDATED GAS SUP
*8042028		4701303032	108	EVERETT (OR JAMES) WILSON #2	CENTER DISTRICT	1.1	CONSOLIDATED GAS SUP
*8042072		4701303012	108	H I JACKSON #14	CENTER DISTRICT	1.0	CONSOLIDATED GAS SUP
*8042068		4701303016	108	H I JACKSON #15	CENTER DISTRICT	0.7	CONSOLIDATED GAS SUP
*8042073		4701303011	108	J C HAYHURST #4	CENTER DISTRICT	1.6	CONSOLIDATED GAS SUP
*8042051		4708504566	108	L H HAYHURST #1	MURPHY	1.7	CONSOLIDATED GAS SUP
*8042063		4708504565	108	L H HAYHURST #2	MURPHY	0.7	CONSOLIDATED GAS SUP
*8042064		4708504563	108	L H HAYHURST #3	MURPHY	6.5	CONSOLIDATED GAS SUP
*8042074		4701303010	108	LUERNA BARR #3	SHERMAN	0.7	CABOT CORP
*8042069		4701303015	108	N E SOMMERS #1	CENTER DISTRICT	1.1	CONSOLIDATED GAS SUP
*8042066		4701303018	108	NORRIS HEIRS #2	CENTER DISTRICT	1.9	CONSOLIDATED GAS SUP
*8042029	60138-D	4701300000	108	RICHARDS-EDMAN #1	CENTER DISTRICT	6.1	CONSOLIDATED GAS SUP
*8042062		4702103577	108	ROBERT MITCHELL #5	DEKALB	0.3	PENNZOIL CO
*8042058		4701303009	108	TURNER-ARTHUR #1	CENTER DISTRICT	2.4	CONSOLIDATED GAS SUP
*8042067		4701303017	108	W H JACKSON #1	CENTER DISTRICT	2.1	CONSOLIDATED GAS SUP
*8042065		4701303019	108	W H JACKSON #2	CENTER DISTRICT	0.3	CONSOLIDATED GAS SUP
=CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED: 06/20/80 JA: WV			
8042091		4710300698	108	A J LOWE 4307	WEST VIRGINIA A-85772	10.0	GENERAL SYSTEM PURCH
8042117		4702103057	108	A L RYMER 5141	WEST VIRGINIA A-85772	10.0	GENERAL SYSTEM PURCH
8042083		4704102713	108	A P WHITE #8586	WEST VIRGINIA A-85772	4.0	GENERAL SYSTEM PURCH
8042100		4704900392	108	A B THORNS 4633	WEST VIRGINIA A-85772	6.0	GENERAL SYSTEM PURCH
8042026		4701701925	108	ABRAM GAIN 1531	WEST VIRGINIA A-85772	6.0	GENERAL SYSTEM PURCH
8042110		4701302674	108	AGNES HOLLAND 5672	WEST VIRGINIA A-85772	7.0	GENERAL SYSTEM PURCH
8042018		4701701947	108	ALICE GIBSON 3666	WEST VIRGINIA OTHER A-85	4.0	GENERAL SYSTEM PURCH
8042105		4709500495	108	AMANDA GREGG 6150	WEST VIRGINIA A-85772	7.0	GENERAL SYSTEM PURCH
8042079		4704102277	108	C W TUNING 4710	WEST VIRGINIA A-85772	4.0	GENERAL SYSTEM PURCH
8042112		4700501169	108	CHAMBERS-STOWERS 7206	WEST VIRGINIA A-85772	3.0	GENERAL SYSTEM PURCH
8042085		4704900348	108	CHAS W DAVIS 919	WEST VIRGINIA A-85772	7.0	GENERAL SYSTEM PURCH
8042108		4701302681	108	CLAUDE STARCHER 6188	WEST VIRGINIA A-85772	4.0	GENERAL SYSTEM PURCH
8042024		4703301396	108	D O MORGAN 8154	WEST VIRGINIA A-85772	6.0	GENERAL SYSTEM PURCH
8042089		4703302221	108	E F ROGERS 2643	WEST VIRGINIA A-85772	7.0	GENERAL SYSTEM PURCH
8042114		4700101012	108	E L YOUNG 6602	WEST VIRGINIA A-85772	4.0	GENERAL SYSTEM PURCH
8042021		4701701943	108	EDITH TRADER 3468	WEST VIRGINIA A-85772	7.0	GENERAL SYSTEM PURCH
8042130		4703301327	108	EDMOND SOUTHERN 2170	WEST VIRGINIA A-85772	10.0	GENERAL SYSTEM PURCH
8042023		4703301612	108	EMERY J NUTTER 10071	WEST VIRGINIA A-85772	9.0	GENERAL SYSTEM PURCH
8042022		4701701932	108	EMILY CHAPMAN 2335	WEST VIRGINIA A-85772	6.0	GENERAL SYSTEM PURCH

JD NO	JA DKT	API NO	SEC	*	WELL NAME	FIELD NAME	PROD	PURCHASER
8042095		4704900360	108		F H SHORE 1905	WEST VIRGINIA A-85772	2.0	GENERAL SYSTEM PURCH
8042099		4704900384	108		F J JONES 3425	WEST VIRGINIA A-85772	4.0	GENERAL SYSTEM PURCH
8042092		4710300703	108		G L ROBINSON 4721	WEST VIRGINIA A-85772	4.0	GENERAL SYSTEM PURCH
8042025		4703301595	108		G T POST 8153	WEST VIRGINIA A-85772	5.0	GENERAL SYSTEM PURCH
8042088		4706100391	108		GUMP HEIRS 4266	WEST VIRGINIA A-85772	6.0	GENERAL SYSTEM PURCH
8042122		4703301472	108		H A MORRISON 7401	WEST VIRGINIA A-85772	4.0	GENERAL SYSTEM PURCH
8042115		4702103080	108		H I ALLMAN 6181	WEST VIRGINIA A-85772	7.0	GENERAL SYSTEM PURCH
8042093		4710300707	108		H L SMITH 4789	WEST VIRGINIA A-85772	6.0	GENERAL SYSTEM PURCH
8042101		4708503884	108		H R FREDERICK 3385	WEST VIRGINIA A-85772	3.0	GENERAL SYSTEM PURCH
8042116		4702103067	108		H S BURWELL 5854	WEST VIRGINIA A-85772	10.0	GENERAL SYSTEM PURCH
8042120		4701302705	108		HATTIE D HATHAWAY 6660	WEST VIRGINIA OTHER A-85	3.0	GENERAL SYSTEM PURCH
8042086		4704900395	108		HAYDEN JOLLIFFE 5711	WEST VIRGINIA A-85772	5.0	GENERAL SYSTEM PURCH
8042015		4701701994	108		I B ALLEN 7463	WEST VIRGINIA A-85772	10.0	GENERAL SYSTEM PURCH
8042123		4703301444	108		J B SOPLER 6147	WEST VIRGINIA A-85772	6.0	GENERAL SYSTEM PURCH
8042097		4704900381	108		J F HESS 3088	WEST VIRGINIA A-85772	9.0	GENERAL SYSTEM PURCH
8042019		4701701946	108		J L FREEMAN 3665	WEST VIRGINIA A-85772	7.0	GENERAL SYSTEM PURCH
8042020		4701701945	108		J P CARR 3636	WEST VIRGINIA A-85772	9.0	GENERAL SYSTEM PURCH
8042126		4703301423	108		J R STOUT 4786	WEST VIRGINIA A-85772	10.0	GENERAL SYSTEM PURCH
8042077		4704102258	108		J S HITT 4064	WEST VIRGINIA A-85772	9.0	GENERAL SYSTEM PURCH
8042014		4702103054	108		JEMIMA WARD 4998	WEST VIRGINIA A-85772	3.0	GENERAL SYSTEM PURCH
8042094		4710300711	108		JENKINS MILLER 5221	WEST VIRGINIA A-85772	10.0	GENERAL SYSTEM PURCH
8042109		4701302680	108		JENNIE KNOTTS 6138	WEST VIRGINIA A-85772	7.0	GENERAL SYSTEM PURCH
8042081		4704102287	108		JOHN A SUTTON 5332	WEST VIRGINIA A-85772	7.0	GENERAL SYSTEM PURCH
8042102		4708503887	108		JOHN C PATTON 3879	WEST VIRGINIA A-85772	4.0	GENERAL SYSTEM PURCH
8042017		4701701949	108		JOSHUA DAVIS 3747	WEST VIRGINIA A-85772	10.0	GENERAL SYSTEM PURCH
8042124		4703301439	108		LEE D HOLDEN 5331	WEST VIRGINIA A-85772	6.0	GENERAL SYSTEM PURCH
8042121		4703301570	108		LLOYD WILLIAMS 8071	WEST VIRGINIA A-85772	7.0	GENERAL SYSTEM PURCH
8042098		4704900382	108		LOLA BUCK 3171	WEST VIRGINIA A-85772	1.0	GENERAL SYSTEM PURCH
8042082		4704122707	108		M L WALDECK 2482	WEST VIRGINIA A-85772	12.0	GENERAL SYSTEM PURCH
8042125		4703301433	108		M MAXWELL 5140	WEST VIRGINIA A-85772	6.0	GENERAL SYSTEM PURCH
8042118		4701302914	108		MAGGIE DEEL 5855	WEST VIRGINIA A-85772	7.0	GENERAL SYSTEM PURCH
8042016		4701701952	108		MARGARET MCMILLAN 8149	WEST VIRGINIA A-85772	10.0	GENERAL SYSTEM PURCH
8042131		4703301296	108		MARION A TETRICK 1291	WEST VIRGINIA A-85772	7.0	GENERAL SYSTEM PURCH
8042096		4704900370	108		MILLIE HILL 2452	WEST VIRGINIA A-85772	7.0	GENERAL SYSTEM PURCH
8042127		4703301373	108		MOLLIE ROGERS 3464	WEST VIRGINIA A-85772	2.0	GENERAL SYSTEM PURCH
8042087		4706100384	108		N E MICHAEL 2968	WEST VIRGINIA A-85772	3.0	GENERAL SYSTEM PURCH
8042076		4704102250	108		O V ROHR 3752	WEST VIRGINIA A-85772	4.0	GENERAL SYSTEM PURCH
8042104		4708702114	108		RADAKER & CO 7128	WEST VIRGINIA A-85772	7.0	GENERAL SYSTEM PURCH
8042107		4701302702	108		ROBERT MEANS 6608	WEST VIRGINIA A-85772	3.0	GENERAL SYSTEM PURCH
8042119		4702103102	108		ROSANNA REASER 7004	WEST VIRGINIA A-85772	9.0	GENERAL SYSTEM PURCH
8042128		4703301356	108		S E ADAMS 2957	WEST VIRGINIA A-85772	3.0	GENERAL SYSTEM PURCH
8042103		4708503891	108		S H WESTFALL 8440	WEST VIRGINIA A-85772	4.0	GENERAL SYSTEM PURCH
8042090		4704102201	108		S M STACK 2094	WEST VIRGINIA A-85772	7.0	GENERAL SYSTEM PURCH
8042111		4701302658	108		SNODGRASS-BENNETT 2878	WEST VIRGINIA A-85772	7.0	GENERAL SYSTEM PURCH
8042129		4703301328	108		STARK HEIRS 2206	WEST VIRGINIA A-85772	6.0	GENERAL SYSTEM PURCH
8042080		4704102284	108		W H ALKIRE 5148	WEST VIRGINIA A-85772	6.0	GENERAL SYSTEM PURCH
8042113		4700500144	108		W H MITCHELL 7504	WEST VIRGINIA A-85772	7.0	GENERAL SYSTEM PURCH
8042027		4701701915	108		W L DAVIS 1105	WEST VIRGINIA A-85772	14.0	GENERAL SYSTEM PURCH
8042078		4704102263	108		W L PERINE 4161	WEST VIRGINIA A-85772	3.0	GENERAL SYSTEM PURCH
8042084		4704900339	108		W R BRAND 757	WEST VIRGINIA A-85772	3.0	GENERAL SYSTEM PURCH
8042075		4704102226	108		W S BENNETT 2856	WEST VIRGINIA A-85772	13.0	GENERAL SYSTEM PURCH
8042106		4710300660	108		WM CARLIN 180	WEST VIRGINIA A-85772	14.0	GENERAL SYSTEM PURCH

=OKMAR OIL COMPANY RECEIVED: 06/20/80 JA: WV

JD NO	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8042031		4701323023	108	A C FISHER #7	SHERIDAN DISTRICT	1.1	CONSOLIDATED GAS SUP
8042030		4701323024	108	A C FISHER #8	SHERIDAN DISTRICT	1.1	CONSOLIDATED GAS SUP
*RAY RESOURCES DIV OF FLYING DIAMOND		RECEIVED: 06/20/80 JA: WV					
8042043		4708703244	108	A D TALLMAN #604	REEDY	0.6	COLUMBIA GAS TRANS C
8042052		4708703242	108	F D VANDAL #603	REEDY	0.6	COLUMBIA GAS TRANSMI
8042032		4703903533	108	FALLING ROCK #152-(60)	BIG SANDY	3.5	PENNZOIL UNITED INC
8042041		4703903522	108	FALLING ROCK #157-(100)	BIG SANDY	3.5	PENNZOIL UNITED INC
8042037		4703903527	108	FALLING ROCK #157-(101)	BIG SANDY	3.5	PENNZOIL UNITED INC
8042049		4703903549	108	FALLING ROCK #157-(102)	BIG SANDY	3.5	PENNZOIL UNITED INC
8042046		4703903546	108	FALLING ROCK #157-(103)	BIG SANDY	3.5	PENNZOIL UNITED INC
8042038		4703903526	108	FALLING ROCK #157-(104)	BIG SANDY	3.5	PENZOIL UNITED INC
8042044		4703903544	108	FALLING ROCK #157-(109)	BIG SANDY	3.5	PENNZOIL UNITED INC
8042050		4703903550	108	FALLING ROCK #157-(111)	BIG SANDY	3.5	PENNZOIL UNITED INC
8042039		4703903525	108	FALLING ROCK #157-(27)	BIG SANDY	3.5	PENNZOIL UNITED INC
8042048		4703903548	108	FALLING ROCK #157-(59)	BIG SANDY	3.5	PENNZOIL UNITED INC
8042047		4703903547	108	FALLING ROCK #157-(65)	BIG SANDY	3.5	PENNZOIL UNITED INC
8042045		4703903545	108	FALLING ROCK #157-(70)	BIG SANDY	3.5	PENNZOIL UNITED INC
8042036		4703903528	108	FALLING ROCK #157-(81)	BIG SANDY	3.5	PENNZOIL UNITED INC
8042040		4703903523	108	FALLING ROCK #157-(83)	BIG SANDY	3.5	PENNZOIL UNITED INC
8042035		4703903529	108	FALLING ROCK #157-(86)	BIG SANDY	3.5	PENNZOIL UNITED INC
8042057		4703903530	108	FALLING ROCK #157-(91)	BIG SANDY	3.5	PENNZOIL UNITED INC
8042034		4703903531	108	FALLING ROCK #157-(92)	BIG SANDY	3.5	PENNZOIL UNITED INC
8042033		4703903532	108	FALLING ROCK #157-(95)	BIG SANDY	3.5	PENNZOIL UNITED INC
8042042		4703903521	108	FALLING ROCK #157-(99)	BIG SANDY	3.5	PENNZOIL UNITED INC
8042054		4708703400	108	H A PRICE #600	REEDY	5.7	COLUMBIA GAS TRANSMI
8042055		4708703239	108	H L VANDEVENDER #605	REEDY	0.6	COLUMBIA GAS TRANS C
8042061		4703902652	108	REAMER & BROWN #462	BIG SANDY DIST	8.0	COLUMBIA GAS TRANS C
8042060		4703902695	108	UNION CARBIDE #506	ELK DIST	14.5	COLUMBIA GAS TRANS C
8042056		4708703238	108	W E ELLISON #606	REEDY	0.6	COLUMBIA GAS TRANS C
8042053		4708703241	108	W T GEORGE #601	REEDY	0.6	COLUMBIA GAS TRANSMI
*V L MORNOR INVESTMENT CO		RECEIVED: 06/20/80 JA: WV					
8042059		4703320031	108	D RAY ROGERS #1	EAGLE DISTRICT	6.0	EAGLE GAS CO

OTHER PURCHASERS

8042028	PENNZOIL CO
8042029	PENNZOIL CO
8042051	PENNZOIL
8042058	PENNZOIL CO
8042062	CONSOLIDATED GAS SUPPLY CORP
8042063	PENNZOIL
8042064	PENNZOIL
8042065	PENNZOIL CO
8042066	PENNZOIL CO
8042067	PENNZOIL CO
8042068	PENNZOIL CO
8042069	PENNZOIL CO
8042070	PENNZOIL CO
8042071	PENNZOIL CO
8042072	PENNZOIL CO
8042073	PENNZOIL CO
8042074	CONSOLIDATED GAS SUPPLY CORP

[FR Doc. 80-22291 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-85-C

[Docket No. ID-1905]

Myron Du Bain; Filing

July 21, 1980.

Take notice that on July 9, 1980, Myron Du Bain (Applicant) filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director; Pacific Gas and Electric Company; Public Utility.

Director; Amfac, Inc.; Supplier of electrical equipment.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 15, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-22278 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER 80-525]

Hartford Electric Light Co.; Filing

July 18, 1980.

The filing Company submits the following:

Take notice that on July 14, 1980, The Hartford Electric Light Company ("HELCO") filed, pursuant to Section 205 of the Federal Power Act and the implementing provisions of § 35.13 of the Commission's Regulations thereunder, an amendment to its currently effective Rate Schedule FERC No. 168.

By the tendered amendatory agreement, HELCO proposes an increase in the capacity and energy charges to be paid by HELCO to New Bedford Gas and Edison Light Company ("NBG&E") for any capacity and the energy associated therewith provided from NBG&E's system during any Weekly Cycle (as defined at Section 3 of HELCO's Rate Schedule FERC No. 168).

HELCO requests that the Commission waive its notice requirements pursuant to § 35.11 of its Regulations in order to allow the tendered amendatory agreement to become effective as proposed on July 1, 1980. HELCO has further requested the Commission to waive certain portions of Section 35.13 of the Commission's Regulations for good cause shown. NBG&E has concurred in HELCO's filing as evidenced by a properly executed Certificate of Concurrence attached thereto.

Copies of this filing have been served by HELCO upon NBG&E.

Any person wishing to be heard to protest filing should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8, 1.10). All such petitions or protests should be filed on or before August 11, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-22272 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA80-37]

Independent Oil & Tire Co.; Filing of Petition for Review

July 21, 1980.

Take notice that Independent Oil & Tire Co. on June 9, 1980, filed a Petition for Review under 42 U.S.C. 7194(b) (1977 Supp.) from an order of the Secretary of Energy.

Copies of the petition for review have been served on the Secretary, Department of Energy, and all participants in prior proceedings before the Secretary.

Any person desiring to be heard with reference to such filing should on or before August 4, 1980, file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8). Any person wishing to become a party or to participate as a party must file a petition to intervene. Such petition must also be served on the parties of record in this proceeding and the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 5142, 12th and Pennsylvania Ave., N.W., Washington, D.C. 20461. Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-22273 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-524]

Kansas Power & Light Co.; Filing

July 18, 1980.

The filing Company submits the following:

Take notice that on July 14, 1980, The Kansas Power and Light Company tendered for filing a newly executed Service Schedule E dated May 1, 1980, to rate schedule FPC No. 72 between KPL and Central Telephone and Utilities Corporation (CTU). Service Schedule E provides that KPL agrees to furnish from KPL's ownership percentage of Unit 2 of the Jeffrey Energy Center (JEC), and CTU agrees to purchase 65 MW of power and accompanying energy during the period of June 1, 1980, through May 31, 1993. The proposed effective date is June 1, 1980, and KPL requests that the Commission waive the notice requirements as allowed in § 35.11 of its regulations. In addition, KPL states that copies of the Service Schedule have been mailed to the Central Telephone and Utilities Corporation and the State Corporation Commission of Kansas.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 8, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-22274 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-522]

The Kansas Power & Light Co.; Proposed Changes on Rates and Charges

July 18, 1980.

The filing Company submits the following:

Take notice that on July 14, 1980, The Kansas Power and Light Company (KPL) tendered for filing a newly executed Service Schedule K to the Electric Interconnection Agreement dated January 30, 1970, by and between The Kansas Power and Light Company (KPL) and The Central Kansas Power Company (CKP) and designated FPC No. 123. Service Schedule K provides that KPL agrees to furnish and CKP agrees to purchase 90 MW of power and accompanying energy during the period June 1, 1978, through May 31, 1984. The proposed effective date is May 1, 1980, and KPL requests that the Commission waive the notice requirements as allowed in § 35.11 of its Regulations. In addition, KPL states that copies of the Service Schedule have been mailed to the Central Kansas Power Company and the State Corporation Commission of Kansas.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitons or protests should be filed on or before August 11, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants a petition to intervene. Copies of the application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-22275 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1906]

Richard B. Madden; Filing

July 21, 1980.

Take notice that on July 9, 1980 Richard B. Madden (Applicant) filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director; Pacific Gas and Electric Company; Public Utility.

Director; Amfac, Inc.; Supplier of electrical equipment.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 15, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-22276 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-113]

Mid Louisiana Gas Co.; Order Accepting for Filing and Suspending Rate Increase Subject To Conditions, Granting Waiver and Establishing Procedures

July 9, 1980.

On June 13, 1980, Mid Louisiana Gas Company (Mid Louisiana) filed Thirty-Sixth Revised Sheet No. 3a of its FERC Gas Tariff, First Revised Volume No. 1, designed to increase jurisdictional revenues by approximately $124,075 annually. Mid Louisiana has proposed an effective date of July 15, 1980, without suspension. The increased rates are based on actual data for the twelve months ended March 31, 1980, as adjusted for changes known and measurable through December 31, 1980.

Mid Louisiana states that the principal reasons for the filing are increases in (a) the cost of connecting and having transported to Mid Louisiana's system new sources of gas supply to replace declining volumes from existing sources, (2) the increases in employee payroll and benefit program costs, and (3) the other cost increases net of decreases occurring during the last three years. Mid Louisiana claims a need for an overall rate of return of 12.79 percent which would provide a 15.00 percent return on common equity constituting 43.62 percent of the capitalization. This is an increase above the overall rate of return of 10.72 percent as approved in the settlement in Mid Louisiana's last rate proceeding in Docket No. RP77-58.

Mid Louisiana's costs have been classified and allocated in accordance with the *Atlantic Seaboard* method. That method of cost classification and allocation is contrary to current Commission's policy and is a departure from the *United* cost classification and allocation methodology agreed to in Docket No. RP 77-58 and reflected in Mid Louisiana's underlying rates. Accordingly, Mid Louisiana is placed on notice of its potential liability for undercollections in the event that the cost classification allocation and rate design adopted in this docket assign more fixed costs to the commodity component than are assigned under the *Seaboard* formula.

Public notice of Mid Louisiana's filing was issued on June 20, 1980, providing for protests or petitions to be filed on or before June 27, 1980.

Based upon a review of Mid Louisiana's filing the Commission finds that the proposed rate increase has not been found to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission will accept Thirty-Sixth Revised Sheet No. 3a to First Revised Volume 1 of its FERC Gas Tariff, suspend its effectiveness for five months until December 15, 1980, subject to refund, and the conditions set forth below, and set the matter for hearing.

The proposed tariff sheet reflects a crediting of Rate Schedule E-1 Revenues in compliance with Article VI of the Stipulation and Agreement in Docket No. RP 77-58. The weighted average cost of gas reflected in the tariff sheet is currently in effect pursuant to Mid Louisiana's purchased gas adjustment clause of its tariff. However, the Commission's Regulations under § 154.38(d)(4)(vi)(*a*) require that a study be filed to support the restatement of new base tariff rates. The Commission does not believe that the cost data filed by Mid Louisiana complies with the filing requirements of § 154.38(d)(4)(vi)(*a*) of the Regulations. Mid Louisiana's present tariff rates will have been effective for 36 months on July 15, 1980. In order to conform with § 154.38(d)(4)(vi)(*a*) of the Regulations, the Commission will require Mid Louisiana to restate its base tariff rates to include the current cost of gas. Mid Louisiana's restatement of its base tariff rates must be supported by a cost and revenue study justifying the restated rates and meeting the requirements of § 154.38(d)(4)(vi)(*a*). Mid Louisiana may use actual costs shown for the base period, the twelve months ended March 31, 1980, as annualized in accordance with § 154.38(d)(4)(vi)(*a*) of the Commission's Regulations to support the restated base tariff rates.

Mid Louisiana shall be required to file revised tariff sheets to eliminate costs associated with facilities not in service on or before December 31, 1980. Mid Louisiana shall also reflect in the revised tariff sheets the actual advance payments balance in Account 166 as of December 31, 1980, provided, however, that the inclusion of a higher advance payments balance shall not be permitted to increase the level of the original, suspended rates.

The Commission Orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 8, and 15 thereof, and the Commission's Rules and Regulations, a public hearing shall be held concerning the lawfulness of the increased rates proposed by Mid Louisiana.

(B) Pending hearing and decision, and subject to the conditions enumerated in this order, Mid Louisiana's Thirty-Sixth Revised Sheet No. 3a of its FERC Gas Tariff, First Revised Volume No. 1 except as indicated in ordering paragraph (C), is accepted for filing and suspended for five months, until December 15, 1980, when it shall be permitted to become effective, subject to refund, upon motion filed by Mid Louisiana in accordance with the provisions of the Natural Gas Act.

(C) Mid Louisiana shall file within 15 days of the issuance of this order a restatement of its base tariff rates to include the current cost of purchased gas. Upon acceptance by the Commission, the restated base tariff rates will be effective July 15, 1980, subject to refund. Mid Louisiana shall also file a supporting cost and revenue study as required by 18 CFR 154.38(d)(4)(vi)(*a*). Mid Louisiana may use the actual costs shown for the base period in this docket, i.e., the 12 months ended March 31, 1980, as annualized in accordance with § 154.38(d)(4)(iv)(*a*) of the Commission's Regulations, to support the such restated base tariff rates.

(D) Mid Louisiana shall file revised tariff sheets to become effective on December 15, 1980, subject to refund, to reflect: (1) the elimination of those costs associated with facilities not in service on or before December 31, 1980; (2) the current cost of purchased gas reflected in Mid Louisiana's most recent PGA filing prior to the effective date of the proposed rates; and (3) the actual balance of advance payments in Account 166 as of December 31, 1980, provided that the inclusion of a higher actual balance of advance payments shall not be permitted to increase the overall level of the original, suspended rates. Mid Louisiana shall not be permitted to make offsetting adjustments to those suspended rates except for those adjustments made pursuant to Commission approved tracking provisions, those adjustments required by this order, and those adjustments required by other Commission orders.

(E) The Commission Staff shall prepare and serve top sheets on all parties on or before October 15, 1980.

(F) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (18 CFR (d)), shall convene a settlement conference in this proceeding to be held within 10 days after the service of top sheets by the Staff, in a hearing or conference 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 such further procedural dates as may be necessary, and to rule upon all motions (except motions to consolidate, sever, or dismiss), as provided for in the Rules of Practice and Procedure.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-22277 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-526]

Public Service Electric & Gas Co.; Tariff Change

July 18, 1980.

The filing company submits the following:

Take notice that Public Service Electric and Gas Company of New Jersey, on July 15, 1980, tendered for filing proposed changes in its FERC Electric Tariff, Original Vol. No. 1. The proposed changes would increase revenues from jurisdictional sales and service by $432,201 based on the twelve-month period ending December 31, 1979. In addition, the proposed filing also slightly modified Public Service Electric and Gas Company's existing fuel adjustment clause in the above tariff to conform to § 35.14 of the Commission's Regulations.

Public Service states that despite all efforts by it to combat increased costs, the continuing inflationary trend has affected practically all its oprations. Due to these increased costs, Public Service states that it is becoming increasingly difficult for it to provide adequate and reliable service for the growing needs of its customers. The Company also contends that the rate increases are necessary to assure continued confidence in its financial integrity to provide earnings which will attract additional capital at reasonable cost to enable the Company to finance its electrical construction program.

Copies of the filing were served upon the public utility's jurisdictional customers, Atlantic City Electric and the Boroughs of Milltown, South River, Park Ridge, and the New Jersey Board of Public Utilities.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D. C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 11, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-22280 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER78-513]

Public Service Co. of Indiana; Filing

July 18, 1980.

The filing company submits the following:

Take notice that on July 16, 1980, Public Service Company of Indiana submitted for filing a compliance report pursuant to the Commission's order, issued May 15, 1980, in the above referenced proceeding.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before August 11, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-22279 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3207]

Borough of Saltsburg, Pa. and Pennsylvania Renewable Resources, Inc.; Application for Preliminary Permit

July 21, 1980.

Take notice that the Borough of Saltsburg, Pennsylvania, and Pennsylvania Renewable Resources, Inc., (Applicant) filed on June 9, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3207 to be known as the Conemaugh River Dam Project located on the Conemaugh River in Indiana and Westmoreland Counties, Pennsylvania. Correspondence with the Applicant should be directed to: Pennsylvania Renewable Resources, Inc., Suite 1900, 14 Wall Street, New York, New York 10005.

Project Description—The proposed project would utilize the U.S. Army Corps of Engineers' existing Conemaugh River Dam. The project would consist of: (1) a powerhouse having an installed capacity of 5 MW; and (2) appurtenant facilities. It is estimated that the average annual energy output would be 33,000,000 kWh.

Purpose of Project—Project energy would be sold to local public utilities.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time Applicant would investigate project financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide how to proceed with further environmental studies, project designs, and an application for license. Applicant estimates the cost of studies under the permit would be $55,500.

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 *September 19, 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 18, 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 Regulary 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 September 19, 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. 80-22297 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-439]

Sea Robin Pipeline Co.; Application

July 18, 1980.

Take notice that on July 3, 1980, Sea Robin Pipeline Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP80-439 an application pursuant to Section 7(c) of the Natural Gas Act and § 284.221 of the Commission's Regulations for a certificate of public convenience and necessity for blanket authorization to transport natural gas for other interstate pipeline companies, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests blanket authorization to transport gas for other interstate pipeline companies for periods of up to two years. It states that it would comply with § 284.221(d) of the Commissions Regulations.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 1, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

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. 80-22318 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3124]

Sellers Manufacturing Co., Inc.; Application for Preliminary Permit

July 21, 1980.

Take notice that Sellers Manufacturing Company, Inc. (Applicant) filed on April 1, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. § 791(a)—825(r)] for proposed Project No. 3124 to be known as W.O. Huske Project located at the Corps of Engineers' W.O. Huske Lock Project and Dam on the Cape Fear River in Bladen County, North Carolina.

Correspondence with the Applicant should be directed to: Mr. John M. Jordan, Vice President, Sellers Manufacturing Company, Inc., P.O. Box 128, Saxapahaw, North Carolina 27340.

Project Description—The proposed project would consist of: (1) a powerhouse with an estimated installed capacity of 5,380 kW and (2) appurtenant facilities. The annual energy generation is estimated to be 14,100,000 kWh.

Purpose of Project—Potential customers for the power to be generated include nearby towns, such as Fayetteville, and Carolina Power and Light Company, the local utility.

Proposed Scope and Cost of Studies Under Permit— The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time the Applicant proposes to conduct engineering, environmental, legal and financial studies. Other objectives proposed include the preparation on conceptual designs, drawings, construction schedules and cost estimates for the selected power installations and appurtenant facilities. The Applicant estimates the cost of the aforementioned proposals to be $45,000.

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 or 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 file as a competing application to City of Fayetteville Public Works Commission's application filed on March 3, 1980, Project No. 3064, under 18 CFR 4.33 (*as amended*, 44 *Fed. Reg.* 61328, October 25, 1979). No further competing applications or notices of intent to file a competing application will be accepted for filing.

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 *September 2, 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. 80-22319 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 199]

South Carolina Public Service Authority; Application for Approval To Change Recreation Land Use Designation

July 18, 1980.

Take notice that an application for approval to modify Exhibit R, recreational land use plan for the Santee-Cooper Project, FERC No. 199 was filed on March 7, 1980, by the South Carolina Public Service Authority (SCPSA). The Santee-Cooper hydroelectric project is located on the Santee and Cooper Rivers, South Carolina and includes Lakes Marion and Moultrie. Correspondence concerning the application should be sent to: Mr. William C. Mescher, President, South Carolina Public Service Authority, 223 North Live Oak Drive, Moncks Corner, South Carolina 29461; and to Mr. William J. Madden, Jr., Esq., Debevoise and Leberman, 1200 17th Street, N.W., Washington, D.C. 20036.

SCPSA requests authorization to make certain changes in the land use classification system in its approved Exhibit R. Some land would be removed from within the project boundary as a result of a proposed change in land use. The proposed changes would result in the development of 30 acres of land for residential use, and changes in recreational management of two tracts of project land comprising about 55 acres.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be filed on or before August 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. 80-22320 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-528]

Southern Co. Services, Inc.; Filing

July 18, 1980.

The filing Company submits the following:

Take notice that Southern Company Services, Inc., on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, and Mississippi Power Company (the Operating Companies) on July 16, 1980 tendered for filing an amendment to Service Schedule F to the Interchange Contract between the Operating Companies and Duke Power Company (Duke). Service Schedule F between the Operating Companies and Duke makes provision for Special Short Term Power between the parties. The Amendment filed provides for an increase in the demand charge applicable to sales under Service Schedule F from the Operating Companies to Duke.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 11, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-22321 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA80-23]

Stax Gas & Truck Stop; Filing of Petition

July 21, 1980.

Take notice that Stax Gas & Truck Stop on June 13, 1980, filed a Petition for Review under 42 U.S.C. 7194(b) (1977 Supp.) from an order of the Secretary of Energy.

Copies of the petition for review have been served on the Secretary, Department of Energy, and all participants in prior proceedings before the Secretary.

Any person desiring to be heard with reference to such filing should on or before August 4, 1980, file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8). Any person wishing to become a party or to participate as a party must file a petition to intervene. Such petition must also be served on the parties of record in this proceeding and the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 5142, 12th and Pennsylvania Ave., N.W., Washington, D.C. 20461. Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-22322 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP77-543]

Transcontinental Gas Pipe Line Corp.; Petition To Amend

July 21, 1980.

Take notice that on July 1, 1980, Transcontinental Gas Pipe Line Corporation (Petitioner), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP77-543 a petition to amend the order issued December 16, 1977, as amended in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation of natural gas for Libbey-Owens-Ford Company (LOF) for the unexpired term of the agreement between the parties, all as more fully set forth in the petition to amend.

Petitioner states that by order issued December 16, 1977, in the instant docket it was authorized to transport on a interruptible basis up to 420 Mcf of natural gas per day for LOF. According to Petitioner, the gas is produced from LOF-owned reserves in Woods County, Oklahoma, and delivered to Petitioner by Panhandle Eastern Pipe Line Company and Trunkline Gas Company. Petitioner states that it transports the gas to North Carolina Natural Gas Corporation (NCNG) for eventual delivery to LOF's subsidiary, LOF Glass, Inc. at Laurinburg, North Carolina. It is stated that Petitioner transports this gas to NCNG pursuant to an agreement among LOF, Transco, and NCNG dated June 22, 1977.

Petitioner states that the order issued December 16, 1977, authorized its service for a 2 year period beginning July 13, 1978. It is stated that the agreement among the parties, however, provides for a term of 8 years ending July 13, 1986. Petitioner proposes to transport natural gas for LOF for the unexpired term of the agreement among the parties.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 11, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements ot the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFDR 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. 80-22323 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP78-463]

Transcontinental Gas Pipe Line Corp.; Petition To Amend

July 21, 1980.

Take notice that on June 26, 1980, Transcontinental Gas Pipe Line Corporation (Petitioner), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP78-463 a petition to amend the order issued in the instant docket on November 22, 1978, pursuant to Section 7(c) of the Natural Gas Act so as to authorize the addition of a new exchange point and an additional balancing point, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that on November 22, 1978, it was authorized to exchange natural gas with Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), in accordance with the provisions of an exchange agreement with Northern dated June 15, 1978. It is further stated that the agreement

provides that Petitioner and Northern would exchange, on a best-efforts basis, up to the thermal equivalent of 3,000 Mcf of gas per day. Pursuant to the agreement, Northern purchases gas in the Vermilion Area, Block 34, offshore Louisiana, and delivers it into Petitioner's existing Central Louisiana Gathering System in Vermilion Block 35, it is said. Petitioner states that it purchases gas in the Gomex (Wolfcamp) Field, Pecos County, Texas, the Gem Hemphill Field, Hemphill County, Texas, and the Davidson Ranch Field, Crockett County, Texas, and delivers it into existing facilities of Northern in the field or nearby. It is said that the volumes exchanged are thermally equivalent, after reduction in volume or Btu due to processing, if any, and no charge is involved. Petitioner asserts that imbalances are corrected by Petitioner or Northern delivering or causing to be delivered quantities of exchange gas to the other at the outlet of the U–T Offshore System Johnson's Bayou Plant, Cameron Parish, Louisiana.

Pursuant to an amendatory agreement dated April 24, 1980, Petitioner proposes herein to add an additional point at which Petitioner would deliver or cause to be delivered to Northern, quantities of gas produced from the Reeves "AU" Fee No. 2 Well, Hamon Field, Reeves County, Texas. Such additional point of receipt where Northern would receive gas from Petitioner would be the point of interconnection between the facilities of Northern and Petitioner's producer seller(s)' facilities in the vicinity of the Reeves Well, it is said.

Petitioner further states that the amendatory agreement also provides for an additional balancing point located at the existing interconnection of Petitioner's and Northern's facilities near Starks, Calcasieu Parish, Louisiana.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 11, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-22325 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-440]

Transcontinental Gas Pipe Line Corp.; Application

July 21, 1980.

Take notice that on July 3, 1980, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP80-440 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to transport up to the dekatherm (dt) equivalent of 12,000 Mcf of natural gas for Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), individually, and as an agent for Tenneco Oil Company (TOC), on an interruptible basis, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this application is to implement the terms of a transportation agreement between Applicant and Tennessee dated April 21, 1980. The proposed transportatiion is designed to effectuate receipt of gas from the East Lake DeCade Field, Terrebonne Parish, Louisiana, into the system of Tennessee, which would then transport the gas for TOC and deliver such quantities to Creole Gas Pipeline Company (Creole) for sale by Creole to Air Products and Chemicals, Inc. (Air Products), it is asserted.

Pursuant to the agreement, Tennessee, acting as an agent for TOC, would deliver or cause to be delivered to Applicant quantities of gas up to the dt equivalent of 12,000 Mcf per day at Applicant's existing metering station at the East Lake DeCade Field, it is said. Applicant states that it would then deliver equivalent quantities, less fuel gas and line loss make-up to Tennessee, as agent for TOC, at existing interconnections between Applicant and Tennessee, at Crowley, Acadia Parish, Louisiana, Kinder, Allen Parish, Louisiana, and Louise, Wharton County, Texas. Such transportation service would be on an interruptible basis, it is said.

Applicant further states that it has been informed that to the extent gas from TOC's interest in the East Lake DeCade Field is not delivered by Tennessee to Creole for sale by Creole to Air Products, such gas would be sold by TOC to Tennessee to be used for Tennessee's general system supply. Accordingly, Applicant herein requests authorization to transport for Tennessee, individually, those quantities of gas from the East Lake DeCade Field which are sold by TOC to Tennessee.

It is stated that Tennessee would initially pay Applicant 5.25 cents per dt equivalent delivered for all quantities of gas transported. Additionally, Applicant states that it would initially retain 1.2 percent of the quantities received by Applicant at the point of receipt to provide for compressor fuel and line loss make-up.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 11, 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 hearings.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-22326 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP79-3]

Transcontinental Gas Pipe Line Corp. and Michigan Wisconsin Pipe Line Co.; Petition To Amend

July 21, 1980.

Take notice that on July 3, 1980, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, and Michigan Wisconsin Pipe Line Company (Mich Wisc), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP79-3 a joint petition to amend the order issued April 4, 1979, as amended October 9, 1979, and March 17, 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 September 8, 1978, which provides for Transco to deliver gas from wells in Beckham County, Oklahoma, and Wheeler County, Texas to Mich Wisc, and for Mich Wisc to redeliver thermally equivalent exchange volumes to Transco at various redelivery points. Likewise, it is stated, the arrangement requires Mich Wisc to deliver to Transco gas from wells located in several Mississippi counties, with Transco in turn redelivering thermally equivalent volumes back to Mich Wisc at other points of redelivery.

Petitioners herein propose to add an additional point from which Transco would receive gas from Mich Wisc, pursuant to a third amendatory agreement dated May 27, 1980. It is stated that Mich Wisc has acquired the right to purchase gas reserves from East Cameron Block 38, offshore Louisiana, and has arranged to have Sea Robin Pipeline Company (Sea Robin) and Florida Gas Transmission Company (Florida Gas) transport and deliver these quantities to Transco. It is further stated that Mich Wisc has requested Transco to receive this gas at the point of interconnection of the Vermilion Block 22 pipeline (jointly owned by Sea Robin, Florida Gas and Transco) with Transco's Central Louisiana Gathering System at Pecan Island, Vermilion Parish, Louisiana (East Cameron 38 Receipt Point), and to redeliver such quantities to Mich Wisc at previously authorized delivery points.

Petitioners state further that Transco has agreed to pay 9.9 cents per Mcf for the gathering service provided from three wells located in Mayfield West Field, Beckham County, Oklahoma, for all volumes of gas delivered at Mich Wisc's receipt points reduced by volumes equivalent to the amount of gas Transco receives for the account of Mich Wisc at the East Cameron Block 38 receipt point.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 11, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-22324 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-85-M

Office of Intergovernmental Affairs

Local Government Energy Policy Advisory Committee and Subcommittees; Change in Meeting Agenda

This notice is given to advise of a change in agenda of the Local Government Energy Policy Advisory Committee and Subcommittee meetings. A notice of meeting was published in the issue of July 14, 1980 (45 FR 47232).

PLACE: L'Enfant Plaza Hotel, 480 L'Enfant Plaza, S.W., Washington, D.C. 20024.

DATE AND TIME:

July 30, 1980, 9:00 a.m.—approximately 4:00 p.m.

July 31, 1980, 8:00 a.m.—approximately 6:15 p.m.

August 1, 1980, 8:00 a.m.—approximately 1:00 p.m.

TENTATIVE AGENDA: July 30, 1980, Montcalm Room.

- Advance meeting of the Subcommittee on Energy Emergency Contingency Planning regarding the Energy Emergency Conservation Act (EECA) (Meeting time is approximate and depends upon degree of progress and availability of EECA Task Force staff).

July 31, 1980, LaSalle Room.

8:30–8:40 a.m.—Welcoming Remarks.

8:40–9:30 a.m.—Energy Management and Partnership Act Status Report (includes question and answer session).

9:30–10:15 a.m.—Technical Assistant Program (included question and answer session).

10:15–10:30 a.m.—DOE Program Planning and Budgeting System.

10:30–10:45 a.m.—DOE Budget Process.

10:45–11:15 a.m.—Question and Answer Session.

11:15–12:00 noon—Energy Security Act (S-932) (includes question and answer session).

12:00–2:00 p.m.—Lunch.

2:00–3:00 p.m.—Subcommittee Discussion.

3:00 p.m.—Meeting will recess until 5:30 p.m.

5:30–6:15 p.m.—Meeting with Secretary of Energy at: Department of Energy, Forrestal Building, Room 7A241, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

August 1, 1980:

8:00 a.m.–11:00 a.m.—Subcommittee Meetings.

Procedural Mechanisms—LaFayette Room.

Legislation—Marquette Room.

Local Energy Planning—Degas Room.

Local Energy Emergency Contingency Planning—Montcalm Room.

11:00 a.m.–1:00 p.m.—Reports from Subcommittees and Full Committee Discussions.

1:00 p.m.—Public Comment (10 minute rule).

Issued at Washington, D.C. on July 23, 1980.

Georgia Hildreth,

Director, Advisory Committee Management.

[FR Doc. 80-22602 Filed 7-24-80; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1543-4]

Availability of Environmental Impact Statements

AGENCY: Office of Environmental Review (A-104) US Environmental Protection Agency.

PURPOSE: This notice lists the environmental impact statements (EIS's) which have been officially filed with the EPA and Distributed to Federal Agencies and interested groups, organizations and individuals for review pursuant to the council on environmental quality's regulations (40 CFR PART 1506.9.

PERIOD COVERED: This notice includes EIS's filed during the week of July 7, 1980 to July 11, 1980.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this notice is calculated from July 18, 1980 and will end on September 2, 1980. The 30-day review period for final EIS's as calculated from July 18, 1980 will end on August 18, 1980.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice you should

contact the Federal agency which prepared the EIS. This notice will give a contact person for each Federal agency which has filed an EIS during the period covered by the notice. If a Federal agency does not have the EIS available upon request you may contact the office of environmental review, EPA, for further information.

Back copies of EIS's: Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following sources:

For public availability and/or hard copy reproduction of EIS's filed prior to March 1980: Environmental Law Institute, 1346 Connecticut Avenue, NW, Washington, DC 20036.

For hard copy reproduction or microfiche: Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209,(703) 558–8270.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Environmental Review (A–104), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, (202) 245–3006.

SUMMARY OF NOTICE: On July 30, 1979, the CEQ regulations became effective. Pursuant to section 1506.10(a), the 30-day review period for final EIS's received during a given week will now be calculated from Friday of the following week. Therefore, for all final EIS's received during the week of July 7, 1980 to July 11, 1980 the 30-day review period will be calculated from July 18, 1980. The review period will end on August 18, 1980.

Appendix I sets forth a list of EIS's filed with EPA during the Week of July 7, 1980 to July 11, 1980. The Federal Agency filing the EIS, the name, address, and telephone number of the Federal agency contact for copies of the EIS, the filing status of the EIS, the actual date the EIS was filed with EPA, the title of the EIS, the State(s) and county(ies) of the proposed action and a brief summary of the proposed Federal action and the Fedeal agency EIS number, if available, is listed in this notice. Commenting entities on draft EIS's are listed for final EIS's.

Appendix II sets forth the EIS's which agencies have granted an extended review period or EPA has approved a waiver from the prescribed review period. The Appendix II includes the Federal agency responsible for the EIS, the name, address, and telephone number of the Federal agency contact, the title, State(s) and county(ies) of the EIS, the date EPA announced availability of the EIS in the **Federal Register** and the newly established date for comments.

Appendix III sets forth a list of EIS's which have been withdrawn by a Federal agency.

Appendix IV sets forth a list of EIS retractions concerning previous notices of availability which have been made because of procedural noncompliance with NEPA or the CEQ regulations by the originating Federal agency.

Appendix V sets forth a list of reports or additional supplemental information relating to previously filed EIS's which have been made available to EPA by Federal agencies.

Appendix VI sets forth official corrections which have been called to EPA's attention.

Dated: July 15, 1980,

William N. Hedeman, Jr.

Director, Office of Environmental Review (A–104).

Appendix I

EIS's filed with EPA during the week of: July 7th 1980 through July 11th, 1980.

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Director, Office of Environmental Quality, Office of the Secretary, U.S. Department of Agriculture, Room 412–A Admin. Building, Washington, D.C. 20250, (202) 447–3965.

Forest Service

Final

Gilbert Bay/Holkham Bay area Tongass NF, Alaska, July 7: Proposed is recreational development and sale of timber in the Gilbert/Holkham Bay areas of the Tongass National Forest in Alaska. In addition to no action, alternatives for road development, a logging camp and transfer facility, dispersed recreation and mining development are considered for the timber sale. The recreational alternatives include: 1) primitive and semiprimitive development, 2) moderate lodge/resort development, 3) combination of 1 and 2, 4) major lodge/resort development in addition to primitive and semiprimitive recreation, 5) site locations for major lodge, resort development, and no action. Cooperating agencies are DOC, DOI, and the Alaska Department of Fish and Game. Comments made by: DOT, AHP, EPA, USDA, TREA, PHS, state, and local agencies, groups, individuals and businesses. (EIS Order No. 800502.)

Draft

Thompson Creek Molybdenum Project, Challis NF, Custer County, Idaho, July 7: proposed is an operating plan for the mining and processing of molybdenum disalfide in the Challis National Forest, Custer County, Idaho. The project will include an open pit mine, waste dumps, concentrator facilities and tailings impoundment. These components will be connected by transportation, pipeline and/or utility corridors. The alternatives are: 1) concentrator located at different site, 2) tailings impoundments located in both upper and lower portions of Bruno Creek, and a different access road, 3) no action. Cooperating agency: BLM. (EIS Order No. 800507.)

Final

Upper Shavers Fork sub-unit, Monongahela NF, Pocahontas, and Randolph Counties, West Virginia, July 7: The project proposal concerned involves a ten year management plan for the Upper Shavers Fork sub-unit located in the counties of Pocahontas and Randolph, West Virginia. Features of the management which are to be implemented or are under consideration include: 1) recreational opportunities; 2) timber sales and cultural timber work; 3) even and uneven aged management; 4) modified cutting methods; 5) temporary ban of work in Cheat Mountain rare II area; 6) necessary but protective road system; 7) acquisition of surface/subsurface rights, reserved mineral rights on national forest lands, and coal mining. (USDA–FS (ADM)R–9–78–02F.) Comments made by: DOI, COE, EPA, state, and local agencies, groups, individuals and businesses. (EIS Order No. 800501.)

U.S. ARMY CORPS OF ENGINEERS

Contact: Mr. Richard Makinen, Office of Environmental Policy, Attn: DAEN–CWR–P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, Washington, D.C. 20314, (202) 272–0121.

Draft

Cane Creek Water Supply Reservior, Permit, Orange County, N.C., July 7: Proposed is the issuance of a permit for the construction of a 10 million gallon per day (MGD) reservior on Cane Creek in Orange County, N.C. to augment University Lake for a combined safe-yield of 13 MGD. The reservoir would be created by construction of an earthfill dam. The alternatives considered are: (1) B. Everett Jordan Lake—10 MGD augmentation to University Lake, (2) Haw River near Bynum—7 MGD augmentation of University Lake and (3) expansion of University Lake—10 MGD total safe yield. (Wilmington district.) (EIS Order No. 800504.)

Final

Cache Creek Basin, Clear Lake, Yolo and Lake counties, Calif.: July 8: The proposed plan includes construction of flood control facilities at the outlet of Clear Lake in Lake County, California, to provide flood protection to existing and future urban and agricultural development on the Clear Lake rim. The plan calls for widening and deepening the existing clear lake outlet channel, constructing a bypass channel, constructing a diversion control structure and weir, and requiring future development to flood proof to the elevation of the preproject flood plain. The plan also includes sediment control on Cache Creek in Yolo County, California, to preserve the integrity of the Sacramento River flood control project. Comments made by: DOI, USDA, EPA, DOT, DOC, AHP, State, and local agencies. (EIS Order No. 800506.)

Final

Willamette Reservoir System, O/M Continuation, Several Counties in Oreg., July 7: Proposed is the continuation of the current

operation and maintenance of the Willamette Reservoir System located in several counties of Oregon. The system consists of eleven storage and two reregulating reservoirs constructed by the COE on the Willamette River and its tributaries. Specific authorized purposes of the project are flood control, irrigation, navigation, power production, maintenance of fish life through minimum flows and stream purification. Incidental purposes of the project include recreation, wildlife and municipal and industrial water supplies (Portland District). Comments made by: USDA, DOI, DOC, EPA, FERC, DLAB, State and local agencies, groups, individuals, and businesses. (EIS Order No. 800505.)

Folly Beach, Beach Erosion Control, Charleston County, S.C., July 11: Proposed is a beach erosion control and hurricane protection project for Folly Beach on Folly Island, Charleston County, South Carolina. The improvements include restoration and periodic renourishment of a continuous reach of beach for 16,860 feet, which would require 684,000 cubic yards of fill material. A berm 25 feet wide would be constructed along the entire length of the project. Additional sanitary facilities will also be constructed. (Charleston District). Comments made by: HEW, FERC, DOC, DOI, EPA, State and local agencies groups. (EIS Order No. 800491.)

Draft Supplement

Hay Creek Flood Control, Birdsboro, Berks County, Pa., July 11: Proposed is a flood control plan for Hay Creek, in the borough of Birdsboro, Berks County, Pennsylvania. The plan consists of placing landfill in about 9 acres of redevelopment area where commercial and residential facilities are planned. The fill averages fifteen feet above existing ground. Main Street would be raised and realigned with a new bridge across Hay Creek. The existing right bank revetment would be replaced with riprap and a twenty-foot wide utility corridor would be left at the top of the right bank to provide a floodway. The alternatives are: (1) Construction of levees and floodwalls and (2) No action. (Philadelphia District). (EIS Order No. 800510.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary, Environmental Affairs, Department of Commerce, Washington, D.C. 20230, (202) 377–4335.

Final Supplement

High Seas Salmon Fishery, FMP (FS), Pacific Ocean Regulatory, July 11: Proposed is the amendment of the high seas salmon fishery FMP. The amendments would: (1) Extend the FMP through April 14, 1981, (2) continue the moratorium on new entry in the Power Troll Fishery to April 14, 1981, (3) strengthen in-season management and provide for an area-wide closure for ten days in July, (4) require all troll caught chinook and coho salmon be landed with heads on, (5) prohibit possession of species in closed areas, (6) restrict trollers to four or six lines, (7) redefine regulatory areas numbers 154, 157 and 189. This statement supplements a final EIS, No. 790076, filed 1–19–79. Comments made by: EPA, DOI, State and local agencies, individuals, and businesses. (EIS Order No. 800512.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Carl W. Penland, Acting Director, Environmental Affairs Division, General Services Administration, 18th and F Streets, N.W., Washington, D.C. 20405, (202) 566–1416.

Final

Federal Office Building Construction, Boston, Suffolk County, Mass., July 10: Proposed is the construction of a new federal office building in Boston, Suffolk County, Massachusetts, containing approximately 638,050 occupiable square feet, providing approximately 483,000 square feet of agency space and housing approximately 3,000 employees. Basement parking for government vehicles, visitors and handicapped persons will be provided. The alternatives are: (1) No action, (2) acquisition of space in an existing building for consolidation of leased locations, (3) extension of existing government-owned buildings and (4) alternative sites for new construction. (EMA 78002). Comments made by: EPA, FERC, HEW, DOI, DLAB, SBA, State, and local agencies. (EIS Order No. 800508.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256 Interior Bldg., Department of the Interior, Washington, D.C. 20240, (202) 343–3891.

BUREAU OF LAND MANAGEMENT

Draft

1981 OCS Oil/Gas Lease Sale No. 56, South Atlantic, Atlantic Ocean. Proposed is the 1981 Outer Continental Shelf (OCS) oil and gas lease sale No. 56 for the South Atlantic offshore region which consists of 1,625,251 acres offshore the States of North Carolina, South Carolina, Georgia and Florida. It is estimated that there are 1.4 billion barrels of oil and 2.5 trillion cubic feet of natural gas in the leasing area. Total development of the project will require 101 exploratory wells, 56 production platforms, and 1,299 development wells. Four alternatives are: (1) Hold sale as proposed, (2) tract deletion, (3) delay sale, and (4) withdraw the sale (No action). (DES–80–42). (EIS Order No. 800500.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7274, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, (202) 755–6300.

The following is a community development block grant statement prepared and circulated directly by applicants pursuant to section 104 (H) of the 1974 Housing and Community Development Act. Copies may be obtained from the Office of the appropriate local executive. Copies are not available from HUD.

Final

Rochester City Cultural District Plan, Monroe County, N.Y. Proposed is the awarding of a CDB grant to the city of Rochester, Monroe County, New York, for the development of the city's cultural district. The master plan involves a mixture of cultural, entertainment, commercial and residential use. Specifically the plan considers the construction of a main street transit mall and the extension of Chestnut Street. Funding would be applied to portions of the overall development. Comments made by: EPA, State, and local agencies, groups, and businesses. (EIS Order No. 800511.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426–4357.

FEDERAL HIGHWAY ADMINISTRATION

Final

CA–203, Mammoth Lakes Village, Mono County, Calif., July 7: Proposed are improvements on CA–203 from the Madero County line to the CA–203/CA–395 junction in Mono County, California, to reduce bottlenecks and improve safety conditions. In addition to no-action three other alternatives are considered which involve: (1) Widening about 1.5 miles of existing 2-lane conventional highway to 4-lanes and adding traffic signals, (2) operational improvements which would channelize two intersections and the addition of traffic signals, (3) no state highway construction with construction of country roads and other facilities. (FHWA–CA–EIS–78–F). Comments made by: EPA, DOI, HUD, USDA, COE, State, and local agencies. (EIS Order No. 800503.)

Project M 7500 (4), Horizon Drive, Mesa County, Colo., July 11: Proposed is the upgrading and/or improvement of transportation in the northwestern part of grand junction and Mesa County, Colorado. Horizon Drive would be extended as a two-lane road, southwest from Seventh Street to Patterson Road. Patterson Road between First and Seventh Streets would be improved as a two-lane road with turn lanes, parking restrictions, and curb and gutter. The three alternatives are: (1) Do nothing, (2) widen Seventh Street and Patterson Road, and (3) extend and improve F–½ Road. (FHWA–COLO–EIS–77–05–F). Comments made by: DOI, COE, DOT, State, and local agencies, groups, individuals, and businesses. (EIS Order No. 800509.)

EIS's Filed During the Week of July 7 through July 11, 1980

[Statement title index—by State and county]

State	County	Status	Statement title	Accession No	Date filed	Originating agency No.
Alaska		Final	Gilbert Bay/Holkham Bay Area, Tongass NF	800502	July 7, 1980	USDA
Atlantic Ocean		Draft	1981 OCS Oil/Gas Lease Sale #56, South Atlantic	800500	July 7, 1980	DOI
California	Lake	Final	Cache Creek Basin, Clear Lake	800506	July 8, 1980	COE
	Mono	Final	CA-203, Mammoth Lakes Village	800503	July 7, 1980	DOT
	Yolo	Final	Cache Creek Basin, Clear Lake	800506	July 8, 1980	COE
Colorado	Mesa	Final	Project M 7500 (4), Horizon Drive	800509	July 11, 1980	DOT
Idaho	Custer	Draft	Thompson Creek Molybdenum Project, Challis NF	800507	July 9, 1980	USDA
Massachusetts	Suffolk	Final	Federal Office Building Construction, Boston	800508	July 10, 1980	GSA
New York	Monroe	Final	Rochester City Cultural District Plan	800511	July 11, 1980	HUD
North Carolina	Orange	Draft	Cane Creek Water Supply Reservoir, Permit	800504	July 7, 1980	COE
Oregon	Several	Final	Willamette Reservoir System, O/M Continuation	800505	July 7, 1980	COE
Pennsylvania	Berks		Supplehay Creek Flood Control, Birdsboro (DS)	800510	July 11, 1980	COE
Pacific Ocean			Supplehigh Seas Salmon Fishery FMP, (FS)	800512	July 11, 1980	DOC
South Carolina	Charleston	Final	Folly Beach, Beach Erosion Control	800491	July 11, 1980	COE
West Virginia	Pocahontas	Final	Upper Shavers Fork Sub-Unit, Monongahela NF	800501	July 7, 1980	USDA
	Randolph	Final	Upper Shavers Fork Sub-Unit, Monongahela NF	800501	July 7, 1980	USDA

Appendix II.—*Extension/Waiver of Review Periods on EIS's Filed With EPA*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in FEDERAL REGISTER	Waiver extension	Date review terminates
U.S. DEPARTMENT OF AGRICULTURE					
Mr. Barry Flamm, Director, Office of Environmental Quality, Office of the Secretary, U.S. Department of Agriculture, Room 412-A Admin. Building, Washington, D.C. 20250, (202) 447-3965.	Thompson Creek Molybdenum Project, Custer County, Idaho.	Draft 800507	July 18, 1980	Extension	Sept. 6, 1980.
U.S. DEPARTMENT OF ENERGY					
Dr. Robert Stern, Acting Director, NEPA Affairs Division, Department of Energy, Mail Station 4G-064, Forrestal Bldg., Washington, D.C. 20585, (202) 252-4600.	Solvent Refined Coal-II Demonstration Project, Monongalia County, West Virginia.	Draft 800400	June 2, 1980	Extension	July 30, 1980.
	Natural Gas Curtailment Priorities, Regulatory, Programmatic.	Draft 800484	July 7, 1980	Extension	Aug. 25, 1980.
U.S. DEPARTMENT OF THE INTERIOR					
Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256, Interior Building, Department of the Interior, Washington, D.C. 20240, (202) 343-3891.	1981 OCS Oil/Gas Lease Sale No. 56, South Atlantic.	Draft 800500	July 18, 1980	Extension	Sept. 12, 1980.

Appendix III.—*EIS's Filed With EPA Which Have Been Officially Withdrawn by the Originating Agency*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in FEDERAL REGISTER	Date of withdrawal
None.				

Appendix IV.—*Notice of Official Retraction*

Federal agency contact	Title of EIS	Status/number	Date notice published in FEDERAL REGISTER	Reason for retraction
None.				

Appendix V.—*Availability of Reports/Additional Information Relating to EIS's Previously Filed with EPA*

Federal agency contact	Title of report	Date made available to EPA	Accession No.
None.			

Appendix VI.—*Official Correction*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in FEDERAL REGISTER	Correction
None.				

[FR Doc. 80-21719 Filed 7-24-80; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1550-6; OPTS-51053C]

Certain Chemicals; Termination of Premanufacturing Notice Review Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is terminating the review period for three premanufacture notices (PMN's) submitted under Section 5 of the Toxic Substances Control Act (TSCA). The notice review period had previously been extended to August 14, 1980 (45 FR 45015, July 2, 1980). The generic identities for the substances covered by those PMN's are:

1. 80-70: Sulfonic acid salf of Ureylenebis(hydroxy-[(sulfo-naphthyl)azol)naphthalene;
2. 80-71: Sulfonic acid of a Ureylenebis(hydroxy-[(sulfo-naphthyl)azol])naphthalene compound;
3. 80-72: Salt of (Ethenediyl)bis[(hydroxyphenyl)azo] benzenesulfonic acid.

The termination of the review period allows the manufacturer of these substances to begin production immediately.

FOR FURTHER INFORMATION CONTACT: Douglas Rehberg, Premanufacturing Review Division (TS-794), Office of Pestivides and Toxic Substances, Environmental Protestion Agency,, 401 M Street, SW, Washington, DC 20460 (202-426-8493).

SUPPLEMENTARY INFORMATION: On June 26, 1980, under Section 5(c) of TSCA, EPA for good cause extended the premanufacture notice period for the above described PMN's. The review period was extended in order to give the Agency more time to determine whether regulatory controls were appropriate for the PMN substances. EPA's concerns were based on the potential for the PMN substances to cause mutagenic and carcinogenic effects, coupled with the possibility of exposure to workers, consumers, and ecological populations.

EPA's additional review has not resolved the Agency's concerns that the substances might be carcinogenic or mutagenic. EPA has gathered additional information on potential exposures to the substances. This information indicates that exposures to workers, consumers, and ecological populations would be negligible. Therefore, EPA believes that, even assuming the PMN substances are carcinogenic or mutagenic, the potential risks are so low that action under Section 5(e) is not warranted.

EPA extended the notice review period in order to complete its review of the PMN's, and to allow time for preparation of a regulatory control action, if appropriate. The Agency concluded that action under Section 5(e) is not warranted with respect to risks posed by the substances as they are intended to be manufactured, processed, and used. Therefore the remaining portion of the 45 day extension is no longer necessary for carrying out the Agency's review responsibilities under Section 5. Under these circumstances, EPA is terminating the notice review period, effective immediately, in order to avoid any further disruption of the manufacturer's commercial plans.

EPA remains concerned about the potential toxicity of the PMN substances and related substances. Because EPA's decision not to act on these Chemicals at this time is based on the fact that exposures are expected to be very low, and any change in the manufacturing, processing, use, and disposal of these substances which resulted in substantial or significant exposures would be of concern to the Agency. Therefore, EPA is developing a significant new use rule (SNUR) under Section 5(a)(2) of TSCA which would require that a notice be submitted to the Agency if any person undertakes certain specified activities in connection with these chemicals which are likely to result in substantial or significant exposures. This will allow the Agency to review such new exposures to determine if regulatory controls are appropriate to limit such exposures. Thje specific changes that would trigger a requirement to notify the Agency of a significant new use will be set forth in the notice of proposed rulemaking for the SNUR.

Dated: July 18, 1980.

Edwin H. Clark II,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 80-22353 Filed 7-24-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1550-1; OPP-C30190]

Receipt of Applications To Register Pesticide Products Containing New Active Ingredients

AGENCY: Environmental Protection Ageny (EPA).

ACTION: Notice.

SUMMARY: Applications have been submitted to the Environmental Protection Agency (EPA) to conditionally register pesticide products containing active ingredients which have not been included in any previously registered pesticide products. Applications were made pursuant to the provisions of the Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (92 Stat. 819; 7 U.S.C. 136) and the regulations thereunder 40 CFR 162.6. Notice of receipt of these applications does not indicate a decision by the Agency on the applications. Interested persons are invited to submit written comments on any application referred to in this notice.

As provided for in the Administrative Procedures Act (5 U.S.C. 553(d)(3)), the time for comment period is being limited to ten (10) days because of the necessity to expeditiously provide a means for control of the imported fire ant. The comments should bear a notation indicating the EPA file symbol of the application to which the comments pertain. Comments received within the specified time period will be considered before a final decision is made; comments received after the specified time period will be considered only to the extent possible without delaying processing of the application.

Specific comments concerning these applications, and the data submitted should be directed to George LaRocca, Product Manager 15 (PM), Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW, Washington, D.C. 20460.

EPA file 241-EAR. American Cyanamid Company, Agricultural Division, Wayne, NJ 07470. AMDRO-20 Insecticide. Active Ingredient: Tetrahydro-5,5-dimethyl-2(1*H*)-pyrimidinone (3-[4-(trifluoromethyl)phenyl]-1-2-[4-trifluoromethyl)phenyl]ethenyl-2-propenylidene hydrazone 0.88%. The application proposes that this prod

be classified for general use for imported fire ant control. PM 15, George LaRocca, Rm. E-329 (202/426-9490).

EPA File Symbol 241-EAN. American Cyanamid Company, Agricultural Division, Wayne, NJ 07470. AMDRO Fire Ant Insecticide. Active Ingredient: Tetrahydro-5,5-dimethyl-2(1*H*)-pyrimidinone (3-[4-(trifluoromethyl)phenyl]-1-2-[4-(trifluoromethyl)phenyl]ethenyl)-2-propenylidene) hydrazone 0.88% The application proposes that this product be classified for general use for imported fire ant control. PM-15, George LaRocca, Rm. E-329, (202/426-9490).

Notice of approval or denial of the applications to register pesticide products will be announced in the **Federal Register**. Except for such material protected by Section 10 of FIFRA, the test data and other information submitted in support of registration, as well as other scientific information deemed relevant to the registration decision, may be made available after approval under the provisions of the Freedom of Information Act. The procedures for requesting such data will be given in the **Federal Register** if an application approved. (40 CFR 162.6)

Dated: July 21, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-22355 Filed 7-24-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1551-1]

Availability of Environmental Impact Statements

AGENCY: Office of Environmental Review (A-104), U.S. Environmental Protection Agency.

PURPOSE: This Notice lists the Environmental Impact Statements (EISS) which have been officially filed with the EPA and distributed to Federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's Regulations (40 CFR Part 1506.9).

PERIOD COVERED: This Notice includes EIS's filed during the week of July 14, 1980 to July 18, 1980.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this notice is calculated from July 25, 1980 and will end on September 8, 1980. The 30-day review period for final EIS's as calculated from July 25, 1980 will end on August 25, 1980.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice you should contact the Federal agency which prepared the EIS. This notice will give a contact person for each Federal agency which has filed an EIS during the period covered by the notice. If a Federal agency does not have the EIS available upon request you may contact the Office of Environmental Review, EPA, for further information.

BACK COPIES OF EIS'S: Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following sources:

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For hard copy reproduction or microfiche: Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209, (703) 558-8270.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Environmental Review (A-104), Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 245-3006.

SUMMARY OF NOTICE: On July 30, 1979, the CEQ regulations became effective. Pursuant to section 1506.10(A), the 30-day review period for final EIS's received during a given week will now be calculated from Friday of the following week. Therefore, for all final EIS's received during the week of July 14, 1980 to July 18, 1980 the 30-day review period will be calculated from July 25, 1980. The review period will end on August 25, 1980.

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Appendix VI sets forth official corrections which have been called to EPA's attention.

Dated: July 22, 1980.

William N. Hedeman, Jr.,

Director, Office of Environmental Review (A-104).

Appendix I—EIS's Filed With EPA During the Week of July 14 Through 18, 1980

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Director, Office of Environmental Quality, Office of the Secretary, U.S. Department of Agriculture, Room 412-A, Admin. Building, Washington, D.C. 20250, (202) 447-3965.

Forest Service

Draft

Spruce Creek Addition Wilderness Study Area, Pitkin County, Colo., July 14: Proposed is designation of the Spruce Creek Area, White River National Forest, Pitkin County, Colorado, as wilderness. This would also include continuing management of the deadman projection as wilderness. The six alternatives discussed consider varying designations and allocations for the two areas. The two areas combined encompass approximately 13,500 acres of land. (DEIS 02-15-80-01.) (EIS Order No. 800518.)

Soil Conservation Service

Final

Limestone-Muddy Creek Watershed Protection, Duplin County, N.C., July 14: Proposed is a watershed protection and flood prevention plan for the Limestone-Muddy Creek watershed located in Duplin County, North Carolina. The improvements include conservation land treatment, 55.9 miles of channel restoration, a 68 acre recreation impoundment, a 60 acre recreational development area, fish holes on 20.3 miles of channel and fishing access to 45.4 miles of channel. Channel excavation will involve enlargement by excavation of 34.1 miles of emhemeral streams and 21.8 miles of intermittent streams. (USDA-SCS-EIS-WS-(ADM)-79-1-(F)-NC) Comments made by: FERC, DOC, HEW, EPA, and State agencies. (EIS Order No. 800513.)

U.S. ARMY CORPS OF ENGINEERS

Contact: Mr. Richard Makinen, Office of Environmental Policy, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army

Corps of Engineers, 20 Massachusetts Avenue, Washington, D.C. 20314, (202) 272–0121.

Draft

Flint Township Flood Control, Genesee County, Mich., July 18: Proposed is a flood control plan for Flint Township, Genesee County, Michigan. The alternatives consider: (1) Development of a 17 acre park; (2) demolition, relocation, or floodproofing of 20 homes; (3) construction of 3,200 feet of earth diking; (4) channelization; and (5) no action. (Detroit District.) (EIS Order No. 800532.)

Final

Hookers Prairie Phosphate Mine, Permit, Polk County, Fla., July 17: Proposed is the issuance of a permit to the W. R. Grace and Company to mine for phosphate ore in wetlands of Hookers Prairie, Polk County, Florida. Approximately 5,387 acres, of which 3,713 acres are wetlands, are to be mined. Alternatives include: (1) Mining in wetlands and uplands, with surface clay disposal ponds; (2) wetland and upland mining without clay disposal ponds; (3) upland mining only, with or without clay disposal ponds; and (4) permit the initial action. (Jacksonville District.) Comments made by: DOI, EPA, and State agencies. (EIS Order No. 800526.)

Draft Suppplement

Santa Ana River Main Stem (DS–1), Orange, Riverside, and San Bernardino Counties, Calif., July 18: Proposed is increased flood protection along the length of the Santa Ana River and two tributaries, Santiago Creek and Oak Street Drain in the Counties of Orange, Riverside and San Bernardino, California. Five structural plans and no action are considered. This statement supplements final EIS, No. 781002, filed October 20, 1978. (Los Angeles District.) (EIS Order No. 800530.)

Draft Supplement

Twin Valley Lake, Wild River Flood Control, Norman County, Minn., July 15: Proposed is a flood control plan for the Twin Valley Lake-Wild Rice River in Norman County, Minnesota. This statement supplements final EIS, No. 771215, dated September 29, 1977, and contains: (1) a fish and wildlife compensation plan, (2) water quality evaluation, and (3) section 404 evaluation. (St. Paul District.) (EIS Order No. 800521.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary, Environmental Affairs, Department of Commerce, Washington, D.C. 20230, (202) 337–4335.

Final

Padilla Bay Estuarine Sanctuary, Grant, Skagit County, Wash., July 16: Proposed is the awarding of a grant for the acquisition of 11,612 acres and the creation of the Padilla Bay Estuarine Sanctuary located in Skagit County, Washington. Of the total amount, approximately 1,260 acres will be acquired in less than fee simple, all other in fee. The lands to be acquired are presently owned by State and local agencies; and private businesses and owners. Comments made by: AHP, COE, HUD, DOT, DOC, FERC, State and local agencies, groups, individuals, and businesses. (EIS Order No. 800524.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Kenneth Bigos, Region IX, Environmental Protection Agency, 215 Fremont Street, San Francisco, California 94105, (415) 556–8030.

Final

Treated Wastewater Disposal Program, South Bay, Santa Clara County, Calif., July 14: Proposed is a treated wastewater disposal program for the San Jose/Santa Clara, Sunnyvale, and Palo Alto Wastewater Treatment Plants, located in the Santa Clara County Baylands along the southeastern edge of the San Francisco Bay, California. The recommended alternative at this time is the "no project alternative" for the following reasons: (1) the degree to which adverse impacts on the biota of the south bay would be mitigated cannot be predicted, (2) substantial improvements in dissolved oxygen concentrations have not been shown, and (3) the viability of future fuel reclamation is being investigated. (EPA–9–CA–SBDA–80.) Comments made by: DOT, DOC, USDA, DOI, AHP, State and local agencies and groups. (EIS Order No. 800516.)

Contact: Mr. Daniel Sullivan, Region II, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007, (212) 264–1858.

Final

Manasquan River Basin WWT Facilities, Grant, Monmouth County, N.J., July 17: Proposed for consideration is the awarding of a grant for the design and construction of wastewater treatment (WWT) facilities for the Manasquan River Basin located in Monmouth County, New Jersey. The plan calls for the construction of a Regional WWT Plant (WTP) in Wall Township and related interceptors, pump stations, and force mains to convey wastewater to the regional WTP. All existing WTPS in the Manasquan River Basin would be abandoned and their flows conveyed to the regional WTP. An outfall would be constructed to discharge treated waterwater to the Manasquan River. Six alternatives are considered. Comments made by: USDA, HUD, DOC, State and local agencies, groups and individuals. (EIS Order No. 800528.)

Federal Energy Regulatory Commission

Contact: Dr. Jack M. Heinemann, Advisor on Environmental Quality, Room 3000 S–22, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357–8228.

Final

Prudhoe Bay Sales Gas Conditioning Facility C/O, Alaska, July 18: Proposed is the issuance of a certificate of public convenience and necessity for the construction and operation of a sales gas conditioning facility at Prudhoe Bay, Alaska. The facility would consist of four processing trains using the selexol process to condition the gas and refrigeration to separate the hydrocarbons. An operations/living center and construction camp would also be constructed. The site alternatives considered are at the Yokum River near the Taps Bridge and at Fairbanks. Pipeline pressure and process alternatives are also considered. (FERC/EIS–0009.) Comments made by: AHP, COE, HEW, DOC, EPA, HUD, local agencies, individuals, and businesses. (EIS Order No. 800533.)

Cross Generating Station, License, Berkeley County, Calif., July 18: Proposed is the issuance of a license for the construction and operation of the Cross Generating Station located near the town of Cross, Berkeley County, South Carolina. The station would consist of four coal-fired steam electric generating units with a capacity of 510 MWE each, at a new plant site to be located adjacent to the Diversion Canal connecting Lakes Marion and Moultrie. Approximately 180 miles of new transmission line would connect the plant to existing substations at four primary load centers. (FERC Project No. 199.) Comments made by: DOI, HEW, DOT, COE, EPA, USDA, State agencies, and businesses. (EIS Order No. 800529.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7274, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410. (202) 755–6300.

Draft

Ahwatukee Planned Community, Maricopa, County, Ariz., July 14: Proposed is the issuance of HUD Home Mortgage Insurance for the Ahwatukee Planned Community in Maricopa County, Arizona. The Community will encompass 2,600 acres and contain a total of approximately 7,300 dwelling units. A number of community facilities and two additional schools are planned. (HUD–R09–EIS–80–3D) (EIS Order No. 800519.)

Cheyenne Mountain Ranch Housing Development, El Paso, County, Colo. July 14: Proposed is the issuance of HUD Home Mortgage Insurance for the Cheyenne Mountain Ranch Housing Development located in Colorado Springs, El Paso County, Colorado. The development encompasses 2,827.9 acres and will contain 10,025 single and multifamily units as well as sites for professional uses, and park and open space systems. (HUD–R08–EIS–80–IXD) (EIS Order No. 800520.)

Section 104 (H)

The following are community development block grant statements prepared and circulated directly by applicants pursuant to section 104(H) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local executive. Copies are not available from HUD.

Final

Burbank City Center Redevelopment Project (CDBG), Los Angeles, County, Calif., July 14: Proposed is the awarding of CDBG Funds to the city of Burbank, Los Angeles County, California for the Development of a regional shopping center. The shopping center would consist of four, or possibly five, major department stores, along with other

complementary uses, comprising up to 896,000 squar feet of leaseable area and associated parking for 3,900 cars. Comments made by: HUD, DOT, EPA, local agencies (EIS Order No. 800517.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256 Interior Bldg., Department of the Interior, Washington, D.C. 20240 (202) 343–3891

Bureau of Land Management

Draft

OCS Oil and Gas Sales, No. A66 and No. 66 Gulf of Mexico, July 17: Proposed are two OCS oil and gas lease sales for tracts A66 and 66 in the Gulf of Mexico. The tracts comprise 1,979,794 acres offshore of the States of Texas, Louisiana, Alabama, Mississippi, and Florida. The project will include the construction of 175 development wells, 185 exploration wells, 375 miles of offshore pipeline and 30 new platforms. The alternatives consider: (1) Hold sale as proposed, (2) modify via potential tract deletions, (3) delay sales, and (4) withdraw sales, (DES–80–43) (EIS Order No. 800527.)

Final

Shivwits Resource Area Livestock Grazing MGMT, Mohave, County, Ariz., July 15: Proposed is a livestock grazing management plan for the Shivwits Resource Area located in Mohave County, Arizona. The area encompasses 1,717,000 acres. Forty allotments would be managed intensively under rest-rotation and deferred rotation systems. Ten additional allotments would be less intensively managed. The project will include 86 water developments, 137 miles of fense, 32.5 miles of two-track road, and 128,510 acres of land treatment, (FES–80–21). Comments made by: DOI, USDA, EPA, State and local agencies, groups, individual and businesses. (EIS Order No. 800522.)

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Mohamed T. El-Ashry, Director of Environmental Quality, Tennessee Valley Authority, Forestry Building 37828, Norris, Tennessee 37828, (615) 632–6450 FTS 856–6450.

Final

Morton Ranch Uranium Mill Processing, Converse County, Wyo., July 14: Proposed are certain milfing operations involving the processing of uranium ore deposits from surface and underground mining operations at the Morton Ranch Uranium Mill in Converse County, Wyoming. The alternatives consider: (1) site location, (2) mill processes, (3) use of existing mill, (4) tailings management, and (5) energy sources. This final EIS, was prepared by the NRC and has been adopted by TVA. The NRC, EIS, No., 790245, filed 3–6–79, resulted in the issuance of a license for operation of the mill to process ore. (NUREG–0532.) Comments made by: HEW, COE, DOE, DOT, EPA, FERC, USDA, State agencies, groups, (EIS Order No. 800514.)

U.S. POSTAL SERVICE

Contact: Mr. Robert Coven, Director, Office of Program Planning, Real Estate and Building Department, U.S. Postal Service, Washington, D.C. 20260 (202) 245–4304.

Final

Westport Postal Station Building/Parking Expansion, Jackson County, Mo., July 14: Proposed is the Expansion of the Westport Postal Station in Kansas City, Jackson County, Missouri. The expansion would include additional building space and off-street parking. The alternatives considered include: (1) structural and nonstructural solutions, (2) satellite parking, (3) rescheduling activities, and (4) no action. Comments made by: EPA, individuals (EIS Order No. 800515.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590 (202) 426–4357.

Federal Highway Administration

Draft

25th Street Corridor Improvement, Fargo, Cass County, N. Dak., July 14: Proposed are improvements to the 25th Street Corridor in Fargo, Cass County, North Dakota. The improvements consist of the construction of an underpass of the Burlington Northern Mainline and an interchange with I–94. Two location alternatives considered for the interchange are the 25th Street location and no action, (FHWA–ND–EIS–80–01–D) (EIS Order No. 800525.)

Final

TN–22, Martin Bypass to old TN–22 portion (F–1), Weakley County, Tenn., July 15: Proposed is the improvement of TN–22 from the proposed Martin Bypass near Ralston to old TN–22 near Dresden, Weakley County, Tennessee. The roadway would be upgraded from a two-lane facility to a cross section consisting of four, 12 foot traffic lanes with a forty-eight foot median on a minimum right-of-way of 250 feet. This EIS fihalizes only a portion of the project addressed in the draft EIS, No. 781376, filed December 27, 1978. Another final EIS will be issued to complete the action as discussed in the draft. (FHWA–TN–EIS–78–09–F.) Comments made by: FERC, USDA, DOT, TVA, COE, EPA, DOI, HUD, HEW, State and local agencies, groups. (EIS Order No. 800523.)

EIS's Filed During the Week of July 14, 1980, Through July 18, 1980

[Statement title index—by State and county]

State	County	Status	Statement title	Accession No.	Date filed	Originating agency No.
Alaska		Final	Prudhoe Bay Sales Gas Conditioning Facility C/O	800533	July 18, 1980	FERC
Arizona	Maricopa	Draft	Ahwatukee Planned Community	800519	July 14, 1980	HUD
	Mohave	Final	Shivwits Resource Area Livestock Grazing Mgmt	800522	July 15, 1980	DOI
California	Los Angeles	Final	Burbank City Center Redevelopment Project (CDBG).	800517	July 14, 1980–80.	HUD
	Orange	Supple	Santa Ana River Main Stem (DS–1)	800530	July 18, 1980	COE
	Riverside	Supple	Santa Ana River Main Stem (DS–1)	800530	July 18, 1980	COE
	San Bernardino	Supple	Santa Ana River Main Stem (DS–1)	800530	July 18, 1980	COE
	Santa Clara	Final	Treated Wastewater Disposal Program, South Bay	800516	July 14, 1980	EPA
Colorado	El Paso	Draft	Cheyenne Mountain Ranch Housing Development	800520	July 14, 1980	HUD
	Pitkin	Draft	Spruce Creek Addition Wilderness Study Area	800518	July 14, 1980	USDA
Florida	Polk	Final	Hookers Prairie Phosphate Mine, Permit	800526	July 17, 1980	COE
Gulf of Mexico		Draft	OCS Oil and Gas Sales, #A66 and #66	800527	July 17, 1980	DOI
Michigan	Genesee	Draft	Flint Township Flood Control	800532	July 18, 1980	COE
Minnesota	Norman	Supple	Twin Valley Lake, Wild River Flood Control	800521	July 15, 1980	COE
Missouri	Jackson	Final	Westport Postal Station Building/Parking Expansion	800515	July 14, 1980	USPS
New Jersey	Monmouth	Final	Manasquan River Basin WWT Facilities, Grant	800528	July 17, 1980	EPA
North Carolina	Duplin	Final	Limestone-Muddy Creek Watershed Protection	800513	July 14, 1980	USDA
North Dakota	Cass	Draft	25th Street Corridor Improvement, Fargo	800525	July 16, 1980	DOT
South Carolina	Berkeley	Final	Cross Generating Station, License	800529	July 18, 1980	FERC
Tennessee	Weakley	Final	TN–22, Martin Bypass to Old TN–22 Portion (F–1)	800523	July 15, 1980	DOT
Wyoming	Converse	Final	Morton Ranch Uranium Mill Processing	800514	July 14, 1980	TVA
Washington	Skagit	Final	Padilla Bay Estuarine Sanctuary, Grant	800524	July 16, 1980	DOC

Appendix II.—*Extension/Waiver of Review Periods on EIS's Filed With EPA*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in FEDERAL REGISTER	Waiver extension	Date review terminates
DEPARTMENT OF AGRICULTURE					
Mr. Barry Flamm, Director, Office of Environmental Quality, Office of the Secretary, U.S. Department of Agriculture, Room 412-A Admin. Building, Washington, D.C. 20250 (202) 447-3965	JK Smith Power Station, Units 1 and 2, Transmission, Clark County, Ky.	Draft 800499	July 11, 1980	Extension	Sept. 2, 1980.
	Spruce Creek Addition, Wilderness, Colo.	Draft 800518	July 25, 1980	Extension	Sept. 19, 1980.

Appendix III.—*EIS's Filed With EPA Which Have Been Officially Withdrawn by the Originating Agency*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in FEDERAL REGISTER	Date of withdrawal
None.				

Appendix IV.—*Notice of Official Retraction*

Federal agency contact	Title of EIS	Status number	Date notice published in FEDERAL REGISTER	Reason for retraction
None.				

Appendix V.—*Availability of Reports/Additional Information Relating to EIS's Previously Filed With EPA*

Federal agency contact	Title of report	Date made available to EPA	Accession No.
None.			

Appendix VI.—*Official Correction*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in FEDERAL REGISTER	Correction
None.				

[FR Doc. 80-22410 Filed 7-24-80; 8:45 am]
BILLING CODE 6560-01-M

[PP 8G2129/T247; FRL 1550-2]

Bendiocarb; Establishment of a Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has established a temporary tolerance for residues of the insecticide bendiocarb (2,2-dimethyl-1,3-benzodioxol-4-ol methyl carbamate and its metabolites 2,2-dimethyl-1,3-benzodioxol-4-ol and N-hydroxymethyl bendiocarb in or on the following raw agricultural commodities: corn (grain, fodder, forage) at 0.05 part per million (ppm); milk, eggs, and the meat, fat, and meat byproducts (except kidney) of cattle, goats, hogs, horses, poultry, and sheep at 0.05 ppm; kidney of cattle, goats, hogs, horses, poultry, and sheep at 0.10 (ppm).

FOR FURTHER INFORMATION CONTACT: Charles Mitchell, Product Manager (PM) 12, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 202/426-2635.

SUPPLEMENTARY INFORMATION: Fisons Incorporated, Agricultural Chemical Division, Bedford, MA 01730, submitted a pesticide petition (PP 8G2129) to the EPA. This petition requested that a temporary tolerance be established for residues of the insecticide bendiocarb (2,2-dimethyl-1,3-benzodioxol-4-ol methyl carbamate) and its metabolites 2,2-dimethyl-1,3-benzodioxol-4-ol and N-hydroxymethyl bendiocarb in or on the raw agricultural commodities: corn (grain, fodder, forage) at 0.05 million (ppm); milk, eggs, and the meat, fat, and meat byproducts (except kidney) of

cattle, goats, hogs, horses, poultry, and sheep at 0.05 ppm; and kidney of cattle, goats, hogs, horses, poultry, and sheep at 0.10 ppm.

This temporary tolerance is to permit the marketing of the above raw agricultural commodities treated in accordance with the experimental use permit 10065–EUP–14 that has been issued under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended in 1972, 1975 and 1978 (92 Stat. 819; 7 U.S.C. 136). (A related document establishing a food additive regulation for residues of bendiocarb (2,2-dimethyl-1,3-benzodioxol-4-ol methyl carbamate) and its metabolites 2,2-dimethyl-1 3-benzodioxol-4-ol and N-hydroxymethyl bendiocarb in or on the raw agricultural commodities: corn (grain, fodder, forage) at 0.05 part per million; milk, fat, meat, and meat byproducts (except kidney) of cattle, goats, hogs, horses, poultry, and sheep at 0.05 ppm; and kidney of cattle, goats, hogs, horses, poultry, and sheep at 0.10 ppm; and eggs at 0.05 ppm appears elsewhere in today's **Federal Register**).

The scientific data reported and all other relevant material were evaluated, and it was determined that establishment of the temporary tolerance would protect the public health. Therefore the temporary tolerance has been established on the condition that the experimental use permit be used with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Fisons Inc. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance will expire August 2, 1980. Residues not in excess in this amount remaining in or on the raw agricultural commodities after the expiration date will be considered actionable if the pesticide is legally applied during the term of and in accordance with provisions of the experimental use permit and temporary tolerance.

This tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates such revocation is necessary to protect the public health.

(Sec. 408(j), 68 Stat. 561; (21 U.S.C. 346a(j))

Dated: July 10, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80–22567 Filed 7–24–80; 8:45 am]

BILLING CODE 6560–01–M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. A–18]

FM Broadcast Applications Accepted for Filing and Notification of Cutoff Date

Released: July 21, 1980.

Cutoff Date: August 29, 1980.

Notice is hereby given that the applications listed in the attached appendix are hereby accepted for filing. They will be considered to be ready and available for processing after August 29, 1980. An application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on August 29, 1980, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., not later than the close of business on August 29, 1980.

Petitions to deny any application on this list must be on file with the Commission no later than the close of business on August 29, 1980.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

BPH–790814AA (New), Crookston, Minnesota, Johnson & Laidlaw Broadcasting Ltd., Req: 96.1 MHz; Channel No. 241C; ERP: 100 kW; HAAT: 455 Ft.

BPH–790919AA (New), Ord, Nebraska, KNLV, Inc., Req: 103.9 MHz; Channel No. 280A; ERP: 1.86 kW; HAAT: 379 Ft.

BPH–790928AK (New), California, Missouri, Town & Country Communications, Inc., Req: 94.3 MHz; Channel No. 232A; ERP: 3 kW; HAAT: 300 Ft.

BPH–791009AJ (WRTB), Vincennes, Indiana, Green Construction of Indiana, Inc., Has: 96.7 MHz; Channel No. 244A; ERP: 2.8 kW; HAAT: 110 Ft. (LIC), Req: 96.7 MHz; Channel No. 244A; ERP: 1.85 kW; HAAT: 370 Ft.

BPH–791010AH (New), Evanston, Wyoming, Listeners' Network, Req: 106.3 MHz; Channel No. 292A; ERP: .098 kW; HAAT: 1446 Ft.

BPH–791010AM (KYZZ), Wolf Point, Montana, KVCK, Inc., Req: 92.7 MHz; Channel No. 224A; ERP: 0.9 kW; HAAT: 500 Ft.

BPH–791012AI (WKYV–FM), Vicksburg, Mississippi, Red Carpet City Broadcasting Corp., Has: 106.7 MHz; Channel No. 294C; ERP: 58 kW; HAAT: 510 Ft. (LIC), Req: 106.7 MHz; Channel No. 294C; ERP: 100 kW; HAAT: 828 Ft.

BPH–791015AW (WOFM), Greeneville, Tennessee, Radio Greeneville, Inc., Has: 94.9 MHz; Channel No. 235C; ERP: 100 kW; HAAT: 320 Ft. (LIC), Req: 94.9 MHz; Channel No. 235C; ERP: 100 kW; HAAT: 1089 Ft.

BPH–791018AB (New), Williston, North Dakota, BBRV, Inc., Req: 98.5 MHz; Channel No. 253C; ERP: 100 kW; HAAT: 905 Ft.

BPH–791029AW (WROI), Rochester, Indiana, Fidelity Broadcasting Company, Inc., Has: 92.1 MHz; Channel No. 221A; ERP: 3 kW; HAAT: 100 Ft. (LIC), Req: 92.1 MHz; Channel No. 221A; ERP: 3 kW; HAAT: 201 Ft.

BPH–791107AC (KNUJ–FM), New Ulm, Minnesota, KNUJ, Inc., Has: 93.1 MHz; Channel No. 226C; ERP: 28 kW; HAAT: 380 Ft. (LIC), Req: 93.1 MHz; Channel No. 226C; ERP: 100 kW; HAAT: 358 Ft.

BPH–791107AD (New), Montevideo, Minnesota, Western Minnesota Stereo, Inc., Req: 105.5 MHz; Channel No. 288A; ERP: 3 kW; HAAT: 297 Ft.

BPH–791113AC (new), Port Sulphur, Louisiana, Mariners Radio Relay Company, Inc. Req: 106.7 MHz; Channel No. 294C, ERP: 50 kW; HAAT: 175 ft.

BPH–791114AC (KYKK), Hobbs, New Mexico, Noalmark Broadcasting Corporation, HAS: 94.1 MHz; Channel No. 231C, ERP: 100 kW; HAAT: 330 ft. (LIC), (Humble City, New Mexico), Req: 94.1 MHz; Channel No. 231C, ERP: 100 kW; HAAT: 330 ft. (Hobbs, New Mexico)

BPH–791119AA (new), Sidney, Montana, Fischer Land & Development Corp. Req: 95.1 MHz; Channel No. 236C, ERP: 100 kW; HAAT: 337 ft.

BPH–791119AK (new), Vinita, Oklahoma, DLB Broadcasting Corporation, Req: 95.9 MHz; Channel No. 240A, ERP: 3 kW; HAAT: 300 ft.

BPH–791121AA (new), Pinconing, Michigan, FM 101, Inc., Req: 100.9 MHz; Channel No. 265A, ERP: 3 kW; HAAT: 300 ft.

BPH–791121AK (WVOR–FM) Rochester, New York, Lincoln Broadcasting Corporation, HAS: 100.5 MHz; Channel No. 263B, ERP: 50 kW; HAAT: 350 ft. (LIC), Req: 100.5 MHz; Channel No. 263B, ERP: 50 kW; HAAT: 482.4 ft.

BPH–791123AF (WIVQ), Peru, Illinois, Radio Illinois, Ltd., HAS: 100.9 MHz; Channel No. 265A, ERP: 3 kW; HAAT: 145 ft. (LIC), Req: 100.9 MHz; Channel No. 265A, ERP: .998 kW; HAAT: 464 ft.

BPH–791126AA (KXTZ), Henderson, Nevada, Pennino Music Company, Inc., HAS: 94.1 MHz; Channel No. 231C, ERP: 41 kW; HAAT: −120 ft. (LIC), Req: 94.1 MHz; Channel No. 231C, ERP: 100 kW; HAAT: 1210 ft.

BPH–791126AE (WPRE–FM), Prairie du Chien, Wisconsin, Prairie Broadcasting Company, HAS: 94.3 MHz; Channel No. 232A, ERP: 3 kW; HAAT: −46 ft. (LIC), Req: 94.3 MHz; Channel No. 232A, ERP: .75 kW; HAAT: 544 ft.

BPH–791126AF (new), Fairfield Bay, Arkansas, Fairfield Bay, Inc., Req: 106.3 MHz; Channel No. 292A, ERP: 1.65 kW; HAAT: 390 ft.

BPH–791128AE (new), Jamestown, North Dakota, Great West Broadcasting, Inc., Req: 95.5 MHz; Channel No. 238C, ERP: 55.7 kW; HAAT: 203 ft.

BPH–791203AB (new), Douglas, Wyoming, FM Broadcasters, Inc., Req: 99.3 MHz; Channel No. 257A, ERP: .813 kW; HAAT: 530.6 ft.

BPH–791203AC (KLIN–FM) Lincoln, Nebraska, KLIN, Inc., HAS: 107.3 MHz; Channel No. 297C, ERP: 100 kW; HAAT: 165 ft. (LIC), Req: 107.3 MHz; Channel No. 297C, ERP: 100 kW; HAAT: 549 ft.

BPH–791204AA (new), Winnsboro, Texas, Tower Power Corporation, Req: 104.9 MHz; Channel No. 285A, ERP: 3 kW; HAAT: 300 ft.

BPH–791204AB (KWIZ–FM), Santa Ana, California, The Voice of the Orange Empire, HAS: 96.7 MHz; Channel No. 244A, ERP: 3 kW; HAAT: 120 ft. (LIC), Req: 96.7 MHz; Channel No. 244A, ERP: 3 kW; HAAT: 207 ft.

BPH–791211AA (new), Sedona, Arizona, American Aircasting Corporation, Req: 100.1 MHz; Channel No. 261A ERP: .450 kW; HAAT: 797 ft.

BPH–791211AF (new), Elko, Nevada, Holiday Broadcasting Company of Elko, Req: 95.3 MHz; Channel No. 237A, ERP: .45 kW; HAAT: 761 ft.

BPH–791213AD (new) La Follette, Tennessee, Powell Valley Broadcasting Corp., Req: 104.9 MHz; Channel No. 285A, ERP: .625 kW; HAAT: 683 ft.

BPH–791213AE (WGIT), Hormigueros, Puerto Rico, Southwestern Broadcasting Corp., Has: 92.1 MHz; Channel No. 221A, Erp: 3 kW; HAAT: −110 ft. (Lic), Req: 92.1 MHz; Channel No. 221A, Erp: .25 kW; HAAT: 872 ft.

BPH–791217AJ (KOZZ), Reno, Nevada, Lotus Radio Corporation, Has: 105.7 MHz; Channel No. 289C, Erp: 30 kW; HAAT: −270 ft. (Lic), Req: 105.7 MHz; Channel No. 289C, Erp: 80 kW; HAAT: 2123 ft.

BPH–791218AD (New), Brush, Colorado, Ranchland Broadcasting Company, Req: 107.1 MHz; Channel No. 296A, Erp: 2.98 kW; HAAT: 91 ft.

BPH–791218AE (New), Reform Alabama, Alabama Christian B/cting Co., Inc., Req: 101.7 MHz; Channel No. 269A, Erp: 1 kW; HAAT: 479 ft.

BPH–791218AX (KLYN–FM), Lynden, Washington, KLYN–FM, Inc., Has: 106.5 MHz; Channel No. 293C, Erp: 100 kW; HAAT: 720 ft. (Lic), Req: 106.5 MHz; Channel No. 293C, Erp: 56.1 kW; HAAT: 2250 Ft.

BPH–791220AB (New), Havre, Montana, Triangle Broadcasting Company, Req: 95.1 MHz; Channel No. 236C, Erp: 100 kW; HAAT: 420 ft.

BPH–791220AC (KRIZ), Roswell, New Mexico, KRIZ, Inc., Has: 97.1 MHz Channel No. 246C, Erp: 25 kW; HAAT: 235 ft. (Lic), Req: 97.1 MHz; Channel No. 246C, Erp: 100 kW; HAAT: 353 ft.

BPH–791220AE (WJAI), Eaton, Ohio, Great Trails Broadcasting Corp., Has: 92.9 MHz; Channel No. 225B, Erp: 19.5 kW; HAAT: 105 ft. (Lic), Req: 92.9 MHz; Channel No. 225B, Erp: 20 kW; HAAT: 366 ft.

BPH–791226BU (New), Yucca Valley, California, Yucca Valley Broadcasting, Req: 106.9 MHz; Channel No. 295B, Erp: 6 kW; HAAT: 1163 ft.

BPH–791227AQ (New), Rio Grande City, Texas, Hispanic Media Enterprises, Req: 97.7 MHz; Channel No. 249A, Erp: 3 kW; HAAT: 300 ft.

BPH–791231AA (New), Colville, Washington, Tri-County Broadcasting, Req: 92.1 MHz; Channel No. 221A, Erp: 3 kW; HAAT: 80 ft.

BPH–800108AE (New), Ripley, West Virginia, Randy Jay Communications Corporation, Req: 98.3 MHz; Channel No. 252A, Erp: 3 kW; HAAT: 300 ft.

BPH–800109AH (KNID), Enid, Oklahoma, Enid Radiophone Company, Inc., Has: 96.9 MHz; Channel No. 245C, Erp: 76 kW; HAAT: 185 ft. (Lic), Req: 96.9 MHz; Channel No. 245C, Erp: 100 kW; HAAT: 449 ft.

BPH–800109AM (WBXB), Edenton, North Carolina, Chowan Broadcasters, Has: 100.1 MHz; Channel No. 261A, Erp: 3 kW; HAAT: 195 ft. (Lic), Req: 100.1 MHz; Channel No. 261A, Erp: 2.75 kW; HAAT: 300 ft.

BPH–800118AG (New), Silverton, Colorado, Longhorn Communications, Inc., Req: 103.9 MHz; Channel No. 280A, Erp: 2.23 kW; HAAT: −2028 ft.

BPH–800118AJ (New), Tahoe City, California, High Sierra Broadcasting, Inc., Req: 96.5 MHz; Channel No. 243B, Erp: 1.8 kW; HAAT: 2185 ft.

BPH–800128AM (KMRE), Dumas, Texas, Dumas Broadcasters, Inc., Has: 95.3 MHz; Channel No. 237A, Erp: .68 kW; HAAT: 260 ft. (Lic), Req: 95.3 MHz; Channel No. 237A, Erp: 3 kW; HAAT: 262 ft.

BPH–800129AG (New), Homosassa Springs, Florida, West Wind Broadcasting, Inc., Req: 95.3 MHz; Channel No. 237A, Erp: 3 kW; HAAT: 300 ft.

BPH–800129AH (New), Corinth, New York, Jedco Broadcasting Corp., Req: 93.5 MHz; Channel No. 228A, Erp: 1.35 kW; HAAT: 422 Ft.

BPH–800130AK (WOOO), Statesville, North Carolina, Metrolina Communications Corp., Has: 96.9 MHz; Channel No. 245C, Erp: 9 kW; HAAT: 340 Ft. (Lic), Req: 96.9 MHz; Channel No. 245C, Erp: 100 kW; HAAT: 559 Ft.

BPH–800130AM (KQWB–FB), Moorhead, Minnesota, Midwest Radio Company, Has: 98.7 MHz; Channel No. 254C, Erp: 100 kW; HAAT: 380 Ft. (Lic), Req: 98.7 MHz; Channel No. 254C, Erp: 100 kW; HAAT: 581 Ft.

BPH–800131AI (KXKX), Galveston, Texas, Beacon Broadcasting Co., Has: 106.5 MHz; Channel No. 293C, Erp: 26 kW; HAAT: 195 Ft. (Lic), Req: 106.5 MHz; Channel No. 293C, Erp: 95.8 kW; HAAT: 688.6 Ft.

BPH–800131AJ (WELF), Presque Isle, Maine, Jack F. Sieber, Has: 101.7 MHz; Channel No. 269A, Erp: 3 kW; HAAT: −88 Ft. (Lic), Req: 101.7 MHz; Channel No. 269A, Erp: 1.36 kW; HAAT: 424 Ft.

BPH–800201AN (New), Elizabeth City, North Carolina, James R. Bond, Jr., Req: 96.7 MHz; Channel No. 244A, Erp: 3 kW; HAAT: 300 Ft.

BPH–800201AO (KTXJ–FM), Jasper, Texas, KTXJ Radio, Inc., Has: 102.3 MHz; Channel No. 272A, Erp: 2.9 kW; HAAT: 140 Ft. (Lic), Req: 102.3 MHz; Channel No. 272A, Erp: 3 kW; HAAT: 297.8 Ft.

BPH–800201AR (New), Bridgeport, Texas, Bridgeport Broadcasting Company, Req: 96.7 MHz; Channel No. 244A, Erp: 3 kW; HAAT: 208.6 Ft.

BPH–800205AG (New), Fairbanks, Alaska, Northern Television, Inc., Req: 102.5 MHz; Channel No. 273C, Erp: 3.1 kW; HAAT: 10 Ft.

BPH–800206AH (KJOK), Yuma, Arizona, Magnamedia, Inc., Has: 93.1 MHz; Channel No. 226C, Erp: 30 kW; HAAT: 74 Ft. (Lic), Req: 93.1 MHz; Channel No. 226C, Erp: 100 kW; HAAT: 80 Ft.

BPH–800206AO (New), Pittston, Pennsylvania, CLW Communications Group, Req: 102.3 MHz; Channel No. 272A, Erp: 3 kW; HAAT: 300 Ft.

BPH–800208AC (KORK–FM), Las Vegas, Nevada, Southwestern Broadcasting Company, Has: 97.1 MHz; Channel No. 246C, Erp: 44 kW; HAAT: 195 Ft. (Lic), Req: 97.1 MHz; Channel No. 246C, Erp: 50 kW; HAAT: 1,951 Ft.

BPH–800212AB (New), Guymon, Oklahoma, Panhandle Communications, Inc., Req: 92.7 MHz; Channel No. 224A, Erp: 3 kW; HAAT: 300 Ft.

BPH–800213AF (WKJB–FM), Mayaguez, Puerto Rico, Radio Station WKJB AM–FM, Inc., Has: 99.1 MHz; Channel No. 256B, Erp: 13.3 kW; HAAT: −10 Ft. (Lic), Req: 99.1 MHz; Channel No. 256B, Erp: 15.2 kW; HAAT: 1,953 Ft.

BPH–800213AG (WVAQ), Morgantown, West Virginia, West Virginia Radio Corporation, Has: 101.9 MHz; Channel No. 270B, Erp: 50 kW; HAAT: 260 Ft. (Lic), Req: 101.9 MHz; Channel No. 270B, Erp: 50 kW; HAAT: 500 Ft.

BPH–800214AI (New), Dubach, Louisiana, Robillard Communications, Inc., Req: 97.7 MHz; Channel No. 249A, Erp: 3 kW; HAAT: 300 Ft.

BPH–800219AN (KTKT–FM), Tucson, Arizona, Arizona Lotus Corporation, Has: 96.1 MHz; Channel No. 241C, Erp: 25.5 kW; HAAT: 77 Ft. (Lic), Req: 96.1 MHz; Channel No. 241C, Erp: 93 kW; HAAT: 90 Ft.

BPH–800221AH (KPRI), San Diego, California, SBI of San Diego, Inc., Has: 106.5 MHz; Channel No. 293B, Erp: 50 kW; HAAT: 230 Ft. (Lic), Req: 106.5 MHz; Channel No. 293B, Erp: 50 kW; HAAT: 444 Ft.

BPH–800221AL (New), Anadarko, Oklahoma, Anadarko Broadcasting Company, Inc., Req: 103.7 MHz; Channel No. 279C, Erp: 100 kW; HAAT: 231 Ft.

BPH–800225AR (KNWC), Sioux Falls, South Dakota, Northwestern College, Has: 96.5 MHz; Channel No. 243C, ERP: 100 kW; HAAT: 265 ft. (LIC), Req: 96.5 Mhz; Channel No. 243C, ERP: 100 kW; HAAT: 1600 ft.

BPH–800225AS (new), Ava, Illinois, Harold L. Lawder, Req: 103.9 MHz; Channel No. 280A, ERP: 3 kW; HAAT: 300 ft.

BPH–800225AW (new), Eloy, Arizona, Zona Broadcasters, Req: 106.3 MHz; Channel No. 292A, ERP: 3 kW; HAAT: 300 ft.

BPH–800226AL (new), East Wenatchee, Washington Read Broadcasting, Req: 97.7 MHz; Channel No. 249A, ERP: 3 kW; HAAT: 150 ft.

BPH–800226AN (new), Raymondville, Texas, Edgar L. Clinton, Req: 101.7 MHz; Channel No. 269A, ERP: 3 kW; HAAT: 140 ft.

BPH–800228AG (WEZL), Charleston, South Carolina, WEZL, Inc., Has: 103. 5 MHz; Channel No. 278C ERP: 25 kW; HAAT: 275 ft. (LIC), Req: 103.5 MHz; Channel No. 278C, ERP: 100 kW; HAAT: 666 ft.

BPH–800228AH (new), Breckenridge, Texas, Bintz Enterprises, Inc., Req: 93.5 MHz; Channel No. 228A, ERP: 3 kW; HAAT: 300 ft.

BPH–800228AP (WIKI), Carrollton, Kentucky, Titan Broadcasting Corporation, Has: 100.1 myz; Channel No. 261A, ERP: 1.35 kW; HAAT: 300 ft. (LIC), Req: 100.1 MHz; Channel No. 261A, ERP: 3 kW; HAAT: 300 ft.

BPH–800303AC (new), Oakhurst, California, California Sierra Corporation, Req: 107.1 MHz; Channel No. 296A, ERP: 3 kW; HAAT: 423 ft.

BPH–800304AJ (KLOR–FM), Ponca City, Oklahoma, Indian Nation Broadcasters, Inc., Has: 99.3 MHz; Channel No. 257A, ERP: 3 kW; HAAT: 145 ft. (LIC), Req: 99.3 MHz; Channel No. 257A, ERP: 3 kW; HAAT: 287.5 ft.

BPH–800305AD (new), Weed, California, Valley FM Radio, Req: 100.9 MHz; Channel No. 265A, ERP: .095 kW; HAAT: 1425 ft.

BPH–800306AE (new), Kirksville, Missouri, Countryside Broadcasters, Inc., Req: 93.5 MHz; Channel No. 228A, ERP: 3 kW; HAAT: 300 ft.

BPH–800307AC (new), Mercedes, Texas, Bixby Great Electric Radio Co., Inc., Req: 106.3 MHz; Channel No. 292A, ERP: 3 kW; HAAT: 281 ft.

BPH–800307AD (new), Trinidad, Colorado, Colorado Broadcasting Corporation, Req: 92.7 MHz; Channel No. 224A, ERP: 3 kW; HAAT: 16 ft.

BPH–800310AB (new), Osage City, Kansas, Osage Radio, Inc., Req: 92.7 MHz; Channel No. 224A, ERP: 3 kW; HAAT: 300 ft.

BPH–800310AD (new), Enid, Oklahoma, Public Broadcastig Service, Inc., Req: 103.1 MHz; Channel No. 276A, ERP: 3 kW; HAAT: 298.1 ft.

BPH–800310AE (new), Alva, Oklahoma, Zumma Broadcasting Company, Req: 99.7 MHz; Channel No. 259C, ERP: 100 kW; HAAT: 835 ft.

BPH–800312AD (new), Garberville, California, Daniel J. Healy, Req: 100.1 MHz; Channel No. 261A, ERP: .040 kW; HAAT: 2527 ft.

BPH–800317AE (new) Kellogg, Idaho, Dr. George S. Flinn, Jr., Req: 104.3 MHz; Channel No. 282C, ERP: 40 kW; HAAT: 2615 ft. (Allocated to Wallace, Id.)

BPH–800318AJ (new), Covington, Indiana, Doxa, Inc., Req: 103.1 MHz; Channel No. 276A, ERP: .92 kW; HAAT: 500 ft.

BPH–800324AE (new), Blue Earth, Minnesota, Minn-Iowa Christian B/cting, Inc., Req: 100.9 MHz; Channel No. 265A, ERP: 3 kW; HAAT: 300 ft.

BPH–800326AH (new), Tallulah, Louisiana, SCO-Kim, Inc., Req: 104.9 MHz; Channel No. 285A, ERP: 3 kW; HAAT: 300 ft.

BPH–800326AJ (new), Fordyce, Arkansas, Dallas Properties, Inc., Req: 101.7 MHz; Channel No. 269A, ERP: 3 kW; HAAT: 289 ft.

BPH–800331AG (WSEC), Williamston, North Carolina, Fargay Broadcasters, Inc., Has: 103.7 MHz; Channel No. 279C, ERP: 50 kW; HAAT: 175 ft. (Lic), Req: 103.7 MHz; Channel No. 279C, ERP: 50 kW; HAAT: 330 ft.

BPH–800402AF (WCNB–FM), Connersville, Indiana, WCNB, Inc., Has: 100.3 MHz; Channel No. 262B, ERP: 6.7 kW; HAAT: 270 ft. (Lic.) Req: 100.3 MHz; Channel No. 262B, ERP: 20 kW; HAAT: 275 ft.

BPH–800402AG (new), Ida Grove, Iowa, the B. F. Broadcasting, Inc., Req: 92.7 MHz; Channel No. 224A, ERP: 3 kW; HAAT: 300 ft.

BPH–800404AF (new), Augusta, Maine, Sterling Broadcasting Corporation, Req: 92.1 MHz; Channel No. 221A, ERP: 3 kW; HAAT: 300 ft.

BPH–800404AH (new), Laramie, Wyoming, Wyoming Ninety-Five, Req: 95.1 MHz; Channel No. 236C, ERP: 100 kW; HAAT: 1231 ft.

BPH–800408AB (new), Nevada, Missouri, Kesler Broadcasting Company, Inc., Req: 97.7 MHz; Channel No. 249A, ERP: 3 kW; HAAT: 116 ft.

BPH–800408AD (new), Palmyra, Missouri, Palmyra Broadcasting Company, Req: 98.3 MHz; Channel No. 252A, ERP: 3 kW; HAAT: 300 ft.

BPH–800409AG (new), Calexico, California, Cal-Mex Broadcasting Company, Req: 97.7 MHz; Channel No. 249A, ERP: 3 kW; HAAT: 300 ft.

BPH–800409AH (WKXW–FM), Trenton, New Jersey, Trenton Broadcasting Corporation, Has: 101.5 MHz; Channel No. 268B, ERP: 50 kW; HAAT: 120 ft. (Lic.) Req: 101.5 MHz; Channel No. 268B, ERP: 7.5 kW; HAAT: 830 ft.

BPH–800409AI (WVOZ–FM), Carolina, Puerto Rico, International Broadcasting Corp., Has: 107.7 MHz; Channel No. 299B, ERP: 50 kW; HAAT: 89 ft. (Lic.) Req: 107.7 MHz; Channel No. 299B, ERP: 50 kW; HAAT: 1087 ft.

BPH–800410AC (WILO–FM), Frankfort, Indiana, Kaspar Broadcasting Company, Inc., Has: 99.7 MHz; Channel No. 259B, ERP: 5.9 kW; HAAT: 125 ft. (Lic.) Req: 99.7 MHz; Channel No. 259B, ERP: 50 kW; HAAT: 460 ft.

BPH–800414AB (new), Thomaston, Georgia, Radio Georgia, Inc., Req: 95.3 MHz; Channel No. 237A, ERP: 3 kW; HAAT: 300 ft.

BPH–800417AF (KRPM–FM), Tacoma, Washington, RPM Broadcasting Inc., Has: 106.1 MHz; Channel No. 291C, ERP: 25 kW; HAAT: 700 ft. (Lic.) Req: 106.1 MHz; Channel No. 291C, ERP: 100 kW; HAAT: 703 ft.

BPH–800421AH (new), Lewiston, Idaho, KRLC, Inc., Req: 106.9 MHz; Channel No. 295C, ERP: 99 kW; HAAT: 1230 ft.

BPH–800422AE (New), Incline Village, Nevada, Incline Broadcast Services, Inc., Req: 5.3 MHz; Channel No. 228A, ERP: 7 kW; HAAT: 630 Ft.

BPH–800424AC (WLKR–FM), Norwalk, Ohio, Firelands Broadcasting, Inc., Has: 95.3 MHz; Channel No. 237A, ERP: 2.5 kW; HAAT: 125 Ft. (LIC), Req: 93.5 MHz; Channel No. 237A, ERP: 3 kW; HAAT: 300 Ft.

BPH–800424AE (WBBO–FM), Forest City, North Carolina, Rutherford County Radio Co., Inc., Has: 93.3 MHz; Channel No. 227C, ERP: 1.5 kW; HAAT: 345 Ft. (LIC), Req: 93.3 MHz; Channel No. 227C, ERP: 100 kW; HAAT: 300 Ft.

BPH–800425AE (NEW), Warrensburg, Missouri, M & M Commuications, Inc., Req: 105.5 MHz; Channel No. 288A, ERP: 3 kW; HAAT: 300 Ft.

BPH–800425AG (NEW), South Haven, Michigan, Spartan Broadcasting, Inc., Req: 98.3 MHz; Channel No. 252A, ERP: 3 kW; HAAT: 300 Ft.

BPH–800428AF (KALS), Kalispell, Montana, North Valley B/Cting Enterprises, Inc., Has: 97.1 MHz; Channel No. 246C, ERP: 70 kW; HAAT: −195 Ft. (LIC), Req: 97.1 MHz; Channel No. 246C, ERP: 43.3 kW; HAAT: 2552 Ft.

BPH–800428AH (NEW), Sturgeon Bay, Wisconsin, Davidson Communications Corporation, Req: 100.1 MHz; Channel No. 261A, ERP: 3 kW; HAAT: 300 Ft.

BPH–800501AF (WKTM), North Charleston, South Carolina, KTM Broadcasting Company, Inc., Has: 102.5 MHz; Channel No. 273C, ERP: 50 kW; HAAT: 195 Ft. (LIC), Req: 102.5 MHz; Channel No. 273C, ERP: 100 kW; HAAT: 666 Ft.

BPH–800505AD (NEW), Clifton Forge, Virginia, Alleghany Highlands Broadcasting, Inc., Req: 103.9 MHz; Channel No. 280A, ERP: 3 kW; HAAT: −361 Ft.

BPH–800508AA (NEW), Cape Charles, Virginia HLD & M Communications, Req: 96.1 MHz; Channel No. 241B, ERP: 50 kW; HAAT: 4880 Ft.

BPH–800512AA (KXTC), Glendale, Arizona, ITC Communications of Arizona, Inc., Has: 92.3 MHz; Channel No. 222C, ERP: 100 kW; HAAT: 285 Ft. (LIC), Req: 92.3 MHz; Channel No. 222C, ERP: 100 kW; HAAT: 880 Ft.

BPH–800513AD (NEW), West Union, Ohio, Bell Broadcasting, Inc., Req: 103.1 MHz; Channel No. 276A, ERP: 1.39 kW; HAAT: 417 Ft.

BPH–800515AC (NEW), Scottville, Michigan, West Shore Broadcasting Corporation, Req: 95.9 MHz; Channel No. 240A, ERP: 3 kW; HAAT: 300 Ft.

BPH–800516AA (NEW), Gillette, Wyoming, the B. F. Broadcasting, Inc., Req: 100.7 MHz; Channel No. 264C, ERP: 100 kW; HAAT: 522 Ft.

BPH–800516AO (WIZY–FM), Gordon, Georgia, Sun Coast Radio, Inc., Has: 107.1 MHz; Channel No. 296A, ERP: 3 kW; HAAT: 98 Ft. (LIC), Req: 107.1 MHz; Channel No. 296A, ERP: 2.7 kW; HAAT: 322 Ft.

BPH–800527AC (NEW), Brownfield, Texas, Brownfield Broadcasting Corporation, Req: 103.9 MHz; Channel No. 280A, ERP: 3 kW; HAAT: 300 Ft.

BPH–800528AG (WAIM–FM), Anderson, South Carolina, the One Corporation, Has: 101.1 MHz; Channel No. 266C, ERP: 100 kW; HAAT: 310 Ft. (LIC), Req: 101.1 MHz; Channel No. 266C, ERP: 90.3 kW; HAAT: 779 Ft.

BPH–800602AA (NEW), Monahans, Texas, Texas Wireless, Inc., Req: 102.1 MHz; Channel No. 271C, ERP: 100 kW; HAAT: 706 Ft.

BPH–800603AB (NEW), South Burlington, Vermont, Lake Champlain Communications

Corp., Req: 95.3 MHz; Channel No. 237A, ERP: 1.5 kW; HAAT: 402 Ft.

BPH–800603AE (KXCL), Corsicana, Texas, KAN–D Land, Inc., Has: 107.9 MHz; Channel No. 300C, ERP: 25 kW; HAAT: 520 Ft. (LIC), Req: 107.9 MHz; Channel No. 300C, ERP: 100 kW; HAAT: 521 Ft.

BPH–800605AB (New), Wickenburg, Arizona, Hassayampa Broadcasting, Req: 105.5 MHz; Channel No. 288A, ERP: 3 kW; HAAT: –156 Ft.

BPH–800606AA (New), Washburn, Wisconsin, Silver Birch Broadcasting Co., Ltd., Req: 105.9 MHz; Channel No. 290C, ERP: 96.1 kW; HAAT: 608 Ft.

BPH–800606AB (New), Hibbing, Minnesota, WKKQ, Inc., Req: 93.9 MHz; Channel No. 230C, ERP: 100 kW; HAAT: 548 Ft.

BPH–800606AC (New), Brookville, Pennsylvania, Stephen S. Strattan, Req: 95.9 MHz; Channel No. 240A, ERP: 3 kW; HAAT: 300 Ft.

BPH–800609AB (New), Grundy Center, Iowa, Grundy Broadcasting Company, Req: 97.7 MHz; Channel No. 249A, ERP: 3 kW; HAAT: 300 Ft.

BPH–800610AB (New), Coolidge, Arizona, Larry E. Salisbury, Req: 103.9 MHz; Channel No. 280A, ERP: 3 kW; HAAT: 300 Ft.

BPH–800616AC (New), Goodland, Kansas, Goodland Broadcasting Corporation, Req: 102.5 MHz; Channel No. 273C, ERP: 100 kW; HAAT: 1010 Ft.

BMPH–790516AG (KRRV), Alexandria, Louisiana, KDBS, Inc., Has: 100.3 MHz; Channel No. 262C, ERP: 29.5 kW; HAAT: 130 Ft. (LIC), Has: 100.3 MHz; Channel No. 262C, ERP: 55 kW; HAAT: 470 Ft. (CP), Req: 100.3 MHz; Channel No. 262C, ERP: 100 kW; HAAT: 485 Ft.

BMPH–800605AA (WQXI–FM), Smyrna, Georgia, Jefferson-Pilot Broadcasting Co., Has: 94.1 MHz; Channel No. 231C, ERP: 100 kW; HAAT: 410 Ft. (LIC), Has: 94.1 MHz; Channel No. 231C, ERP: 70 kW; HAAT: 890 Ft. (CP), Req: 94.1 MHz; Channel No. 231C, ERP: 98 kW; HAAT: 914 Ft.

BPED–2638 (New), Eastport, Maine, Shead Memorial High School, Req: 91.7 MHz; Channel No. 219D, ERP: .012 kW; HAAT: 162 Ft.

BPED–790713AC (KPLN–FM), Plains, Texas, Plains Independent School District, Has: 90.7 MHz; Channel No. 214D, TPO: .01 kW (LIC), Req: 90.3 MHz; Channel No. 212A, ERP: .218 kW; HAAT: 137 Ft.

BPED–790730AE (KYDS), Sacramento, California, San Juan Unified School District, Has: 91.5 MHz; Channel No. 218DS, ERP: .01 kW; HAAT: Ft. (LIC), Req: 91.5 MHz; Channel No. 218A, ERP: .30 kW; HAAT: 31.7 Ft.

BPED–790816AD (WVKC), Galesburg, Illinois, Knox College, Has: 90.5 MHz; Channel No. 213D, TPO: .01 kW. (LIC), Req: 90.5 MHz; Channel No. 213A, ERP: 1 kW; HAAT: 102.7 Ft.

BPED–790914AD (WGAO), Franklin, Massachusetts, Dean Junior College, Has: 91.3 MHz; Channel No. 217D, TPO: .01 kW. (LIC), Req: 88.3 MHz; Channel No. 202A, ERP: .124 kW; HAAT: 176 Ft.

BPED–791226AV (WVUR–FM), Valparaiso, Indiana, Valparaiso University Assoc., Inc., Has: 89.5 MHz; Channel No. 208DS, ERP: .01 kW; HAAT: Ft. (LIC), Req: 95.1 MHz; Channel No. 236D, ERP: .035 kW; HAAT: 124 Ft.

BPED–791226CN (WFHC), Henderson, Tennessee, Freed-Hardeman College, Has: 91.5 MHz; Channel No. 218DS, ERP: .01 kW; HAAT: Ft. (LIC), Req: 91.5 MHz; Channel No. 218A, ERP: 2.99 kW; HAAT: 240 Ft.

BPED–800306AI (New), Terre Haute, Indiana, Rose-Hulman Institute of Technology, Req: 90.5 MHz; Channel No. 213A, ERP: .160 kW; HAAT: 79.63 Ft.

BPED–800512AB (KSWC), Winfield, Kansas, The Southwestern College, Has: 88.3 MHz; Channel No. 202D, TPO: .01 kW. (LIC), Req: 100.3 MHz; Channel No. 262D, ERP: .008 kW; HAAT: 44 Ft.

BMPED–790713AB (KOHM), Lubbock, Texas, Lubbock Independent School District, Has: 91.1 MHz; Channel No. 216A, ERP: .340 kW; HAAT: 115 Ft. (LIC), Has: 91.1 MHz; Channel No. 216A, ERP: .340 kW; HAAT: 115 Ft. (CP), Req: 89.1 MHz; Channel No. 206A, ERP: 3 kW; HAAT: 254 Ft.

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[CC Docket No. 80–390, File No. 21340–CD–P–79; CC Docket NO. 80–391, File No. 21861–CD–P–79]

Capital Answering Service, Inc., and Com-Pak, Inc.; Memorandum, Opinion, and Order

In re Applications of Capital Answering Service, Inc. for assignment of the additional frequency 158.70 MHz for one-way Station KWT951 operating in the Domestic Public Land Mobile Radio Service (DPLMRS) at Helena, Montana (CC Docket No. 80–390; File No. 21340–CD–P–79); and Com-Pak, Inc. d.b.a. WYMO Communications for authorization to construct a new one-way station to operate on frequency 158.70 MHz in the DPLMRS at Helena, Montana (CC Docket No. 80–391; File No. 21861–CD–P–79); designating applications for consolidated hearing on stated issues; *memorandum opinion and order.*

Adopted July 7, 1980.

Released: July 18, 1980.

By the Chief, Common Carrier Bureau:

1. Presently before the Chief, Common Carrier Bureau, acting pursuant to delegated authority, is the application of Capital Answering Service, Inc. (Capital), File No. 21340–CD–P–79, for assignment of the additional frequency 158.70 MHz to one-way Station KWT951 operating in the Domestic Public Land Mobile Radio Service (DPLMRS) at Helena, Montana, and the application of Com-Pak, Inc. d/b/a WYMO Communications (WYMO), File No. 21861–CD–P–79, for authorization to construct a new one-way station to operate on frequency 158.70 MHz in the DPLMRS at Helena, Montana. WYMO has filed a petition to deny the Capital application. Responsive pleadings have been filed thereto.

2. Because these applications seek to establish service on the same frequencies in the same general area, they are electrically mutually exclusive. Consequently, a comparative hearing will be held to determine which applicant would better serve the public interest.

3. In its petition to deny, WYMO states that Capital has not shown sufficient public need to justify a second one-way channel. Capital responds that its need showing is adequate. This need showing contains a traffic load study of Capital's presently assigned 152.24 MHz channel. In response to our letter for further information concerning the load study, Capital states that "the time of service was listed according to one minute of time for each page regardless if it was a full minute or fraction there of [sic]." [1] Our experience with tone-plus-voice paging indicates that such calls typically take no more than 20 seconds to complete. We do not find that Capital's method of computing the time used for each call, counting one minute per call rather than actual time used, complies with the requirement of Section 22.516(b) of the Commission's Rules that "[d]ata showing the *actual* traffic loading" be shown. 47 CFR § 22.516(b) (emphasis added). Since we cannot determine whether there is sufficient public need for Capital's proposed additional channel, we shall designate this issue for hearing. *See Jerry C. Shaffer,* 66 FCC 2d 113, 114 (1977).

4. WYMO alleges need for its proposed one-way station by asserting that operational problems prevent it from adequately offering one-way service "on a secondary basis" over its two-way Station KWU512. *See* Section 22.501(c) of the Commission's Rules, 47 CFR § 22.501(c). However, WYMO is no longer the licensee of Station KWU512, because the Commission recently granted consent to the re-assignment of this station back to Gary C. Richards, the previous licensee. *Public Notice,* Report No. 14–A, released May 6, 1980.[2]

[1] Capital also states that the worksheets for the traffic load study have been lost and that it has replaced its manual system with "a CTI Auto Page system . . . and a digital counter."

[2] The Commission granted consent to the assignment of license for Station KWU512 from Gary C. Richards to WYMO (File No. 21507–CD–AL–79). *Public Notice,* Report No. 968–A, June 25, 1979. WYMO notified the Commission, by letter

Footnotes continued on next page

Therefore, WYMO's application does not demonstrate need for a new station in accordance with the standards set forth in *New York Telephone Co.*, 47 FCC 2d 488, *recon. denied*, 49 FCC 2d 264 (1974), *aff'd sub nom. Pocket Phone Broadcast Service, Inc.* v. *FCC*, 538 F. 2d 447 (D.C. Cir. 1976). Therefore, we must designate for hearing the issue of whether WYMO has adequately demonstrated public need. *Jerry C. Shaffer, supra.*

5. In all other respects, we find the applicants to be legally, technically, financially and otherwise qualified to construct and operate their proposed DPLMRS facilities.

6. Accordingly, It is ordered, pursuant to Section 309 of the Communications Act of 1934, as amended,[3] that the petition to deny filed by Com-Pak, Inc. d/b/a WYMO Communications is granted in part, and that the applications of Capital Answering Service, Inc., File No. 21340–CD–P–79, and Com-Pak, Inc. d/b/a WYMO Communications, File No. 21861–CD–P–79, are designated for hearing in a consolidated proceeding upon the following issues:

(a) To determine the nature and extent of services now rendered by Capital, the capacity of its existing facilities, and in light of Section 22.516 of the Commission's Rules, whether there is sufficient public need for Capital's proposed facilities;

(b) To determine whether WYMO has demonstrated that there is a need for its proposed facilities;

(c) To determine on a comparative basis,[4] the nature and extent of service proposed by each applicant, including the rates, charges, maintenance, personnel, practices, classifications, regulations, and facilities pertaining thereto;

(d) To determine on a comparative basis, the areas and populations that each applicant will serve within the prospective 43 dBu contours, based upon the standards set forth in Section 22.504(a) of the Commission's Rules,[5] and to determine the need for the proposed services in said areas; and

(e) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the above-referenced applications would best serve the public interest, convenience, and necessity.

7. It is Further Ordered, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

8. It is Further Ordered, That the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the respective applicants with respect to each issue.

9. It is Further Ordered, That the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent order.

10. It is Further Ordered, That the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to Section 1.221(c) of the Rules[6] within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

11. The Secretary shall cause a copy of this Memorandum Opinion and Order to be published in the **Federal Register.**

Philip L. Verveer,

Chief, Common Carrier Bureau.

[FR Doc. 80–22449 Filed 7–24–80; 8:45 am]

BILLING CODE 6712–01–M

[CC Docket No. 80–392, File No. 3807–CM–P–78; CC Docket No. 80–393, File No. 741–CM–P–79]

Microband Corp. of America and Multipoint Network Corp.; Application for Construction Permits; Designating Applications for Consolidated Hearing on Stated Issues; Memorandum, Opinion, and Order

Adopted: June 30, 1980.

Released: July 18, 1980.

By the Chief, Common Carrier Bureau:

1. The Commission has before it the above application of Microband Corporation of America filed on September 26, 1978 and the application of Multipoint Network Corporation filed on December 6, 1978. Both of the applications are for a construction permit in the Multipoint Distribution Service and both propose to operate on Channel 1 in Utica, New York. The applications are therefore mutually exclusive and require comparative consideration. There are no petitions to deny or objections under consideration.

2. Upon review of the captioned applications, we find that both applicants are legally, technically, financially and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, it is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, and Section 0.291 of the Commission's Rules, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered:[1]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. *It is further ordered,* That Microband Corporation of America, Multipoint Network Corporation and the Chief, Common Carrier Bureau, are made parties to this proceeding.

5. *It is further ordered,* That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules.

Federal Communications Commission.

Philip L. Verveer,

Chief, Common Carrier Bureau.

[FR Doc. 80–22447 Filed 7–24–80; 8:45 am]

BILLING CODE 6712–01–M

Footnotes continued from last page

dated July 25, 1979, that the assignment was consummated. On March 25, 1980, the Commission accepted for filing the application for consent to assign the license of Station KWU512 from WYMO back to Gary C. Richards. *Public Notice*, Report No. 8, File No. 21235–CD–AL–80. In the sales agreement that accompanied the original assignment application, there is a default provision that provides for re-assignment of the license.

[3] 47 U.S.C. § 309.

[4] The past performance of the applicants may be considered.

[5] Section 22.504(a) of the Commission's Rules describes a field strength contour of 43 decibels above one microvolt per meter as the limits of the reliable service area for base stations engaged in one-way signaling service. Propagation data set forth in Section 22.504(b) are the proper bases for establishing the location of service contours F(50, 50) for the facilities involved in this proceeding. 47 C.F.R. 22.504.

[6] 47 C.F.R. 1.221(c).

[1] Consideration of these factors shall be made in light of the Commission's discussion in *Re Applications of Frank Spain*, et. al. 77 FCC 2d— (1980), FCC 80–140, released April 22, 1980.

[CC Docket No. 80-334, File No. 1970-CM-P-73; CC Docket No. 80-335, File No. 3990-CM-P-73]

Multi-Communication Services, Inc., and Multipoint Information Systems, Inc.; Applications for Construction Permits; Designating Applications for Consolidated Hearing on Stated Issues; Memorandum Opinion and Order

Adopted: June 30, 1980.

Released: July 17, 1980.

By the Chief, Common Carrier Bureau:

1. The Commission has before it the above application of Multi-Communication Services, Inc. filed on September 22, 1972 and the application of Multipoint Information Systems, Inc. filed on November 30, 1972. Both of the applications are for a construction permit in the Multipoint Distribution Service and both propose to operate on Channel 1 in Destin, Florida. The applications are therefore mutually exclusive and require comparative consideration. There are no petitions to deny or objections under consideration.

2. Upon review of the captioned applications, we find that both applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, it is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, and Section 0.291 of the Commission's Rules, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination the following factors shall be considered:[1]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, That Mult-Communication Services, Inc., Multipoint Information Systems, Inc. and the Chief, Common Carrier Bureau, are made parties to this proceeding.

5. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules.

Federal Communications Commission.

Philip L. Verveer,

Chief, Common Carrier Bureau.

[FR Doc. 80-22448 Filed 7-24-80; 8:45 am]

BILLING CODE 6712-01-M

[1] Consideration of these factors shall be made in light of the Commission's discussion in *Re Applications of Frank Spain, et. al.* 77 FCC 2d-(1980), FCC 80-140, released April 22, 1980.

[PR Docket No. 80-388; File No. 16172-IB-40**]

Tony's Truck Tire Repair, Inc.; Application for Authorization for New Facilities in the Business Radio Service; Memorandum Opinion and Order; Designating Application for Hearing on Stated Issues

Adopted: July 9, 1980.

Released: July 16, 1980.

By the Chief, Private Radio Bureau:

1. The Chief, Private Radio Bureau (the Bureau) has before him for consideration the above-captioned application of Tony's Truck Tire Repair, Inc., (Tony), 125 Cross Street, Harrison, New Jersey 07024, for authorization of new 800 MHz trunked radio facilities in the Business Radio Service. Also before the Bureau is information concerning an investigation conducted by the New York City District Office of the Commission's Field Operations Bureau into Tony's unlicensed operation of radio facilities on frequencies other than those proposed in its application and which may have been designated for the exclusive use of the federal government.

2. The New York City District Office's investigation was initiated by a May 15, 1979, complaint from the Internal Revenue Service (IRS) in Newark, New Jersey, which advised that Tony's unlicensed transmissions were causing interference to a radio system operated by the IRS' internal security employees. The IRS has subsequently informed this Bureau that its radio system is used in connection with criminal investigations conducted by that agency. Tony's unlicensed operation commenced on an unknown date in 1979 and continued until July, 1979, when the radio system was shut down at the direction of the Field Operations Bureau.

3. The information before the Bureau concerning Tony's unlicensed operation raises serious questions as to whether Tony possesses the requisite character qualifications or is sufficiently competent or shows sufficient interest with respect to the licensing and implementation of radio facilities to receive a grant of the authorization which it here seeks. Because the Bureau cannot make the necessary finding, pursuant to Section 309(a) of the Communications Act of 1934, as amended, that a grant of the above-referenced application would serve the public interest, convenience and necessity, the application must, in accordance with Section 309(e) of the Act, be designated for hearing.

4. Accordingly, It is ordered, that in accordance with the provisions of Section 309(e) of the Communications Act of 1934, as amended (47 U.S.C. 309(e)), the above-captioned application of Tony's Truck Tire Repair, Inc., File No. 16172-IB-40**, for authorization of new facilities in the Business Radio Service is, pursuant to authority delegated in Sections 0.131(a) and 0.331 of the Commission's Rules, designated for hearing, at a time and place to be specified at a later date, on the following issues:

(a) To determine whether Tony's Truck Tire Repair, Inc., operated radio facilities in the Business Radio Service which were not licensed to it.

(b) To determine whether any unlicensed operation by Tony's Truck Tire Repair, Inc., was knowing or willful or negligent.

(c) To determine, in light of the evidence adduced pursuant to issues (a) and (b) hereinabove, whether Tony's Truck Tire Repair, Inc., possesses the requisite character qualifications to receive a grant of the application which is the subject of this proceeding.

(d) To determine, in light of the evidence adduced pursuant to issues (a) and (b) hereinabove, whether Tony's Truck Tire Repair, Inc., has exhibited such lack of interest or carelessness concerning conduct of its affairs with respect to the licensing and implementation of radio facilities that it should not be entrusted with the radio authorization which it is here seeking.

(e) To determine, in light of the evidence adduced pursuant to each of the foregoing issues, what disposition of the above-captioned application of Tony's Truck Tire Repair, Inc., will best serve the public interest, convenience and necessity.

5. It is further ordered, that Tony's Truck Tire Repair, Inc., and the Chief, Private Radio Bureau ARE MADE PARTIES in this proceeding.

6. It is further ordered, that the burden of proceeding with the introduction of evidence and the burden of proof are, pursuant to Section 309(e) of the Communications Act of 1934, as

amended, and Sections 1.254 and 1.973(e) of the Commission's Rules, upon Tony's Truck Tire Repair, Inc., with respect to the issues set forth in paragraph 4 hereinabove.

7. It is further ordered, that each of the parties named in paragraph 5 hereinabove, in order to avail itself of the opportunity to be heard, shall within 20 days of the mailing of this notice of designation by the Secretary of the Commission, file with the Commission, in triplicate, a written notice of appearance that it will appear on the date fixed for hearing and present evidence on the issues specified in this Order, as prescribed in Section 1.221 of the Commission's Rules.

8. It is further ordered, that the Secretary of the Commission shall serve a copy of this Order, by Certified Mail, Return Receipt Requested, upon Tony's Truck Tire Repair, Inc., at the address furnished in its application.

Federal Communications Commission.

Carlos V. Roberts,

Chief, Private Radio Bureau.

[FR Doc. 80-22450 Filed 7-24-80; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

Citizens Banco, Inc.; Formation of Bank Holding Company

Citizens Banco, Inc., Westminster, Colorado, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Citizens Bank, Westminster, Colorado. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 18, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 21, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-22356 Filed 7-24-80; 8:45 am]

BILLING CODE 6210-01-M

Escrow Corp. of America, Inc.; Formation of Bank Holding Company; Correction

This notice corrects a previous FR Doc. (FR Doc. 80-20283) appearing at page 45959 of the issue for Tuesday, July 8, 1980. The first two paragraphs should read as follows:

Escrow Corporation of America, Inc., Pennock, Minnesota, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 96.5 per cent of the voting shares of State Bank of Pennock, Pennock, Minnesota. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

Escrow Corporation of America, Inc., Pennock, Minnesota, has also aplied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's regulation Y (12 CFR 225.4(b)(2)) for permission to acquire control of Pennock Agency, Pennock, Minnesota.

Board of Governors of the Federal Reserve System, July 21, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-22357 Filed 7-24-80; 8:45 am]

BILLING CODE 6210-01-M

First Collinsville Corp.; Formation of Bank Holding Company

First Collinsville Corp., Collinsville, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 86.5 per cent or more of the voting shares of The First National Bank of Collinsville, Collinsville, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 18, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 21, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-22360 Filed 7-24-80; 8:45 am]

BILLING CODE 6210-01-M

First State Holding Co., Inc.; Formation of Bank Holding Company; Correction

This notice corrects a previous FR Doc. (FR Doc. 8021301) appearing at page 47920 of the issue for Thursday, July 17, 1980. The final date for receipt of comments should read August 8, 1980.

Board of Governors of the Federal Reserve System, July 21, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-22359 Filed 7-24-80; 8:45 am]

BILLING CODE 6210-01-M

F and M Bancshares, Inc.; Formation of Bank Holding Company

F and M Bancshares, Inc., Derby, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Farmers and Merchants State Bank, Derby, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 14, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 21, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-22361 Filed 7-24-80; 8:45 am]

BILLING CODE 6210-01-M

Kandiyohi Bancshares, Inc.; Formation of Bank Holding Company

Kandiyohi Bancshares, Inc., Kandiyohi, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act [12 U.S.C. 1842(a)(1)] to become a bank holding company by acquiring 85.5 per cent or more of the voting shares of Home State Bank of Kandiyohi, Kandiyohi, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 18, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 21, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-22358 Filed 7-24-80; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Office of the Federal Register

National Fire Codes; Request for Comments on NFPA Technical Committee Reports

AGENCY: Office of the Federal Register.

ACTION: Request for comments.

SUMMARY: The National Fire Protection Association (NFPA) revises existing standards and adopts new standards twice a year. At the NFPA's fall meeting in November, or at the annual meeting in May, the NFPA acts on recommendations made by its technical committes.

The Office of the Federal Register, as a public service, requests comments on the technical reports which will be presented at the May, 1981, annual NFPA meeting.

DATES: Comments on the Technical Committee Reports must be received by October 6, 1980.

Action on the Technical Committee Reports will be taken at the Annual Meeting, May 18–21, 1981.

ADDRESSES: 1981 Annual Technical Committee Reports are available from NFPA. Publications Department, 470 Atlantic Avenue, Boston, Massachusetts, 02210.

Comments should be sent to: Vice President Richard E. Stevens, NFPA, 470 Atlantic Avenue, Boston, MA. 02210.

FOR FURTHER INFORMATION CONTACT: Susan Schruth, (202) 523–4534.

SUPPLEMENTARY INFORMATION:

Single copies of the 1981 Annual Technical Committee Reports are available at no charge from the National Fire Protection Association. Publications Department, 470 Atlantic Avenue, Boston, Mass. 02210. The Reports are now available.

Interested persons may participate in these revisions by submitting written data, views, or arguments to Vice President Richard E. Stevens, NFPA, 470 Atlantic Avenue, Boston, Mass. 02210. Commentors may use the forms provided for comments in the Technical Committee Reports. Each person submitting a comment should include his name and address, identify the notice, and give reasons for any recommendations. Comments received on or before October 6, 1980 will be considered by the NFPA before final action is taken on the proposals.

Copies of all written comments received and the disposition of those comments by the NFPA committees will be published as the Technical Committee Documentation by March 16, 1981, prior to the Annual Meeting. A copy of the Technical Committee Documentation will be sent automatically to each commentor. Action on the Technical Committee Reports (adoption or rejection) will be taken at the Annual Meeting, May 18–21, 1981, at the Hyatt Regency and Dallas Convention Center, Dallas, Texas, by NFPA members who are members of record 30 (thirty) days prior to that meeting.

Copies of the Technical Committee Reports and Technical Committee Documentation, when published, will also be available for review at the Office of the Federal Register, 1100 L Street, N.W., Washington, D.C.

Ernest J. Galdi,

Acting Director, Office of the Federal Register.

Action at the NFPA annual meeting is being proposed on the NFPA standards listed below:

Committee	Document	Action
Building Construction: Air Conditioning	NFPA 90A, Installation of Air Conditioning & Ventilating Systems.	O–C
Fire Doors & Windows.	NFPA 80, Fire Doors & Windows.	O–P
Electronic Computer Systems.	NFPA 75, Electronic Computer-Data Processing Equipment.	R
Emergency Power Supplies.	NFPA 110, Emergency Power Supplies.	N–O
Fire Reporting	NFPA 901, Uniform Coding for Fire Protection.	O–C
	NFPA 902M, Fire Reporting Field Incident Manual.	O–C
	NFPA 903M, Property Survey Manual.	O–C
	NFPA 904M, Fire Reporting Investigative Report Manual.	N–O
Fire Service Professional Standards Development for Fire Instructor Qualifications.	NFPA 1041, Fire Service Instructor Professional Qualifications.	O–P
Fire Service Training	NFPA 1452, Guide for Training of Fire Department Personnel to Inspect Dwellings.	N–O
Foam	NFPA 11A, High Expansion Foam Systems.	O–C
Loss Prevention Procedures & Practices.	NFPA 27, Organization, Training & Equipment of Private Fire Brigades.	O–C
	NFPA 601, Guard Service in Fire Loss Prevention.	O–C
	NFPA 601A, Guard Operations in Fire Loss Prevention.	O–C
Mining Facilities	NFPA 121, Surface Mining	N–O
Motor Vehicle & Highway Fire Protection.	NFPA 502, Limited Access Highways, Tunnels, Bridges, Elevated Roadways, & Air Right Structures.	N–O
Portable Fire Extinguishers.	NFPA 10, Installation, Maintenance & Use of Portable Fire Extinguishers.	O–P
Protective Equipment for Fire Fighters.	NFPA 19B, Respiratory Protective Equipment for Fire Fighters.	W
	NFPA 1971, Protective Clothing for Structural Fire fighting.	R
	NFPA 1981, Self Contained Breathing Apparatus.	N–O
Storage: Fur Cleaning & Storage.	NFPA 81, Fur Storage, Fumigation & Cleaning.	O–C
Water Extinguishing Systems & Related Equipment:		
Private Water Supply.	NFPA 24, Outside Protection.	O–P
Piping Systems	NFPA 292M, Water Charges for Private Fire Protection.	W
Water Tanks	NFPA 22, Water Tanks for Private Fire Protection.	O–P

Types of Action

Proposed Action on Official Documents

O–P—Partial Amendments
O–C—Complete Revision
O–T—Tentative Revision

Proposed Action on New Documents

N–T—Tentative Adoption
N–O—Official Adoption

Proposed Action on Tentative Documents

T–P—Partial Amendments
T–C—Complete Revision
T–O—Official Adoption

Other Proposed Action

R—Reconfirmation
W—Withdrawal

[FR Doc. 80-22193 Filed 7-24-80; 8:45 am]

BILLING CODE 1505-02-M

National Fire Codes; Proposed Revision of Standards

AGENCY: Office of the Federal Register.

ACTION: Request for proposals.

SUMMARY: The National Fire Protection Association (NFPA) proposes to revise some of its fire safety standards. The Office of the Federal Register, as a public service, requests proposals from the public to amend existing NFPA fire safety standards. The purpose of this request is to increase public participation in the system used by the NFPA to develop its standards.

DATES: Interested persons may submit proposals on or before the dates listed with the standards.

ADDRESS: Vice President Richard E. Stevens, NFPA, 470 Atlantic Avenue, Boston, Mass. 02210.

FOR FURTHER INFORMATION CONTACT: Susan Schruth (202) 523–4534.

SUPPLEMENTARY INFORMATION: The National Fire Protection Association (NFPA) develops fire safety standards which are known collectively as the National Fire Codes. Federal Agencies use these standards as the basis for developing Federal regulations concerning fire safety. Often, the Office of the Federal Register (OFR) incorporates these standards by reference under 5 U.S.C. 552 (a) and 1 CFR Part 51.

Interested Persons may submit amendments, supported by written data, views, or arguments to Vice President Richard E. Stevens, NFPA, 470 Atlantic Avenue, Boston, Mass. 02210. Each person who submits a Proposal must include his or her name and address, must identify the notice, and must give reasons for the Proposal. The NFPA will consider any Proposal that it receives on or before the date listed with the standard.

The NFPA will publish a copy of each written Proposal that it receives and the disposition of each Proposal by the NFPA Committee as the Technical Committee Report. The NFPA will send a copy of the Technical Committee Report to each person who submits a Proposal.

The NFPA will make copies of the Technical Committee Report available for review at the Office of the Federal Register, 1100 L Street, NW., Washington, D.C.

Ernest J. Galdi,

Acting Director, Office of the Federal Register.

Standards

The NFPA requests Proposals from the public to amend the following standards:

Committee	Title	Proposal closing date
Aviation	NFPA 403, Aircraft Rescue and Fire Fighting	(Open.)
	NFPA 406M–1975, Aircraft Rescue and Fire Fighting Techniques.	(Open.)
	NFPA 408–1973, Aircraft Hand Fire Extinguishers	(Open.)
	NFPA 412–1974, Foam Fire Fighting Equipment on Aircraft Rescue and Fire Fighting Vehicles.	(Open.)
	NFPA 419–1975, Airport Water Supply Systems	(Open.)
	NFPA 422M, Aircraft Fire Investigators Manual	(Open.)
Chemicals and Explosives	Proposed NFPA 43B, Code for Storage of Organic Peroxide	Jan. 23, 1981.
	NFPA 44A–1974, Manufacture, Transportation, and Storage of Fireworks.	Jan. 23, 1981.
	NFPA 49–1975, Hazardous Chemicals Data	Jan. 23, 1981.
	NFPA 491M–1975, Hazardous Chemical Reaction	Jan. 23, 1981.
	NFPA 493–1978, Intrinsically Safe Process Control Equipment.	July 24, 1981.
Chimneys and Heating Equipment	NFPA 89M–1976, Clearances for Heat Producing Appliances.	(Open.)
Dust Explosion Hazards	NFPA 61A–1973, Manufacturing and Handling of Starch	Jan. 23, 1981.
	NFPA 61C–1973, Fire and Dust Explosions in Feed Mills	Jan. 23, 1981.
	NFPA 61D–1973, Fire and Dust Explosions in the Milling of Agricultural Commodities for Human Consumption.	Jan. 23, 1981.
	NFPA 66–1973, Pneumatic Conveying Systems for Handling Feed, Flour, Grain and Other Agricultural Dusts.	Jan. 23, 1981.
Explosion Protection	NFPA 68–1978, Explosion Venting	July 24, 1981.
Systems	NFPA 69–1978, Explosion Venting Systems	July 24, 1981.
Fire Tests	NFPA 256–1976, Methods of Tests for Roof Coverings	(Open.)
	NFPA 258–1976, Test Method for Measuring the Smoke Generated by Solid Materials.	(Open.)
	NFPA 259–1976, Test Method for Potential Heat of Building Materials.	(Open.)
Fire Service Professional Standards Development for Fire Fighter Qualifications.	NFPA 1002, Fire Apparatus Driver/Operator Professional Qualifications.	(Open.)
Firesafety Symbols	NFPA 173, Proposed Fire Protection Symbols for Graphic Displays.	(Open.)
Flammable Liquids	NFPA 36–1978, Solvent Extraction Plants	(Open.)
Heights and Areas	NFPA 206M–1976, Building Areas and Heights	(Open.)
Liquefied Petroleum Gases	NFPA 58, Storage and Handling of Liquefied Petroleum Gases.	Oct. 31, 1980.
	NFPA 59, Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants.	Oct. 31, 1980.
Mining Facilities	NFPA 120 (existing NFPA 653–1971), Coal Preparation Plants.	Jan. 23, 1981.
	Proposed NFPA 123–1982, Underground Coal Mines	Jan. 23, 1980.
Pest Control Operations	NFPA 57, Fumigation	(Open.)
Pyrotechnics	NFPA 1123–1978, Public Display of Fireworks	July 24, 1981.
Signaling Systems	NFPA 71–1977, Central Station Signaling Systems	Jan. 23, 1981.
	Proposed NFPA 72G–1982, Audible and Visual Signaling Appliances for Protective Signaling Systems.	Jan. 23, 1981.
Surburban and Rural Fire Departments	NFPA 1231–1975, Water Supplies for Suburban and Rural Fire Fighting.	(Open.)
Water Extinguishing Systems	NFPA 20–1980, Centrifugal Fire Pumps	Sept. 15, 1980.

[FR Doc. 80–22194 Filed 7–24–80; 8:45 am]

BILLING CODE 1505–2–M

GOVERNMENT PRINTING OFFICE DEPOSITORY LIBRARY COUNCIL

To the Public Printer; Meeting

The Depository Library Council to the Public Printer will meet during the period September 29 through October 1, 1980, at the Old Town Holiday Inn, Alexandria, Virginia.

The purpose of this meeting is to discuss the Depository Library Program.

The meeting will be open to the public. Any member of the public who wishes to attend shall notify the Director, Library and Statutory Distribution Service, Government Printing Office, Washington, D.C. 20401 (Telephone: (703) 557–2050).

General participation by members of the public, or questioning of Council members or other participants, shall be permitted with approval of the Chairman.

Dated: July 10, 1980.

Samuel L. Saylor,

Acting Public Printer.

[FR Doc. 80–22372 Filed 7–24–80; 8:45 am]

BILLING CODE 1505–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by William R. Clark, District Director, Chicago District Office, Chiacgo, IL.

DATE: The meeting will be held at 1 p.m., Wednesday, August 13, 1980.

ADDRESS: The meeting will be held at the Food and Drug Administration, Rm. 1204, 433 W. Van Buren St., Chicago, IL 60607.

FOR FURTHER INFORMATION CONTACT: Marie A. Ekvall, Consumer Affairs Officer, Food and Drug Administration, 433 W. Van Buren St., Chiacgo, IL 60607, 312–353–7126.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's Chicago District Office, and contribute to the agency's policymaking decisions on vital issues.

Dated: July 17, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs

[FR Doc. 80–22017 Filed 7–24–80; 8:45 am]

BILLING CODE 4110–03–M

Advisory Committees; Notice of Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meeting is announced:

General and Plastic Surgery Device Section of the Surgical and Rehabilitation Devices Panel.

Date, time, and place. August 22, 8 a.m., Rm. 5169, 330 Independence Ave. SW., Washington, DC.

Type of meeting and contact person. Open public hearing, 8 a.m. to 9 a.m.; open committee discussion, 9 a.m. to 12 m.; closed committee deliberations, 1 p.m. to 2 p.m.; Mark F. Parrish (HFK–410), Bureau of Medical Devices, Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7156.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes appropriate recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the safety and effectiveness of absorbable hemostatic agents, especially the Sterile Gelfoam ® Sponge. Submission of data relative to tentative classification recommendations is also invited. Those desiring to make formal presentations should notify Mark F. Parrish by August 15, 1980, and submit a brief statement of the general nature of the evidence or argument they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

Open committee discussion. The Section will review a premarket approval application for an absorbable hemostatic agent, Sterile Gelfoam ® Sponge, including clinical evaluations of the product. The Section will also review a Notice of Completion of a Product Development Protocol for a hemorrhoidal treatment device.

Closed committee deliberations. The Section will review a premarket approval application for Sterile Gelfoam ® Sponge, and a Notice of Completion of a Product Development Protocol for a hemorrhoidal treatment device. The discussion will involve trade secret data such as chemical composition, physical properties, manufacturing methods, and quality control. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Applications for reimbursement. Must be received by August 8, 1980.

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Administrative Proceedings Staff (HFA–305), Rm. 4–62, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94–409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly

frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

Applications for reimbursement for participation in the meeting listed above should be sent to Ronald Wylie (HFE–90), Office of Consumer Affairs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, rather than to the Hearing Clerk as prescribed in § 10.210 of the regulations (21 CFR 10.210). If you wish to submit an application or wish more information regarding the reimbursement program, please call Ronald Wylie at 301–443–2932.

FDA has established expedited procedures for review of any application for reimbursement for participation in the meeting announced in this notice. The Office of Consumer Affairs, FDA, will file any application for reimbursement for participation in the meeting announced in this notice in the docket for this notice.

Dated: July 18, 1980.

Jere E. Goyan,

Commissioner of Food and Drugs.

[FR Doc. 80–22159 Filed 7–24–80; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 76–0002]

Diethylstilbestrol (DES); Food Use of Cattle Illegally Implanted With DES

Correction

In FR Doc. 80–12237, appearing on page 27074 in the issue of Tuesday, April 22, 1980 and corrected on page 29413 in the issue of Friday, May 2, 1980, the first footnote reference in Table 1, under the heading "Study", should have read "[2]".

BILLING CODE 1505–01–M

Advisory Committees; Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meeting is announced:

Fertility and Maternal Health Drugs Advisory Committee

Date, time, and place. September 15 and 16, 9 a.m., Conference Rm. G and H, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, September 15, 9 a.m. to 10 a.m.; open committee discussion, September 15, 10 a.m. to 5 p.m., September 16, 9 a.m. to 5 p.m.; A. T. Gregoire (HFD–130, Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3542.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in the practice of obstetrics and gynecology.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally, or in writing, on issues pending before the Committee.

Open committee discussion. The Committee will discuss the safety of Bendectin; benefit/risk of high-dose estrogen oral contraceptive; FDA action report; and postmenopausal Estradiol Pellets (NDA 18–135).

Applications for reimbursement. Must be received by August 25, 1980.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Administrative Proceedings Staff (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. The FDA

regulations relating to public advisory committees may be found in 21 CFR Part 14.

Applications for reimbursement for participation in the meeting listed above should be sent to Ronald Wylie (HFE-90), Office of Consumer Affairs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, rather than to the hearing Clerk as prescribed in § 10.210 of the regulations (21 CFR 10.210). If you wish to submit an application or wish more information regarding the reimbursement program, please call Ronald Wylie at 301-443-2932.

FDA has established expedited procedures for review of any application for reimbursement for participation in the meeting announced in this notice. The Office of Consumer Affairs, FDA, will file any application for reimbursement for participation in the meeting announced in this notice in the docket for this notice.

Dated: July 22, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-26640 Filed 7-24-80; 10:25 am]

BILLING CODE 4110-03-M

National Institutes of Health

Renewal of NIH Public Advisory Committees

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776, October 6, 1972), the National Institutes of Health announces the renewal by the Secretary, HHS, with the concurrence of the Committee Management Secretariat, General Services Administration, of the following committees:

Aging Review Committee
Animal Resources Review Committee
Biotechnology Resources Review Committee
Board of Scientific Counselors, National Institute on Aging
Board of Scientific Counselors, National Institute of Dental Research
Board of Scientific Counselors, National Institute of Neurological and Communicative Disorders and Stroke
Cellular and Molecular Basis of Disease Review Committee
Communicative Disorders Review Committee
Epilepsy Advisory Committee
General Clinical Research Centers Committee
General Research Support Review Committee
Genetic Basis of Disease Review Committee
Minority Access to Research Careers (MARC) Review Committee
National Advisory Council on Aging
National Advisory Dental Research Council
National Advisory General Medical Sciences Council
National Advisory Neurological and Communicative Disorders and Stroke Council
National Advisory Research Resources Council
Neurological and Communicative Disorders and Stroke Science Information Program Advisory Committee
Neurological Disorders Program-Project Review A Committee
Neurological Disorders Program-Project Review B Committee
National Institute of Dental Research Programs Advisory Committee
NIDR Special Grants Review Committee
Pharmacological Sciences Review Committee

Authority for the above committees will expire on May 31, 1982, unless the Secretary formally determines that continuance is in the public interest.

Dated: July 15, 1980.

Donald S. Fredrickson,

Director, National Institutes of Health.

[FR Doc. 80-22363 Filed 7-24-80; 8:45 am]

BILLING CODE 4110-08-M

Renewal of NIH Public Advisory Committees

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776, October 6, 1972), the National Institutes of Health announces the renewal by the Secretary, HHS, with the concurrence of the Committee Management Secretariat, General Services Administration, of the following committees:

Biochemical Endocrinology Study Section
Cardiovascular and Renal Study Section
Chemical Pathology Study Section
Diagnostic Radiology Study Section
Epidemiology and Disease Control Study Section
Experimental Therapeutics Study Section
Experimental Virology Study Section
General Medicine B Study Section
Genetics Study Section
Hematology Study Section
Human Embryology and Development Study Section
Immunological Sciences Study Section
Mammalian Genetics Study Section
Medicinal Chemistry A Study Section
Metabolism Study Section
Mettalobiochemistry Study Section
Microbial Physiology Study Section
Molecular Biology Study Section
Molecular Cytology Study Section
Neurological Sciences Study Section
Neurology B Study Section
Nutrition Study Section
Pathobiological Chemistry Study Section
Pathology A Study Section
Pathology B Study Section
Parmacology Study Section
Physiology Study Section
Recombinant DNA Advisory Committee
Reproductive Biology Study Section
Social Sciences and Population Study Section
Surgery and Bioengineering Study Section
Tropical Medicine Parasitology Study Section
Virology Study Section
Visual Sciences A Study Section
Visual Sciences B Study Section

Authority for the above committees will expire on June 30, 1982, unless the Secretary formally determines that continuance is in the public interest.

Dated: July 15, 1980.

Donald S. Fredrickson,

Director, National Institutes of Health.

[FR Doc. 80-22364 Filed 7-24-80; 8:45 am]

BILLING CODE 4110-08-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Community Planning and Development

[Docket No. D-80-607]

Redelegation of Authority With Respect to Surplus Real Property

AGENCY: Department of Housing and Urban Development, Area Manager and Deputy Area Manager, San Francisco Area Office.

ACTION: Redelegation of authority with respect to surplus real property.

SUMMARY: The Area Manager and Deputy Area Manager, San Francisco Area Office, each is authorized to exercise the authority of the Secretary of Housing and Urban Development, pursuant to Section 414 of the Housing and Urban Development Act of 1969, 40 U.S.C. 484(b), as amended, with respect to the below described property, together with any improvements and related personal property located thereon.

Portion, Hunter's Point Naval Shipyard, San Francisco, California, identified more particularly in the GSA Determination of Surplus (Excess Real Property and Related Property) of September 30, 1976 (GSA Control Number 9-N-Calif-709B (Sec. 7(d), Department of HUD Act (42, U.S.C. 3535(d)).

EFFECTIVE DATE: This delegation shall be effective July 25, 1980.

Authority: Section 414 of the Housing and Urban Development Act of 1969, 40 U.S.C. 484(b). Delegation with authority to Assistant Secretary for Community Planning and Development. 36 FR 5004-5005 (3/16/71).

Issued in Washington, D.C., July 18, 1980.

Robert C. Embry, Jr.,

Assistant Secretary for Community Planning and Development.

[FR Doc. 80-22446 Filed 7-24-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[M 43083(ND)]

Coal Lease Offering by Sealed Bid

July 18, 1980.

U.S. Department of the Interior, Bureau of Land Management, Montana State Office, Granite Tower Building, 222 North 32nd Street, P.O. Box 30157, Billings, Montana 59107. Notice is hereby given that at 2 p.m., August 19, 1980, in the Conference Room on the 6th Floor of the Granite Tower Building, the coal resources in the tract described below will be offered for competitive lease by sealed bid to the qualified bidder of the highest cash amount per acre. No bid will be considered which is less than $25/acre and no bid will be accepted for less than fair market value as determined by the authorized officer. This offering is being made as a result of an application filed by the Knife River Coal Mining Company in accordance with the provisions of the Mineral Leasing Act of 1920 (41 Stat. 437), as amended, and the Department of Energy Organization Act of August 4, 1977 (91 Stat. 565, 42 U.S.C. 7101).

Bids received after 2 p.m. on the day of the sale will not be considered. Sealed bids may not be modified or withdrawn unless such modification or withdrawal is received at the above address before 2 p.m., August 19, 1980.

The successful bidder is obligated to pay for the newspaper publication of this Notice.

Coal offered. The tract is located in Oliver County approximately four miles southeast of Beulah, North Dakota, and contains 80.00 acres:

T. 143 N., R. 87 W., 5th P.M.
Sec. 8: N½SE¼

The surface of the land to be offered for coal lease sale is owned by a qualified surface owner as defined in Section 714 of the Surface Mining Control and Reclamation Act (SMCRA) of 1977 and 43 CFR 3400.0–5(pp). The surface owner has consented to surface mining through a transferable option to lease agreement. This option agreement is held by the applicant for this competitive coal lease sale as grantee and covers fee surface on other lands as well as the surface of the land offered in this lease sale. This option agreement satisfies the surface owner consent requirements of SMCRA and 43 CFR 3427. The terms and conditions of this option agreement are attached to the Detailed Statement of the Lease Sale.

The coal resources offered are limited to all strippable reserves of the Beulah-Zap Zone. Geological Survey has reported that the tract contains an estimated total of 1,003,000 tons of strippable reserves. The Beulah-Zap Zone averages 12 feet thick over the described lands. The coal is lignite A and averages (as-received) 6,900 Btu/lb. with 35 percent moisture, .98 percent sulfur and 7.6 percent ash. The coal resources are within the Knife River Known Recoverable Coal Resource Area.

Rental and royalty. The lease issued as a result of this offering will provide for payment of an annual rental of $3.00 per acre or fraction thereof and a royalty payable to the United States at the rate of 12.5 percent of the value of coal mined by surface methods. The value of coal shall be determined in accordance with 30 CFR 211.63.

Detailed statement of sale. A detailed statement of the sale, including bidding instructions and the terms of the lease, is available at the office listed above. All case file documents and written comments submitted by the public on fair market value or royalty rates, except those portions identified as proprietary which meet the exemptions stated in the Freedom of Information Act, will be available for public inspection at the Bureau of Land Management Office at the address given above.

Edward H. Croteau,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 80-22313 Filed 7-24-80; 8:45 am]

BILLING CODE 4310-84-M

Craig District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Craig District Grazing Advisory Board will be held on August 28 and 29, 1980.

The meeting will begin at 8 a.m. on August 28, 1980, at the Brownlee Ranch 4 miles north of Walden, Colorado, on Highway 125. The attendees will then travel through several allotments to observe several range management practices. On August 29, 1980, the meeting will begin at 9 a.m. at the Energy Fuels Mine at Walden to observe range reclamation on mined areas.

Upon conclusion of the tour on August 29, 1980, a business meeting will be held at the Brownlee Ranch.

The agenda for the meeting will include (1) the expenditure of range betterment funds for range improvements, (2) the expenditure of County range improvement funds, (3) allotment management plans, and (4) arrangements for the next meeting.

The meeting is open to the public. Interested persons may make oral statements or file written statements for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 455 Emerson Street, Craig, Colorado. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager. Persons desiring to make the tour should furnish their own transportation, food and drink.

Persons wishing further information may contact the District Manager, Bureau of Land Management, 455 Emerson Street, Craig, Colorado, at 303–824–3417.

Minutes of the meeting will be available at the Craig District Office for public inspection 30 days after the meeting.

Dated: July 16, 1980.

Francis E. Noll,

Acting District Manager.

[FR Doc. 80-22312 Filed 7-24-80; 8:45 am]

BILLING CODE 4310-84-M

Pacific Gas Transmission Co.; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting in the case of Pacific Gas Transmission Company, Docket No. CP79–424.

SUMMARY: On July 29 and 30, 1980, beginning at 8:00 a.m., the Bureau of Land Management will hold a meeting involving the case of Pacific Gas Transmission Company, Docket No. CP79–424. Participants in the meeting will include persons from the Federal Energy Regulatory Commission, Pacific Gas Transmission Company and the Bureau of Land Management. Included in the items for discussion will be the Rocky Mountain Pipeline Project description, alternatives to the proposal, cost-reimbursement agreements and procedures, and overall coordination requirements for the project. Any interested person may attend, but attendance will not serve to make such attendee a formal participant in this meeting.

DATE: July 29 and 30, 1980.

ADDRESS: The meeting will be held in the conference room of the Bureau of Land Management's Office of Special Projects, 555 Zang Street, Third Floor East, Denver, Colorado 80228.

FOR FURTHER INFORMATION CONTACT:

Richard Traylor, Bureau of Land Management, 555 Zang Street, Denver, Colorado 80228, 303–234–6737.

Frank Gregg,

Director.

[FR Doc. 80-22317 Filed 7-24-80; 8:45 am]

BILLING CODE 4310-84-M

[W-71341]

Wyoming; Proposed Continuation of Withdrawal

July 16, 1980.

The Bureau of Land Management, U.S. Department of the Interior, proposes to continue the existing withdrawal of the following public lands made by Public Land Order No. 699 of February 12, 1961, for a 20-year period pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751; 43 U.S.C. 1714:

Sixth Principal Meridian, Wyoming

T. 21 N., R. 71 W.,
sec. 21, S½SW¼;
sec. 29, N½NE¼, NW¼, and NW¼SW¼;
sec. 30, Lot 3, NE¼, NE¼SW¼, and N½SE¼.

The area described contains 681.44 acres in Albany County, Wyoming.

The purpose of the withdrawal is for use by the Game and Fish Commission of the State of Wyoming in connection with the Sybille Deer Winter Pasture. The land is currently segregated from all forms of appropriation under the public-land laws, including the mining laws, but not the mineral leasing laws. The proposed continuation would segregate only from location under the United States mining laws.

Comments, suggestions, or objections to this proposed withdrawal continuation must be submitted in writing to the undersigned authorized officer of the Bureau of Land Management, on or before August 27, 1980.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned before August 27, 1980. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the Federal Register giving the time and place of such hearing. Public hearings are scheduled and conducted in accordance with BLM Manual, Section 2351.16B.

The authorized officer of the Bureau of Land Management will make necessary investigations to determine the existing and potential demands for the land and its resources and review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be sent to the undersigned officer, Bureau of Land Management, U.S. Department of the Interior, P.O. Box 1828, 2515 Warren Avenue, Cheyenne, Wyoming 82001.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 80-22311 Filed 7-24-80; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. I-07135]

Idaho; Proposed Withdrawal Continuation

The Bureau of Land Management, on June 30, 1980, filed a statement of justification for continuation of the existing land withdrawal made by Public Land Order No. 1450 of July 30, 1957. The Bureau desires to continue the withdrawal in its entirety for a period of 30 years. The 30 year period coincides with the estimated life of the associated project. The continuation would be made pursuant to the authority contained in Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751; 43 U.S.C. 1714. The following described land is included in the proposed continuation:

Boise Meridian, Idaho

T. 2 N., R. 38 E.,
Sec. 8, a metes and bounds description containing 3.50 acres within the S½SE¼

The lands have been withdrawn for use as an administrative site. Improvements include a supply warehouse and offices, telecommunications center, fire management program building, vehicle maintenance shop and YACC equipment storage building. The land is segregated from operation of the public land laws, including the mining but not the mineral leasing laws. No change in the segregative effect of the withdrawal or use of the lands is proposed.

Notice is hereby given than an opportunity for a public is hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the porposal must submit written request for a hearing to the undersigned officer within 30 days of the date of publication of this notice. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer on or before August 25, 1980.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal justification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated, the area involved is the minimum essential to meet the desired needs, the maximum concurrent utilization of the land is provided for and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

All communication in connection with this proposed withdrawal continuation should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Federal Building, Box 042, 550 West Fort Street, Bosie, Idaho 83724.

Vincent S. Strobel,

Chief, Branch of L&M Operations.

[FR Doc. 80-22368 Filed 7-24-80; 8:45 am]

BILLING CODE 4310-84-M

[AA-39893]

Alaska Native Claims Selection

On May 2, 1980, Cook Inlet Region, Inc., filed selection application AA-39893 under the provisions of Secs.

12(b)(6) of the act of January 2, 1976 (89 Stat. 1151), and I.C.(2) of the Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area, as clarified August 31, 1976, for the surface and subsurface estates of certain lands located in Seward, Alaska.

Section 12(b)(6) of the act of January 2, 1976, authorizes conveyance of lands to Cook Inlet Region, Inc., from a selection pool established by the Secretary of the Interior and the General Services Administrator.

The lands are located outside the boundaries of Cook Inlet Region. With the concurrence of the State of Alaska and Cook Inlet Region, Inc., the lands and improvements within selection AA–39893 were placed in the pool of properties available for selection by Cook Inlet Region, Inc., subject to valid existing rights, by notice dated July 13, 1979.

The selection application of Cook Inlet Region, Inc., as to the lands described below is properly filed and meets the requirements of the act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with Federal laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following described lands are considered proper for acquisition by Cook Inlet Region, Inc., and are hereby approved for conveyance pursuant to Sec. 12(b)(6) of the act of January 2, 1976:

Seward Meridian, Alaska (Surveyed)

T. 1 S., R. 1 W.,
Lot 1, Block 4, Federal Addition to Seward Townsite.
Containing .18 acre.

There are no easements to be reserved to the United States pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act (ANCSA).

The grant of the above-described lands shall be subject to: Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law.

Section 12(b)(6) of Pub. L. (P.L.) 94–204 provides that conveyances pursuant to this section shall be made in exchange for lands or rights to select lands outside the boundaries of Cook Inlet Region as described in Sec. 12(b)(5) of this act and on the basis of values determined by appraisal. The lands and improvements described above have been appraised at a value of $14,925. Under Sec. I.C.(2)(e) of the Terms and Conditions, this property constitutes 29.85 acre/equivalents. Upon acceptance of title to these lands, Cook Inlet Region, Inc., will relinquish its selection rights to 29.85 acres of its out-of-region entitlement. Conveyance of the remaining entitlement to Cook Inlet Region, Inc., shall be made at a later date.

There are no inland water bodies considered to be navigable within the lands described.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, or four (4) consecutive weeks, in the Anchorage Daily News. Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorge, Alaska 99510, with a copy served upon both the Bureau of Land Management, 701 "C" Street, P.O. Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 "L" Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until August 25, 1980 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Cook Inlet Region, Inc., P.O. Drawer 4-N, Anchorage, Alaska 99509.

Terry R. Hassett,

Acting Chief, Branch of Adjudication.

[FR Doc. 80-22414 Filed 7-24-80; 8:45 am]

BILLING CODE 4310-84-M

[AA-39370]

Alaska Native Claims Selection

On February 28, 1980, Cook Inlet Region, Inc., filed selection application AA–39370 under the provisions of Secs. 12(b)(6) of the act of January 2, 1976 (89 Stat. 1151), and I.C.(2) of the Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area, as clarified August 31, 1976, for the surface and subsurface estates of certain lands located in Anchorage, Alaska.

Section 12(b)(6) of the act of January 2, 1976, authorizes conveyance of lands to Cook Inlet Region, Inc., from a selection pool established by the Secretary of the Interior and the General Services Administrator.

The lands are located within the boundaries of Cook Inlet Region. With the agreement of the State of Alaska and Cook Inlet Region, Inc., the lands within selection AA–39370 were placed in the pool of properties available for selection by Cook Inlet Region, Inc., subject to valid existing rights, by notice dated July 13, 1979.

The selection application of Cook Inlet Region, Inc., as to the lands described below is properly filed and meets the requirements of the act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with Federal laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following described lands are considered proper for acquisition by Cook Inlet Region, Inc., and are hereby approved for conveyance pursuant to Sec. 12(b)(6) of the act of January 2, 1976:

Seward Meridian, Alaska (Surveyed)

T. 12 N., R. 3 W.,
Sec. 15, lot 127.
Containing 1.25 acres.

There are no easements to be reserved to the United States pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act (ANCSA).

The grant of lands shall be subject to:

1. A right-of-way, A–051647, twenty-five (25) feet each side of the centerline, for a natural gas pipeline granted to the Alaska Pipeline Company pursuant to Sec. 28 of the act of February 25, 1920 (41 Stat. 437; 30 U.S.C. 181, 185), as amended;

2. A right-of-way, A–031359, ten (10) feet each side of the centerline, for an electric distribution and transmission line granted to Chugach Electric Association, Incorporated, pursuant to the act of October 21, 1976 (90 Stat. 2743; 43 U.S.C. 959), as amended; and

3. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law.

Section 12(b)(6) of Pub. L. (P.L.) 94–204 provides that conveyances pursuant to this section shall be made in exchange for lands or rights to select lands outside the boundaries of Cook Inlet Region as described in Sec. 12(b)(5) of this act and on the basis of values determined by appraisal. The lands described above have been appraised at a value of $15,000. Under Sec. I.C.(2)(e) of the Terms and Conditions, this property constitutes 30.00 acre/equivalents. Upon acceptance of title to these lands, Cook Inlet Region, Inc., will relinquish its selection rights to 30.00 acres of its out-of-region entitlement. Conveyance of the remaining entitlement to Cook Inlet Region, Inc., shall be made at a later date.

There are no inland water bodies considered to be navigable within the lands described.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the Anchorage Times. Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, 701 "C" Street, P.O. Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 "L" Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until August 25, 1980 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Cook Inlet Region, Inc., P.O. Drawer 4–N, Anchorage, Alaska 99509.

Terry R. Hassett,

Acting Chief, Branch of Adjudication.

[FR Doc. 80-22415 Filed 7-24-80; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Policy for Cooperative Agreements for the Registration of Chemicals and Drugs for Fishery and Wildlife Uses

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of final policy.

SUMMARY: The Service has prepared a final policy concerning cooperative agreements with other governmental agencies and with industry in the registration of chemicals and drugs for fish and wildlife purposes. The policy provides procedures whereby the Service may share the workload and cost of studies required in the registration of these compounds and uses. The guidelines give the conditions which interested parties must meet to qualify as a cooperator. Such agreements should be helpful in expediting the registration of needed products.

DATE: Effective July 25, 1980.

FOR FURTHER INFORMATION CONTACT: Harry D. Van Meter, Registration Liaison Officer, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Telephone (202) 343–6521.

SUPPLEMENTARY INFORMATION: The U.S. Fish and Wildlife Service advertised for public comment on its draft, "Policy for Cooperative Agreement for the Registration of Chemicals and Drugs for Fishery and Wildlife Uses," in the **Federal Register** (44 FR 66699) on November 20, 1979. Deadline for receipt of comments was January 21, 1980.

A number of comments were received, all of which were generally favorable. Several parties expressed immediate interest in becoming cooperators via cooperative agreements. In effect, an agreement would formalize understandings for which a number of tests are already being conducted on a cooperative basis.

Concern was expressed by a few companies in regard to the protection of proprietary data. The Service does reserve the right to publish or release details and findings of any study funded by appropriated monies. However, a "Disclosure of Data" clause similar to that used in contracts by the Service may be included in a cooperative agreement which represents a good faith effort on the part of the Service to contact the cooperator for comment prior to a decision on release.

As to the type of priority compound that may be covered in an agreement, the Fish and Wildlife Service will carefully evalute any control agent or chemical for its potential to meet all requirements of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Environmental Pesticide Control Act (FEPCA) before entering into a cooperative agreement.

The final Service policy for cooperative agreements is printed below.

U.S. Fish and Wildlife Service Policy on Cooperative Agreements for the Registration of Chemicals and Drugs for Fishery and Wildlife Uses

The cost of registering chemicals and drugs has escalated as much as 20-fold in the past 10 years. The comparatively small profit potential for a product with only a fishery or wildlife use does not usually justify the expense and risk involved for industry to assume total responsibility.

Consequently, the task of developing and registering compounds for specific fishery and wildlife uses has become extremely difficult, and hence, the burden of registering a number of these compounds or following through on essential studies required for their registration has fallen upon the Fish and Wildlife Service.

If the Service is to meet its obligations to fish and wildlife managers, fish culturists, safety and health agencies, and the general public, it must continue to promote the timely development and registration of various chemicals and

drugs which are urgently needed. This goal can best be met through cooperative agreements with other parties having a mutual interest to share the workload and cost of studies to the fullest extent possible. Therefore, the Service intends to coordinate this registration activity with the chemical and drug industry, universities, Federal and State agencies, and other interested groups whenever and wherever practical.

A. Service Policy

The Service will: 1. Establish, through the appropriate program manager, the priority needs for general and specific uses of compounds essential for the responsible and prudent implementation of fishery and wildlife management practices and to use these rankings to provide direction to the registration effort.

2. Accentuate the registration effort on one priority chemical or drug at a time for each specific area of need. Compounds with potential multiple uses will be given the greatest consideration. The search for alternative compounds will not be emphasized until the priority chemical is registered, or it has been determined that the priority chemical is unable to meet the efficacy, safety, or other registration requirements. Exceptions may be made if additional resources become available for research on specific compounds.

3. Use contractual services whenever feasible to expedite the registration of priority chemicals.

4. Cooperate closely with the chemical and drug industry, universities, Federal and State agencies, and other interested groups by sharing the workload and cost for studies required in the registration of priority compounds. Commitments between the Service and interested parties will require a *written agreement.*

5. Simultaneously develop an effective program for the screening of new compounds to meet continuing fishery and wildlife needs. All interested parties will be encouraged to provide candidate materials for preliminary testing and evaluation of their potential use for fishery or wildlife purposes. The most promising compound for an identified need will be selected for further testing and evaluation. If candidate compounds show equal promise, the greatest consideration for cooperative work will be given to that compound for which the least number of studies required by the regulatory agency remain to be completed.

B. Guidelines for Agreements

All cooperative efforts will be consistent with Service priorities, available funds, personnel, facilities, and management policies. Any agreement for Service cooperation with other parties will depend upon the following conditions:

1. Priority need for use of the compound must be consistent with the Service program and policies.

2. Promising indications of efficacy must exist after the initial screening of a candidate compound.

3. Literature search must indicate that no potential problems exist because of chemical structure, nitrosamine formation, oncogenicity, teratogenicity, or mutagenicity.

4. Cooperator must provide technical data sheets, information on antidotes, mode of action, analytical procedures, degradation routes and by-products, metabolites, mammalian safety tests, and related references if available.

5. Cooperator and the Service must agree to keep each other informed of the current status and progress of in-house studies and tests conducted and/or planned during the registration period.

6. Cooperator and the service must maintain a reasonable timetable for completion of studies.

7. The Service reserves the right to publish or release details and findings of any study funded by appropriated monies. However, a "Disclosure of Data" clause may be included in a cooperative agreement if the proposal contains proprietary data and is so designated. Essentially, the clause does not protect the data but represents a good faith effort on the part of the Service to contact the cooperator for comment prior to a decision on release.

C. Additional Requirements for Agreements With Industry

The cooperator will:

1. Supply sufficient quantities of radiolabled or unlabeled purified compound and of formulated products to permit thorough testing, e.g., to conduct field efficacy, toxicity, metabolism and mammalian safety testing if it is agreed that the Service will perform any of the needed studies.

2. Provide assurance that the product would continue to be available on the market for the intended fishery or wildlife use.

Upon receiving the above assurances, the Service and the cooperator will negotiate individual assignments and responsibilities for data collection to complete the studies required in the registration process. When the data indicate that registration appears favorable, the Service will assist in the development of recommended use directions, dosages, and safety considerations, and will help draft a use label that is consistent with applicable requrements.

An application for registration will then be submitted to the proper regulatory agency by the cooperator or the Service as appropriate under terms of the agreement.

Authorship

The policy was prepared by U.S. Fish and Wildlife Service personnel on assignment in chemical registration matters. The primary authors of this notice are H. William Newman and Harry D. Van Meter, Division of Fishery Ecology Research.

Dated: July 15, 1980.

Lynn A Greenwalt,

Director, Fish and Wildlife Service.

[FR Doc. 80-22309 Filed 7-24-80; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

Crater Lake National Park; Public Workshops

Notice is hereby given that public workshops will be held concerning the winter management plan for Crater Lake National Park. The plan includes management alternatives for all phases of winter park operations.

The workshops will be held at the following times and places:

1. Crater Lake National Park, Oregon—August 25, 1980, 7:30 p.m., Community Center, Park Headquarters.

2. Klamath Falls, Oregon—August 26, 1980, 7:30 p.m., Auditorium, Oregon Institute of Technology.

3. Medford, Oregon—August 27, 1980, 7:30 p.m., Oregon Room, Bureau of Land Management Offices, 1201 Armory Drive.

4. Roseburg, Oregon—August 28, 1980, 7:30 p.m., Fine Arts Building, Umpqua Community College.

5. Corvallis, Oregon—August 29, 1980, 7:30 p.m., Withycombe Auditorium, Oregon State University.

Anyone interested in obtaining a list of the winter management alternatives to be discussed at the workshops should contact the Superintendent, Crater Lake National Park, Box 7, Crater Lake, Oregon 97604, at 503-594-2211. Written statements may be submitted to the Superintendent up to 30 days following the workshops.

Dated: July 10, 1980.

Charles H. Odegaard,

Acting Regional Director, Pacific Northwest Region.

[FR Doc. 80-22422 Filed 7-24-80; 8:45 am]

BILLING CODE 4310-70-M

San Antonio Missions Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the San Antonio Missions Advisory Commission will be held at 2:00 p.m., Tuesday, August 19, 1980, at the Institute of Texan Cultures, 801 S. Bowie Street, San Antonio, Texas.

The San Antonio Missions Advisory Commission was established pursuant to Pub. L. 95–629, Title II, November 10, 1978. The purpose of the commission is to advise the Secretary of the Interior or his designee on matters relating to the park and with respect to carrying out the provisions of the statute establishing the San Antonio Missions National Historical Park.

Matters to be discussed at this meeting include:

General Management Plan Workshops conducted July 22–24, 1980

Status of Archdiocesan Proposal for Conveyance of Church Properties to National Park Service

Proposal to Establish a Park Protection Zone

The meeting will be opened to the public, however, facilities and space for accommodating members of the public will be limited and persons will be accommodated on a first come, first serve basis.

Any member of the public may file a written statement concerning the matters to be discussed with the Superintendent, San Antonio Missions National Historical Park.

Persons wishing further information regarding this meeting or who wish to submit written statements may contact Jose A. Cisneros, Superintendent, 727 E. Durango, Room A612, San Antonio, Texas 78206; telephone (512) 229–6000.

Minutes of the meeting will be available for public review four weeks after the meeting at the office of the San Antonio Missions National Historical Park.

Dated: July 18, 1980.

Wayne B. Cone,

Acting Regional Director, Southwest Region.

[FR Doc. 80-22423 Filed 7-24-80; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[NoticeNo. 188]

Assignment of Hearings

July 21, 1980.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 145311 (Sub-2F), Roadrunner Transportation, Inc., now assigned for hearing on October 2, 1980 (2 days) at Houston, TX in a hearing room to be later designated.

MC 531 (Sub-379F), Younger Brothers, Inc., now assigned for hearing on October 6, 1980 (5 days) at Houston, TX in a hearing room to be later designated.

MC 138627 (Sub-67F), Smithway Motor Xpress, Inc., now assigned for hearing on October 21, 1980 (1 day) at St Paul, MN, in a hearing room to be later designated.

MC 146962F, Mulder Trucking Company, now assigned for hearing on October 22, 1980 (3 days) at St Paul, MN in a hearing room to be later designated.

MC 44605 (Sub-52F), Milne Truck Lines, Inc., now assigned for hearing on August 20, 1980 (3 days) at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 44605 (Sub-52F), Milne Truck Lines, Inc., now assigned for continued hearing on November 3, 1980 (5 days) at Salt Lake City, UT in a hearing room to be later designated.

MC 44605 (Sub-52F), Milne Truck Lines, Inc., now assigned for continued hearing on November 10, 1980 (3 days) at Portland, OR in a hearing room to be later designated.

MC 106398 (Sub-988F), National Trailer Convoy, Inc., now assigned for hearing on July 16, 1980 at Washington, DC, is canceled and application dismissed.

MC 53965 (Sub-147F), Graves Truck Line, Inc., is transferred to Modified Procedure.

MC 85811 (Sub-12F), Amsco Transportation, Inc., now assigned for continued hearing on September 18, 1980 (2 days) at Kansas City, MO in a hearing room to be later designated.

MC 2229 (Sub-227F), Red Ball Motor Freight, Inc., now assigned for hearing on September 22, 1980 (1 day) at Kansas City, MO in a hearing room to be later designated.

MC 9291 (Sub-12F), Carrol Ball Transport, Inc., now assigned for hearing on September 23, 1980 (1 day) at Kansas City, MO in a hearing room to be later designated.

MC 9291 (Sub-11F), Carrol Ball Transport, Inc., now assigned for hearing on September 24, 1980 (2 days) at Kansas City, MO in a hearing room to be later designated.

MC 68100 (Sub-29F), D.P. Bonham Transfer, Inc., now assigned for hearing on October 21, 1980 (1 day) at Houston, TX in a hearing room to be later designated.

MC 110420 (Sub-826F), Quality Carriers, Inc., now assigned for hearing on October 22, 1980 (1 day) at Houston, TX in a hearing room to be later designated.

MC 127840 (Sub-128F), Montgomery Tank Lines, Inc., now assigned for hearing on October 23, 1980 (2 days) at Houston, TX in a hearing room to be later designated.

MC 124174 (Sub-151F), Momsen Trucking Co., now assigned for hearing on October 27, 1980 (5 days) at Laredo, TX in a hearing room to be later designated.

MC 82492 (Sub-246F), Michigan & Nebraska Transit Co., Inc., now assigned for hearing on September 9, 1980 (3 days) at Detroit, MI in a hearing room to be later designated.

MC 82492 (Sub-246F), Michigan & Nebraska Transit Co., Inc., now assigned for hearing on September 15, 1980 (5 days) at Kansas City, MO in a hearing room to be later designated.

MC 82492 (Sub-246F), Michigan & Nebraska Transit Co., Inc., now assigned for hearing on September 22, 1980 (5 days) at Chicago, IL in a hearing room to be later designated.

MC 63417 (Sub-229F), Blue Ridge Transfer Company, Incorporated, is transferred to Modified Procedure.

MC 24379 (Sub-54F), Long Transportation Company is transferred to Modified Procedure.

MC 138438 (Sub-44F), D.M. Bowman, Inc., is transferred to Modified Procedure.

MC 228 (Sub-79F), Hudson Transit Lines, Inc., is transferred to Modified Procedure.

MC 7698 (Sub-15F), Fowler & Williams, Inc., is transferred to Modified Procedure.

MC 113651 (Sub-304F), Indiana Refrigerator Lines, Inc., now assigned for hearing on September 16, 1980 (4 days) at New York, NY in a hearing room to be later designated.

MC 144122 (Sub-49F), Carretta Trucking, Inc., now assigned for hearing on September 30, 1980 (1 day) at New York, NY in a hearing room to be later designated.

MC 147331 (Sub-1F), Carmichael Tours, Inc., now assigned for hearing on October 1, 1980 (3 days) at New York, NY in a hearing room to be later designated.

MC 73081 (Sub-1F), Anytime Delivery Systems, Inc., now assigned for hearing on October 7, 1980 (4 days) at New York, NY in a hearing room to be later designated.

MC 139219 (Sub-5F), Lane Trucking, Inc., is transferred to Modified Procedure.

MC 2228 (Sub-71F), Merchant's Fast Motor Lines, Inc., is transferred to Modified Procedure.

MC 60430 (Sub-28F), Friedman's Express, Inc., is transferred to Modified Procedure.

MC 144858 (Sub-18F), Denver Southwest Express, Inc., is transferred to Modified Procedure.

MC 147901F, Ridgewood, Inc., is transferred to Modified Procedure.

MC 69397 (Sub-61F), James H. Hartman & Son, Inc., is transferred to Modified Procedure.

MC 123272 (Sub-37F), Fast Freight, Inc., now being assigned for hearing on September 3, 1980 (1 Day), at Chicago, IL in a hearing room to be designated later.

MC 147422F, Jeffrey M. Kornacker, d/b/a/ K Transport Company, now being assigned for hearing on September 4, 1980 (2 Days), at Chicago, IL in a hearing room to be designated later.

MC 143059 (Sub-95F), Mercer Transportation Company, now being assigned for hearing on September 8, 1980 (2 Days), at Chicago, IL in a hearing room to be designated later.
MC 143059 (Sub-108F), Mercer Transportation Company, now being assigned for hearing on September 10, 1980 (3 Days), at Chicago, IL in a hearing room to be designated later.
MC 59655 (Sub-20F), Sheehan Carriers, Inc., now assigned for hearing on July 23, 1980 in Room No. F-2220, Federal Building, 26 Federal Plaza, New York, NY, is transferred to the Holiday Inn of New York-Coliseum, 440 West 57th Street, New York, NY.
MC 148418 (Sub-1F), Mountain High Shipping, Inc., now being assigned for hearing on September 3, 1980 (3 Days), at Denver, CO, in a hearing room to be designated later.
MC 121489 (Sub-16F), Nebraska-Iowa Xpress, Inc, now being assigned for hearing on September 8, 1980 (2 Days), at Denver, CO, in a hearing room to be designated later.
MC 144330 (Sub-70F), Utah Carriers, Inc, now being assigned for hearing on September 10, 1980 (3 Days), at Denver, CO, in a hearing room to be designated later.
MC 140829 (Sub-275F), Cargo, Inc, now assigned for hearing on July 31, 1980, at Washington, DC, is canceled and Application Dismissed.
AB 43 (Sub-38F), Illinois Central Gulf Railroad Company Abandonment near Rosedale and Greenville, in Washinton and Bolivar Counties, Mississippi, now being assigned for hearing on September 8, 1980 (5 Days), at Rosedale, MS, in a hearing room to be designated later.
MC 145733 (Sub-2F), American Auto Shippers, now assigned for hearing on August 12, 1980 at New York, NY, is postponed to September 22, 1980 to October 3, 1980 (2 Weeks), at New York, NY in a hearing room to be designated later.
MC 144122 (Sub-48F), Carretta Trucking, Inc, now assigned for hearing on July 15, 1980 at Ft. Worth, TX, is canceled and transferred to Modified Procedure.
MC 145930 (Sub-3F), William E. Morog, d.b.a. Jonick & Company, is transferred to Modified Procedure.
MC 41951 (Sub-44F), Wheatley Trucking, Inc, now being assigned for hearing on September 3, 1980 (3 Days), at Cambridge, MD in a hearing room to be designated later.
MC 59367 (Sub-141F), Decker Truck Line, Inc., now assigned for hearing on July 23, 1980 at Chicago, IL is canceled and transferred to Modified Procedure.
MC 125708 (Sub-178F), Thunderbird Motor Freight Lines, Inc., is transferred to Modified Procedure.
MC 143775 (Sub-72F), Paul Yates, Inc, now assigned for hearing on September 30, 1980 (2 Days), at Los Angeles, CA in a hearing room to be later designated.
MC 141443 (Sub-25F), John Long Trucking, Inc, now assigned for hearing on October 2, 1980 (2 Days), at Los Angeles, CA in a hearing room to be later designated.
MC 127278 (Sub-6F), Pacific Van & Storage Co., Inc, now assigned for hearing on October 6, 1980 (1 Week), at Los Angeles, CA in a hearing room to be later designated.
MC 145588 (Sub-14F), Gulf Mid-Western, Inc, now assigned for hearing on October 15, 1980 (1 Day), at Fort Worth, TX in a hearing room to be later designated.
MC 40852 (Sub-5F), Sedalia-Marshall-Boonville Stage Line, Incorporated, now assigned for hearing on October 16, 1980 (2 Days), at Fort Worth, TX, in a hearing room to be designated later.
MC 135070 (Sub-47F), Jay Lines, Inc, now assigned for hearing on October 20, 1980 (5 Days), at Fort Worth, TX in a hearing room to be later designated.
MC 136285 (Sub-3M2F), Southern Intermodal Logistics, Inc., now being assigned for hearing on July 29, 1980 at the offices of the Interstate Commerce Commission at Washington, DC.
MC-C-10327, Crst, Inc., And The Kinnison Trucking Company—Investigation And Revocation Of Certificates And Certificate of Registration, now assigned for hearing on August 18, 1980 (10 days) at Columbus, OH in a hearing room to be later designated.
MC 53965 (Sub-147F), Graves Truck Line, Inc., now assigned for hearing on July 21, 1980 (1 week) at Garden City, KS, will be held at the Wheatlands Motor Inn, 1311 Fulton Street.
No. 37186F, Alaska Building Maintenance V. Sea-Land Services, Inc., now assigned for hearing on July 29, 1980 (4 days) at Anchorage, Alaska, Room C-105, United States Court House, 201 C Street.
MC 145359 (Sub-9F), Thermo Transport, Inc., now assigned for hearings on September 3, 1980 (1 day) at Boston, MA in a hearing room to be later designated.
MC 140829 (Sub-313F), Cargo, Inc., now assigned for hearing on September 4, 1980 (2 days) at Boston, MA in a hearing room to be later designated.
MC 96727 (Sub-2F), R.V.J., Inc., now assigned for hearing on September 8, 1980 (1 week) at Boston, MA in a hearing room to be later designated.
MC 136782 (Sub-17F), R.A.N. Trucking Company, now assigned for hearing on September 9, 1980 (2 days) at Pittsburgh, PA in a hearing room to be later designated.
MC 148668F, Avanti Express, Inc., now assigned for hearing on September 11, 1980 (2 days) at Pittsburgh, PA in a hearing room to be later designated.
MC 35628 (Sub-429F), Interstate Motor Freight System, now assigned for hearing on September 15, 1980 (1 week) at Pittsburgh, PA in a hearing room to be later designated.
MC 74164 (Sub-7F), West Farms Express, Inc., now assigned for hearing on September 9, 1980 (4 days) at New York, NY in a hearing room to be later designated.
MC 2835 (Sub-43F), Adirondack Transit Lines, Inc., now assigned for hearing on September 15, 1980 (1 week) at Plattsburgh, NY in a hearing room to be later designated.
MC 133689 (Sub-264F), Overland Express, Inc., now assigned for hearing on October 16, 1980 (1 day) at St. Paul, MN in a hearing room to be later designated.
MC 143032 (Sub-21F), Thomas J. Walczynski, D/B/A Walco Transport now assigned for hearing October 17, 1980 (1 day) at St. Paul, MN in a hearing room to be later designated.
MC 95876 (Sub-296F), Anderson Trucking Service, Inc., now assigned for hearing on October 20, 1980 (1 day) at St. Paul, MN in a hearing room to be later designated.
MC 145981 (Sub-12F), Ace Trucking Co., Inc., now assigned for hearing on September 9, 1980 (1 day) at New York, NY in a hearing room to be later designated.
MC 144122 (Sub-51F), Carretta Trucking, Inc., now assigned for hearing on September 10, 1980 (1 day) at New York, NY in a hearing room to be later designated.
MC 148009 (Sub-1F), Manhattan Collission Specialists, Inc. D/B/A Manhattan Ave., now assigned for hearing on September 11, 1980 (2 days) at New York, NY in a hearing room to be later designated.
MC 97310 (Sub-32F), Sharron Motor Lines, Inc., now assigned for continued hearing on August 19, 1980 (4 days) at Atlanta, GA in a hearing room to be later designated.
MC 134405 (Sub-56F), Bacon Transport Company, now assigned for continued hearing on September 3, 1980 (8 days) at Dallas, TX will be held at the Holiday Inn Downtown, 1015 Elm Street at Griffin.
MC 59583 (Sub-170F), The Mason And Dixon Lines, Incorp., now assigned for continued hearing on September 10, 1980 (8 days) at Nashville, TN will be held at the Ramada Inn, 709 Spence Lane.
MC 142040 (Sub-5F), Amber Delivery Service, Inc., now assigned for hearing on July 23, 1980 at Boston, MA is canceled and application dismissed.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-22337 Filed 7-24-80; 8:45 am]
BILLING CODE 7035-01-M

Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). These rules provide, among other things, that opposition to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. Opposition under these rules should comply with Rule 240(c) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, and specify with particularly the

facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Opposition not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of any protest shall be filed with the Commission, and a copy shall also be served upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(c)(4) of the special rules and shall include the certification required.

Section 240(c) further provides, in part, that an applicant who does not intent timely to presecute its application shall promptly request its dismissal.

Further processing steps will be by Commission notice or order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown.*

Any authority granted may reflect administratively acceptable restrictive amendments to the transaction proposed. Some of the applications may have been modified to conform with Commission policy.

We find with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application or any application directly related thereto filed within 30 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Decided: May 14, 1980.

(In MC–F–14305F, Board member Taylor dissents and finds the proposed division of rights to be an impediment.) In MC–F–14347, Board member Taylor dissents stating that the proposed division of operating rights would be contrary to the public interest.)

Agatha L. Mergenovich,

Secretary.

MC–F–4901 and MC–F–6152, petition of United Van Lines, Inc., One United Drive, Fenton, MO 63026, and its motor carrier-agents, A. City Van & Storage Co., Inc., *et al.*, for modification of its approved plan for pooling of traffic, service and gross or net earnings with respect to the transportation of household goods, as defined by the Commission, in interstate and foreign commerce, as previously approved in *Geitz Storage & Moving Co., Inc.—Investigation of Control*, 65 M.C.C. 257 (1955) and 65 M.C.C. 755 (1956), *United Van Lines, Inc., Pooling*, 70 M.C.C. 587 (1957), and *United Van Lines, Inc.—Pooling—A. City Van & Storage* (Decision, May 20, 1980). Applicants' attorneys: B.W. LaTourette, Jr., 11 S. Meramec Avenue, Suite 1400, St. Louis, MO 63105, and Alan F. Wohlstetter, 1700 K Street, N.W., Suite 301, Washington, DC 20006. The purpose of this petition is to modify the pooling plan to authorize United Van Lines, Inc. to pool shipments with its motor-carrier agents. (Hearing site: St. Louis, MO.)

MC 79434, republication. Bennett Truck Line, Inc., of Paragould, AR. The application was originally published in the **Federal Register** in Volume 42, No. 102, page 27105. Certificate No. MC–79434, reissued February 18, 1975, incorrectly described the scope of authorized operations. The certificate is being reissued to correct the previous error.

Authority to operate as a common carrier, by motor vehicle, over regular routes, transporting general commodities, (1) between Paragould, AR, and Lake City, AR, serving all intermediate points: from Paragould over Arkansas Highway 25 to junction Arkansas Highway 135, thence over Arkansas Highway 135 to junction Arkansas Highway 18, and thence over Arkansas Highway 18 to Lake City, and return over the same route, (2) between Paragould, AR, and Memphis, TN, serving no intermediate points: from Paragould over Arkansas Highway 1 to Jonesboro, AR, thence over U.S. Highway 63 to Turrell, AR, and thence over U.S. Highway 61 to Memphis, and return over the same route, (3) between Blytheville, AR, and Memphis, TN, serving no intermediate points: from Blytheville over U.S. Highway 61 to Memphis, and return over the same route, (4) between Paragould, AR, and Little Rock, AR, serving all intermediate points between Paragould and Searcy, AR; from Paragould over Arkansas Highway 25 to Walnut Ridge, AR, thence over U.S. Highway 67 to Little Rock, and return over the same route, (5) between Paragould, AR, and Corning, AR, serving all intermediate points and the off-route point of Knobel, AR; from Paragould over Arkansas Highway 135 (formerly Arkansas Highway 39) to junction U.S. Highway 62, thence over U.S. Highway 62 to Corning, and return over the same route. This corrected certificated is being republished pursuant to the May 5, 1980, decision of Division 1, granting the application in No. MC–F–13219, Dodds Truck Line, Inc.—purchase—Bennett Truck Line, Inc.

[FR Doc. 80–22331 Filed 7–24–80; 8:45 am]

BILLING CODE 7035–01–M

Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). These rules provide, among other things, that opposition to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and

participation in the proceeding. Opposition under these rules should comply with Rule 240(c) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, and specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Opposition not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of any protest shall be filed with the Commission, and a copy shall also be served upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(c)(4) of the special rules and shall include the certification required.

Section 240(e) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request its dismissal.

Further processing steps will be by Commission notice or order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown.*

Any authority granted may reflect administratively acceptable restrictive amendments to the transaction proposed. Some of the applications may have been modified to conform with Commission policy.

We find with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application *or* any application directly related thereto filed within 30 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Decided: July 16, 1980.

By Review Board Number 5, Members Krock, Taylor and Williams.

Agatha Mergenovich,

Secretary.

MC–F–14368F, filed April 11, 1980. CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE (Consolidated) (175 Linfield Drive, Menlo Park, CA 94025)—Purchase (Portion)—EAST NEBRASKA MOTOR FREIGHT, INC. (East Nebraska) (401 Locust Street, Chillicothe, MO 64601). Representative: Eugene T. Liipfert, Suite 1100, 1660 L Street, N.W., Washington, DC 20036. Consolidated seeks to purchase a portion of the interstate operating rights and property of East Nebraska. Consolidated Freightways, Inc. (601 California Street, San Francisco, CA 94108, a publicly held corporation with no stockholder with sufficient stock to be considered in control, controls Consolidated through ownership of all of its outstanding stock, seek to acquire control of said rights and property through the transaction. Operating rights sought to be purchsed are contained in Certificate No. MC–121540 (Sub-No. 2) which authorizes the transportation as a motor common carrier, over regular routes, of general commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Omaha, NE, and Utica, NE, serving the intermediate and off-route points of Lincoln, Milford, Beaver Crossing, and Goehner, NE: from Omaha over U.S. Highway 6 via Lincoln and Milford NE, to junction unnumbered highway, 3 miles west of Milford, NE, thence over unnumbered highway via Beaver Crossing, NE, to junction U.S. Highway 34, thence over U.S. Highway 34 to Utica and return over the same route. From Omaha over above-specified route to Lincoln, NE, thence over Nebraska Highway 2 to Utica, and return over the same route. Restriction: The authority granted herein is restricted against serving points in Iowa within the Omaha NE, Commercial Zone as defined by the Commission. Consolidated owns all of the capital stock of Canadian Freightways Limited, a motor carrier operating in Canada and Alaska pursuant to MC–116975. Canadian Freightways Limited owns all the stock of Canadian Freightways Eastern Limited which operates under MC–76036, in the Buffalo and Detroit areas. Consolidated is also operating Nelson Freightways Inc., pursuant to temporary authority granted in MC–F–13314F. Consolidated Freightways, Inc., owns all of the stock of CS Air Freight, Inc., which operates under authority from the Civil Aeronautics Board. (Hearing site: Omaha, NE.)

Notes.—(1) An application for temporary authority has been filed. (2) Consolidated Freightways, Inc., is subject to the securities provisions of 49 U.S.C. 11302, see *Consolidated FRT. Lines, Inc., (Del. Corp.)-Consolidation*, 80 M.C.C. 495 (1954).

MC–F–14377, filed April 22, 1980. CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE (Consolidated) (175 Linfield Drive, Menlo Park, CA 94025)—Purchase (Portion)—JERSEY SEABOARD LINES, INC. (Jersey) (P.O. Box 1, Springlake, NJ 07762). Representatives: Thomas E. Asey, Jr., Suite 11,000 1660 L Street, N.W., Washington, DC 20036 and Frank E. Hine, P.O. Box 25 Spring Lake, NJ 07762. Consolidated seeks to purchase a portion of the interstate operating rights and property of Jersey. Consolidated Freightways, Inc. (601 California Street, San Francisco, CA 94108), a publicly held corporation with no stockholder with sufficient stock to be considered in control, controls Consolidated through ownership of all of its outstanding stock, seek to acquire control of said rights and property through the transaction. Operating rights sought to be purchased are contained in certificates Nos. MC–68328 and MC–68328 (Sub-No. 3) which authorize the transportation as a motor common carrier of *general commodities*, with usual exceptions, over irregular routes; (1) between points in Hudson, Essex, Union, Middlesex, Monmouth,

Ocean, Somerset, Morris, and Warren Counties, NJ, on the one hand, and, on the other, New York, NY, and (2) between points in Monmouth, Middlesex, and Ocean Counties, NJ, on the one hand, and, on the other, points in NJ in the New York commercial zone, East Rutherford, Lyndhurst, Newark, Port Newark, Elizabeth, Port Elizabeth and Kearney, NJ. Consolidated is authorized as a common carrier in all states of the United States (except Hawaii) and intends to tack this irregular route authority only with its regular route authority contained in MC–4247 (Sub-No. 578). Consolidated owns all of the capital stock of Canadian Freightways Limited, a motor carrier operating in Canada and Alaska pursuant to MC–116975. Canadian Freightways Limited owns all the stock of Canadian Freightways Eastern Limited which operates under MC–76036, in the Buffalo and Detroit areas. Consolidated is also operating Nelson Freightways, Inc., pursuant to temporary authority granted in MC–F–13314F. Consolidated Freightways, Inc., owns all of the stock of CS Air Freight, Inc., which operates under authority from the Civil Aeronautics Board. (Hearing site: Washington, DC.)

Notes.—(1) An application for temporary authority has been filed. (2) Consolidated Freightways, Inc. is subject to the securities provisions of 49 U.S.C. § 11302, see *Consolidated Freight Lines, Inc., (Del. Corp.)-Consolidation,* 80 M.C.C. 495 (1954).

MC–F–14403F, filed May 30, 1980. K & R DELIVERY, INC. (K & R) (255 West Oakton Street, Des Plaines, IL 60018)—Purchase (Portion)—CHIPPEWA MOTOR FREIGHT, INC. (Chippewa) (1000 East 41st Street, Sioux Falls, SD 57105). Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. K & R seeks authority to purchase a portion of the interstate operating rights of Chippewa. K & R Enterprises, Inc. (Enterprises), which controls K & R through ownership of all of its outstanding capital stock, and in turn David M. Gerstein, who controls Enterprises through a voting trust arrangement as 50 percent beneficial owner and trustee, seek authority to acquire control of said rights through the transaction. K & R is purchasing that portion of Chippewa's operating rights in MC–109538 (Sub-No. 30F), which authorized the transportation, as a motor common carrier, over irregular routes, of *general commodities,* usual exceptions, (a) between points in IL within a 50 mile radius of Palatine, IL, and (b) between points in IL within a 50 mile radius of Palatine, IL, on the one hand, and, on the other, points in IL. K & R is authorized to operate as a motor common carrier, in interstate or foreign commerce, pursuant to certificates issued in MC–36255 and sub-numbers thereunder. (Hearing site: Chicago, IL.)

Notes.—(1) An application for temporary authority has been filed. (2) K & R Enterprises, Inc., shall be considered a carrier within the meaning of 49 U.S.C. § 11348.

MC–F–14413F, filed June 4, 1980. RENTAR INDUSTRIES, INC. (Rentar)—Continuance in Control—HI–CUBE CONTRACT CARRIER CORP. (Hi) (both of 7005 South Pulaski Road, Chicago, IL 60629). Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Rentar, a non-carrier corporation, and in turn Milton D. Rentar who controls Rentar, continuing in common control and management of Hi, upon the institution by Hi of operations, in interstate or foreign commerce, as a motor contract carrier. Rentar holds no authority from the Commission. It controls Midwest Emery (MC–114019), which in turn controls Belford Trucking Co., Inc. (MC–105813), Little Audrey's Transportation Co., Inc. (MC–108053), and Trans-Cold Express, Inc. (MC–114045), all motor common carriers. Hi currently holds no authority from the Commission. However, in MC–148647F, Hi is seeking authority to operate as a motor contract carrier, in interstate or foreign commerce, transporting (1) *containers, container closures, container components, glassware and packaging products,* (2) *scrap materials* (except commodities in bulk, in tank vehicles, and those requiring special equipment), and (3) *materials, equipment, and supplies* used in the manufacture, sale and distribution of the commodities named in (1) above (except commodities in bulk, in tank vehicles, and those requiring special equipment), between those points in the United States in and east of ND, SD, NE, CO, OK, and TX, under continuing contract(s) with Ownes-Illinois, Inc., of Toledo, OH. CONDITIONS: (1) Approval herein is conditioned upon the issuance to Hi of a permit in MC–148647F and institution of operations thereunder.

(2) Rentar Industries, Inc., shall continue to be deemed a motor carrier within the meaning of 49 U.S.C. § 11348 of Subtitle IV. It will therefore, be subject to the applicable provisions of 49 U.S.C. subchapter III of chapter 111 relating to reporting and accounting, and 49 U.S.C. 11302 relating to the issuance of securities. (Hearing site: Chicago, IL.)

Notes.—(1) Dual operations are involved. (2) An application for temporary authority has been filed.

MC–F–14414F, filed June 5, 1980. YUMA COUNTY TRANSPORTATION CO. (Yuma) (310 East 2nd Avenue, Yuma, CO 80759)—Purchase (Portion)—GRAND ISLAND MOVING & STORAGE CO., INC. (Grand Island) (P.O. Box 2122, Grand Island, NE 68801). Representative: Donald L. Stern, Suite 610 Xerox Building, Omaha, NE 68106. Yuma seeks to purchase a portion of the interstate operating rights of Grand Island. Robert Gartner, sole stockholder of Yuma, also seeks authority to acquire control of said rights through the transaction. Yuma is purchasing that portion of Grand Island's operating rights issued in MC–F–13849, which authorizes the transportation, as a motor common carrier, of *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requring special equipment), (A) over regular routes; (1) between Grand Island, NE, and Omaha, NE, serving no intermediate points; (a) from Grand Island over U.S. Hwy 30 to junction U.S. Hwy 275, then over U.S. Hwy 275 to Omaha, and return over the same route; (b) from Grand Island over U.S. Hwy 30 to junction U.S. Hwy 275, then over U.S. Hwy 275 to junction NE Hwy 8, then over NE Hwy 8 to Omaha, and return over the same route; (2) between Kearney, NE, and Grand Island, NE, serving all intermediate points; from Kearney over U.S. Hwy 30; (3) between Grand Island, NE, and Beatrice, NE, serving all intermediate points, and serving the off-route points of McCool Junction, Harvard, Henderson, and Hastings, NE; from Grand Island over U.S. Hwy 281 to junction U.S. Hwy 34, then over U.S. Hwy 34 to Lincoln, NE, then over U.S. Hwy 77 to Beatrice, return from Beatrice over U.S. Hwy 77 to junction NE Hwy 33, then over NE Hwy 33 to Dorchester, NE, then over U.S. Hwy 6 to Fairmont, NE, then over U.S. Hwy 81 to junction U.S. Hwy 34, then over U.S. Hwy 34 to junction U.S. Hwy 281, and then over U.S. Hwy 281 to Grand Island; (4) between Kearney, NE, and Omaha, NE, serving all intermediate points and serving the Cornhusker Ordance Plant an off-route point; from Kearney over U.S. Hwy 30 to junction U.S. Hwy 275, then over U.S. Hwy 275 to Omaha, and return over the same route; (5) between Grand Island, NE, and Beatrice, NE, serving all intermediate points, those off-route points within 10 miles of the described route and the off-route points of Harvard and Henderson, NE; from Grand Island over NE Hwy 2 to Lincoln, NE, then over U.S. Hwy 77 to Beatrice, and return over the same route; (6) between junction U.S. Hwy 77 and NE Hwy 33, and junction NE Hwy 2 and U.S. Hwy 81 north of York, NE, serving

all intermediate points, those off-route points within 10 miles of the described route, and the off-route points of Harvard and Henderson, NE; from junction U.S. Hwy 77 to NE Hwy 33 over NE Hwy 33 to junction U.S. Hwy 6, then over U.S. Hwy 6 to junction U.S. Hwy 81, then over U.S. Hwy 81 to junction NE Hwy 2, and return over the same route; and (7) serving the facilities of Western Electric Co., Inc., at or near Underwood, IA, in connection with carrier's otherwise authorized regular-route operations from and to Omaha, NE; (B) irregular routes, between points in Hall County, NE, those in that part of Hamilton County, NE, west of NE Hwy 14 and those in that part of Howard and Merrick Counties, NE, south of NE Hwy 92, and between points in Hall County, NE, those in that part of Hamilton County, NE, west of NE Hwy 14 and those in that part of Howard and Merrick Counties, NE, south of NE Hwy 92, on the one hand, and, on the other, points in that part of NE east of NE Hwy 61 (except Omaha), points on U.S. Hwy 30 between Omaha and Grand Island, and points in Sherman Valley, Howard, and Custer Counties, NE.
RESTRICTION: The operations authorized herein are restricted to the performance of service solely within Nebraska. Yuma is authorized to operate as a common carrier, over regular routes, transporting general commodities pursuant to MC–FC–78068. Robert Gartner, who controls Yuma, also holds an ICC certificate, as an individual, pursuant to MC–143485. (Hearing site: Omaha, NE.)

Note.—An application for temporary authority has been filed.

MC–F–14442F, filed July 7, 1980. CROUSE CARTAGE COMPANY (Crouse) (P.O. Box 151, Carroll, IA 51401)—Purchase—FULSANG'S MOTOR SERVICE, INC. (Fulsang) (7601 South Willow Springs Road, Countryside, IL 60525). Representatives: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102, and William P. Jackson, Jr., 3426 North Washington Blvd., Arlington, VA 22201. Crouse seeks authority to purchase the interstate operating rights of Fulsang. Paul E. Crouse, George Crouse, and Kenneth B. Crouse, majority stockholders of Crouse, seek to acquire control of said rights through the transaction. The operating rights to be acquired by Crouse are contained in Fulsang's certificate MC 120788 (Sub-2), which authorizes the transportation of (1) *printed matter*, from the facilities of R.R. Donnelley & Sons Company at or near Dwight, IL, to points in ID, MT, and WY, (2) *materials, supplies and equipment* used in the manufacture or distribution of printed matter (except in bulk), from points in ID, WY, and MT, to the facilities of R.R. Donnelley & Sons Company, at or near Dwight, IL. Restiction: The authority granted under the next-two commodity descriptions above is restricted to the transportation of shipments originating at or destined to the facilities of R.R. Donnelley & Sons Company, (3) *general commodities*, usual exceptions, between points in IL. Crouse is a motor common carrier pursuant to certificates issued in MC 123389 and sub-numbers thereunder. Crouse owns all of the outstanding stock of Lawson Truck Line, Inc. Lawson is a motor common carrier pursuant to a certificate issued in MC 54291. (Hearing site: Chicago, IL.)

[FR Doc. 80–22332 Filed 7–24–80; 8:45 am]
BILLING CODE 7035–01–M

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524 (b)(1) that the below named corporations intend to provide or to use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

I

1. The parent corporation: Allied Chemical Corporation, a New York corporation, Columbia Road, Morris Township, N.J. (mailing address P.O. Box 1087R, Morristown, N.J. 07960).

2. The wholly-owned subsidiaries which will participate in the operations, and addresses of their respective principle offices are as follows:

(a.) Allied Chemical Canada, Ltd., 201 City Center Drive, Mississauga, Ontario, Canada L5B 2T4.
(b.) Eltra Corporation, 511 Hamilton St., Toledo, Ohio 43694.
(c.) Texas Gas Corporation, 1 Riverway, Houston, Texas 77001.
(d.) Union Texas Petroleum Corp., 1 Riverway, Houston, Texas 77001.

II

1. Parent corporation and address of principal office: American Home Products Corporation, 685 Third Avenue, New York, NY 10017; and the following operating division:

(a) American Home Foods.
(b) American Permanent Ware.
(c) Ayerst Laboratories.
(d) Analytab Products.
(e) Boyle-Midway.
(f) E. J. Brach & Sons.
(g) Dupli-Color Products.
(h) Ekco Housewares Company.
(i) Fort Dodge Laboratories.
(j) Franklin Laboratories.
(k) Whitehall Laboratories.
(l) Wyeth Laboratories.

2. Wholly-owned subsidiaries which will participate in the operations, and addresses of their respective principal offices:

(a) Adams Plastics Co., Inc., 191 Appleton Street, Holyoke, MA 01040.
(b) American Home Foods, Inc., 685 Third Avenue, New York, NY 10017.
(c) American Permanent Ware Company, 729 Third Avenue, Dallas, TX 75226.
(d) API Laboratory Products Ltd., 8114 Trans Canada Highway, Saint Laurent, Quebec H4S 1M5.
(e) Ayerst International, Inc., 685 Third Avenue, New York, NY 10017.
(f) Ayerst Laboratories, Inc., 64 Maple St., Rouses Point, NY 12979.
(g) Analytab Products Division, Ayerst Laboratories, Inc., 685 Third Avenue, New York, NY 10017.
(h) Ayerst Laboratories (Puerto Rico), Inc., Dr. Mario Julia Industrial Park, Lot No. 12, Puerto Nuevo, Puerto Rico 00922.
(i) Ayerst, McKenna & Harrison, Inc., 1025 Laurentien Boulevard, Saint Laurent, Quebec HHM 2N5.
(j) Ayerst Organics Ltd., 720 17th St. East, Brandon, Manitoba R7A 5Z9.
(k) Boyle-Midway Aero Packing Limited, Evans Ave. & Wickman Rd., Toronto, Ontario M82 5M5.
(l) Boyle-Midway Canada Ltd., 2 Wickman Rd., Toronto, Ontario M82 5M5.
(m) Boyle-Midway, Inc., 685 Third Avenue, New York, NY 10017.
(n) Boyle-Midway International, Inc., 685 Third Avenue, New York, NY 10017.
(o) E. J. Brach & Sons, Inc., 4656 W. Kinzie St., Chicago, IL 60644.
(p) Brucarla Building Corporation, 685 Third Avenue, New York, NY 10017.
(q) Canadian Home Products Limited, 4825 Pettit Ave., Niagara Falls, Ontario.
(r) Candy Kitchens, Inc., 4656 W. Kinzie St., Chicago, IL 60644.
(s) Candy Specialties Company, 4656 W. Kinzie St., Chicago, IL 60644.
(t) Harriet Clark's Candies, Inc., 4600 W. Kinzie St., Chicago, IL 60644.
(u) Corometrics Medical Systems, Inc., 61 Barnes Park Road North, Wallingford, CT 06492.
(v) Corometrics Medical Systems International, Inc., 61 Barnes Park Road North, Wallingford, CT 06492.
(w) Dupli-Color Canada, Limited, 5 Crockford Blvd., Scarborough, Ontrio.
(x) Dupli-Color Products Co., Inc., 1601 Nicholas Blvd., Elk Grove Village, IL 60007.
(y) Ekco Canada Inc., 376 Birchmount Road, Scarborough, Ontario.
(z) Ekco Products, Inc., 777 Wheeling Road, Wheeling, IL 60090.
(aa) Lake States Carriers, Inc., 777 Wheeling Road, Wheeling, IL 60090.
(ab) Plus Container Machinery, Inc., 777 Wheeling Road, Wheeling, IL 60090.
(ac) Ekco Wood Products Co., Locke Mills, ME 04255.
(ad) Ekco Products Interntional Co., 9234 W. Belmont Ave., Franklin Park, IL 60131.
(ae) E-Z Por Corporation, 1500 South Wolf Road, Wheeling, IL 60090.
(af) Ford Dodge Laboratories Co., Inc., 800 5th St., N.W., Fort Dodge, IA 50501.

(ag) Ford Dodge Laboratories, Inc., 800 5th St., N.W., Fort Dodge, IA 50501.
(ah) Franklin Laboratories Co., Inc., 1777 South Bellarie, Denver, CO 80222.
(ai) Franklin Laboratories, Inc., 1777 South Bellarie, Denver, CO 80222.
(aj) Franklin Laboratories Limited, 526 Seventh Ave., S.E., Calgary, Alberta.
(ak) Home Products, Inc., 685 Third Avenue, New York, NY 10017.
(al) Home Products International, Inc., 685 Third Avenue, New York, NY 10017.
(am) Home Products Overseas, Inc., 685 Third Avenue, New York, NY 10017.
(an) Household Research Institute, 2126 Edison Ave., San Leandro, CA 94577.
(ao) International Floor Machine, 2126 Edison Ave., San Leandro, CA 94577.
(ap) Ives Laboratories Inc., 685 Third Ave., New York, NY 10017.
(aq) Luck's Incorporated, P.O. Box 256, Seagrove, NC 27341.
(ar) John F. Murray Advertising Agency, Incorporated, 685 Third Avenue, New York, NY 10017.
(as) The Slaymaker Lock Company, Inc., 115 South West End Ave., Lancaster, PA 17604.
(at) Special Sales Corporation, 9234 West Belmont Ave., Franklin Park, IL 60131.
(au) Whitehall International Inc., 685 Third Avenue, New York, NY 10017.
(av) Whitehall Laboratories Inc., 685 Third Avenue, New York, NY 10017.
(aw) Whitehall Laboratories Limited, 1060 Middlegate Road, Mississauga, Ontario L4Y 1M3.
(ax) Wyeth International Limited, P.O. Box 8616, Philadelphia, PA 19101.
(ay) Wyeth Laboratories, Inc., 685 Third Avenue, New York, NY 10017.
(az) Wyeth Laboratories (Puerto Rico) Inc., Street "A"—Parcel 1, Dr. Mario Julio Industrial Park, Guaynabo, Puerto Rico.
(ba) Wyeth Veterinary Products, Inc., 1777 S. Bellaire St., Denver, CO 80222.

III

1. Parent corporation and address of principal office: Archer Daniels Midland Company, a Delaware corporation, 4666 Faries Parkway, Decatur, IL 62525.

2. Wholly owned subsidiaries which will participate in the operations, and address of their respective principal offices:

(a) ADM Milling Co., 4550 W. 109th St., Shawnee Mission, Kansas.
(b) Gooch Feed Mill Corp., 540 South St., Lincoln, Nebraska.
(c) Gooch Foods, Inc., 540 South St., Lincoln, Nebraska.
(d) Supreme Sugar Co., Inc., Box 68, Labadieville, Louisiana.
(e) Fleischmann Malting Co., Inc., 410 Grain Exchange, Minneapolis, Minnesota.
(f) Bauer-Schweitzer Malting Co., Inc., 410 Grain Exchange, Minneapolis, Minnesota.
(g) Rickel Malting Co., Inc., 410 Grain Exchange, Minneapolis, Minnesota.
(h) Tabor Grain Co., 4666 Faries Parkway Decatur, Illinois.
(i) Smoot Grain Co., 4666 Faries Parkway, Decatur, Illinois.
(j) Miller Hauling Co., 316 Pike St., Oakland, Illinois.
(k) Havana Barge Terminal, Inc., 4666 Faries Parkway, Decatur, Illinois.
(l) Coeval, Inc., Highway 150, St. Joseph, Illinois.

3. Divisions of the parent corporation or of above name subsidiaries which are same as the above but operate under a separate name only, for commercial reasons.

(a) New Era Milling, Arkansas City, Kansas.
(b) Corn Sweeteners, Cedar Rapids, Iowa.
(c) Interstate Milling, Charlotte, North Carolina.
(d) Econo-Flo, St. Louis, Missouri.
(e) Inland Mills, Des Moines, Iowa.
(f) Gooch Mill & Elevator, Lincoln, Nebraska.
(g) Fuhrer-Ford, Mt. Vernon, Indiana.
(h) Western Star Mill, Salina, Kansas.

IV

1. Parent corporation and address of principal office: Blue Bell, Inc., 335 Church Court, Greensboro, NC.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

(a) Blue Bell of Puerto Rico, Inc., Industrial Zone—Sub-Division, Guanajibo, Mayaguez, Puerto Rico 00708.
(b) Wrangler Shops of Puerto Rico, Inc., 23 West McKinley Street, Mayaguez, Puerto Rico 00708.
(c) Wrangler Wranch Franchising Systems, Inc., P.O. Box 21488, Greensboro, NC 27401.
(d) Globe Superior, S.A., 21 Avenue du Boulevard, Box 32, B–1000, Brussels, Belgium.
(e) Wrangler (Switzerland) A.G., Hallwylstrasse 78, 8004, Zurich, Switzerland.
(f) Blue Bell Italiana S.r.L., Via Lazio, Cassella Postale 24, 20094 Buccinasco, Milano, Italy.
(g) Blue Bell GmbH, Im Gierth 6, 6072 Dreieich, West Germany.
(h) Blue Bell (Malta) Limited, c/o Industrial Estate, P.O. Box 1, Birkirkara, San Gwann, Malta.
(i) Blue Bell Canada Ltd., Suite 3600, Toronto-Dominion Bank Tower, Toronto-Dominion Centre, Toronto, Canada M5K 1C5.
(j) Blue Bell Apparel, Ltd., Park Road East, Calverton, Nottingham, NGH 6GD, England
(k) Wrangler Espana, Ltd., Carretera de Barcelona Km. 11,300, Poligono "Las Mercedes", Madrid 22, Spain.
(l) Norsk Wrangler A/S, Solgaard Skog 15, B–1500 Moss, Norway.
(m) Blue Bell, S.A., Melberstraat 6, B–03600, Genk, Belgium.
(n) Blue Bell Wrangler, A/B., Bangardsvagen 37, 43050, Kallered, Sweden.
(o) Blue Bell of Lajas, Inc., Industrial Zone, Lajas, Puerto Rico 00667.
(p) Wrangler de Venezuela, C.A., Benson, Perez, Matos, Antakly & Watts Edificio Centro Altamira, 8th Floor, Apartado 6619, Caracas, 101, Venezuela.
(q) Wrangler HmbH, 1160 Wien, Zwirstrasse 4–6, Austria.
(r) Blue Bell (Nederland) B.V., P.O. Box 625, Bessemerstraat, 21 Industrieterrein Dordtse Kil, 3300 AP Dordrecht, Nederland.
(s) Oy Suomen Wrangler A/B, Myyrmaentie 21B SF–01600, Vantaa 60, Finland.
(t) Blue Bell Wrangler (Pty.) Ltd., P.O. Box 32 200, 5 Swinton Road, Mobeni, 4060, Natal, South Africa.
(u) Campana Azul, S.A. de C.V., Goodrich, Dalton, Little & Riquelme, Apartado Postal 93 BIS, Mexico 1, D.F., Mexico.
(v) Cia. Manufacturea de Ropa Americana, S.A. de C.V., Goodrich, Dalton, Little & Riquelme, Apartado Postal 93 BIS, Mexico 1, D.F., Mexico.
(w) Blue Bell Wrangler de Brazil—Industria de Confeccoes, Limitada, Garcia & Keener, Av. Rio Branco, 99–15° ANDAR, Cep 20.040, Rio De Janeiro—RJ, Brazil.
(x) Wrangler Portugal Commercio E Industria de Vestuario, Limitada, Rua Silva Carvalho 234–7, Lisboa—2, Portugal.
(y) Sedgefield Philippines, Inc., Municipality of Makati, Metro Manila, Philippines.
(z) Amco Wrangler Limited, 15 Boola Avenue, Yennora, N.S.W. 2161, P.O. Box 33, Guildford, Australia.
(aa) Blue Bell of Rincon, Inc., P.O. Box 152, Rincon, Puerto Rico 00743.
(bb) Blue Bell of Aguadilla, Inc., P.O. Box R, Aguadilla, Puerto Rico 00603.
(cc) Sedgefield Australia Pty. Ltd., 21A Smith Street, Chatswood, Sydney, New South Wales, Australia.
(dd) Amco (Hong Kong) Pty. Limited, 701 Shell House, Queens Road Central, Hong Kong.
(ee) Jantzen, Inc., P.O. Box 3001, Portland, Oregon 97208.
(ff) Brentco, Inc., P.O. Box 3001, Portland, Oregon 97208.
(gg) Brenton Textiles, Inc., P.O. Box 432, Statesville, NC 28677.
(hh) CEA Corp., P.O. Box 3001, Portland, Oregon 97208.
(ii) Jantzen of Canada Ltd., 196 Kingsway, Vancouver, B.C., Canada.
(jj) Jantzen of Louisiana, Inc., P.O. Box 1147, Eunice, Louisiana 70535.
(kk) Jantzen International, Inc., P.O. Box 3001, Portland, Oregon 97208.
(ll) Janwestern, Inc., P.O. Box 3001, Portland, Oregon 97208.

V

1. Parent corporation and address of principal office: Florida Rock Industries, Inc., 155 East 21st Street, Jacksonville, FL 32206.

2. Wholly owned subsidiaries which will participate in the operations, and address of their respective principal offices:

(a) Rich-E-Mix Concrete Products, Inc., 155 East 21st Street, Jacksonville, FL 32206.
(b) Virginia Concrete Company, Inc., 155 East 21st Street, Jacksonville, FL 32206.
(c) Cardinal Concrete Company, 155 East 21st Street, Jacksonville, FL 32206.
(d) Florida Rock & Tank Lines, Inc., 155 East 21st Street, Jacksonville, FL 32206.
(e) Commonwealth Aggregates, Inc., 155 East 21st Street, Jacksonville, FL 32206.

VI

1. Parent corporation: Lone Star Steel Company, P.O. Box 35888, Dallas, Texas 75235.

2. Wholly owned subsidiaries which will participate in the operations:

(a) Texas & Northern Motor Transport Company, 7540 LBJ Freeway, Suite 224, Dallas, Texas 75251.

(b) Texas & Northern Railway Company, 7540 LBJ Freeway, Suite 224, Dallas, Texas 75251.

(c) T&N Lone Star Warehouse Co., 7540 LBJ Freeway, Suite 224, Dallas, Texas 75251.

(c–2) T&N Lone Star Warehouse Co., dba Iberia Scrap & Salvage, 7540 LBJ Freeway, Suite 224, Dallas, Texas 75251.

(c–3) T&N Lone Star Warehouse Co., dba Southwest Scrap & Salvage, 7540 LBJ Freeway, Suite 224, Dallas, Texas 75251.

(c–4) T&N Lone Star Warehouse Co., dba Raw Materials Division, 7540 LBJ Freeway, Suite 224, Dallas, Texas 75251.

(d) Lesco Transportation Co., Inc., 7540 LBJ Freeway, Suite 224, Dallas, Texas 75251.

(e) Lesco Trucking Company, Inc., 7540 LBJ Freeway, Suite 224, Dallas, Texas 75251.

VII

1. Parent Corporation: John Maneely Co., 900 Haddon Avenue, Suite 500, P.O. Box 600, Collingswood, New Jersey 08108.

2. Wholly-owned subsidiaries which will participate in the operations:

(a) Wheatland Tube Company, 900 Haddon Avenue, Suite 500, P.O. Box 600, Collingswood, New Jersey 08108.

(b) Wheatland Steel Products Company, Council and Railroad Avenues, Wheatland, Pennsylvania 16161.

(c) Maneely-Illinois, 4435 Southwestern Blvd., Chicago, Illinois 60609.

(d) Seminole Tubular Products Co. of Texas, P.O. Box 9127, 5601 Canal Street, Houston, Texas 77011.

(e) Toltech Metals and Fabricating Company, 357 Cortlandt Street, Belleville, New Jersey 07109.

(f) Sedco Pipe Product of Florida, Inc., P.O. Box 365, Auburndale, Florida 33823.

(g) Sedco Pipe Products of Texas, Inc., 2255 East Ben White Blvd., Austin, Texas 78764.

(g) Seminole Tubular Products Co., 5000 Northwest 37th Avenue, Miami, Florida 33142.

VIII

1. Parent corporation and address of principal office: Michel Warehousing Corporation, Stenersen Lane, Cockeysville, MD 21030.

2. Wholly-owned subsidiary which will participate in the operations, and address of its principal office: Michel Properties Inc., Stenersen Lane, Cockeysville, MD 21030.

IX

1. Parent corporation and address of principal office: Mohasco Corporation, 57 Lyon Street, Amsterdam, New York 12010.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

(a) Chromcraft Corporation, 57 Lyon Street, Amsterdam, New York 12010.

(b) Futorian Corporation, 57 Lyon Street, Amsterdam, New York 12010.

(c) Liberty Furniture Corporation, 57 Lyon Street, Amsterdam, New York 12010.

(d) Monarch Furniture Corporation, 57 Lyon Street, Amsterdam, New York 12010.

(e) Peters-Revington Corporation, 57 Lyon Street, Amsterdam, New York 12010.

(f) Super Sagless Corporation, 57 Lyon Street, Amsterdam, New York 12010.

(g) Trend Line Furniture Corporation, 57 Lyon Street, Amsterdam, New York 12010.

(h) William Volker & Company, 945 California Dr., Burlingame, California 94010.

(i) Belknap & McClain, Inc., 650 Pleasant St., Watertown, Massachusetts 02172.

(j) Burnham Stoepel & Company, 8521 Lyndon Ave., Detroit, Michigan 48238.

(k) Lack Carpet Company, 7 Rewe Street, Brooklyn, New York 11211.

(l) Neidhoefer & Company, 2525 W. Hampton Ave., Milwaukee, Wisconsin 53209.

(m) Rumsey Distributors, Inc., 6176 E. Molloy Road, E. Syracuse, New York 13057.

(n) Schmitt & Henry, Inc., 1824 Industrial Circle, West Des Moines, Iowa 50265.

(o) Shawnee East Corporation, 6633 Moravia Park Drive, Baltimore, Maryland 21237.

(p) Shawnee Southwest, Inc., 3660 Dallas Trade Mart, Dallas, Texas 75207.

(q) Cort Furniture Rental Corporation, 57 Lyon Street, Amsterdam, New York 12010.

X

1. Parent Corporation: S.H.C., Inc., 43 Cortland Avenue, Highland Park, MI 48203.

2. Subsidiary Corporations:

(a) Sulli-Van Lines, Inc., 43 Cortland Avenue, Highland Park, MI 48203, MC 144531.

(b) Sullivan Corporation, 43 Cortland Avenue, Highland Park, MI 48203.

XI

1. Parent Corporation: J. P. Stevens & Co., Inc., 1185 Avenue of the Americas, New York, N.Y. 10036.

2. Wholly-owned Subsidiaries:

(a) The Black Hawk Corporation, White Horse Rd., Greenville, S.C., 29604.

(b) Foote & Davies, Inc., 3101 McCall Drive, Atlanta, Ga., 30340.

(c) Mid-America Webpress, Inc., 3700 N.W. 12 Street, Lincoln, Neb., 68501.

(d) Stevens Beechcraft, Inc., Greenville-Spartanburg Jetport, Greer, S.C., 29651.

(e) J. P. Stevens & Co. (Canada), Ltd., 474 Attwell Drive, Rexdale, Ontario, M94W 1M4.

(f) Stevens Elastomeric and Plastic Products, Inc., 26 Payson Ave., Easthampton, MA, 01027.

(g) Stevens Graphics, Inc., 713 Glenn St., S.W., Atlanta, Ga., 30310.

(h) Automated Graphics Unlimited, Inc., 880 Great Southwest Parkway, Atlanta, Ga., 30336

(i) Books Inc., 3635 McChord Street, Montgomery, Ala., 36109.

(j) Carolina Ruralist Press, Inc., 314 East Eighth Street, Charlotte, N.C., 28202.

(k) Courier Journal Lithographing Company, 4325 Old Shepardville Rd., Louisville, Ky.

(l) Florida Printers, Inc., 5190 S.W. 75th Ave., Miami, Fla., 33155.

(m) Oxmoor Press, Inc., 100 W. Oxmoor Rd., Birmingham, Ala. 35201.

(n) Ruralist Press, Inc., 713 Glenn St., S.W., Atlanta, Ga. 30310.

(o) Superior Type, Inc., 109 Alexander, N.W., Atlanta, Ga., 30303.

(p) Video Type, Inc., 1819 Peachtree Rd., N.E., Atlanta, Ga., 30309.

(q) J.P. Stevens International Sales, Inc., 1185 Avenue of the Americas, New York, N.Y., 10036.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–22335 Filed 7–24–80; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB–2 (Sub-24F)]

Louisville & Nashville Railroad Co. Abandonment Near Calera and Columbiana, in Shelby County, Ala; Notice of Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided March 11, 1980, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, the present and future public convenience and necessity permit the abandonment by the Louisville and Nashville Railroad Company of its line of railroad extending from railroad milepost AM–425.0 near Calera, east to milepost AM–436.0 near Shelby and from milepost AS–435.5 near Shelby, north to milepost AS–440.8, near Columbiana, a distance of 16.3 miles, in Shelby County, AL, subject to (1) the conditions for the protection of employees discussed in *Oregon Short Line R. Co.—Abandonment Goshen,* 360 I.C.C. 91 (1979), and (2) the condition that said abandonment will not result in changes in freight rates or charges, routing privileges, or the construction of short line mileages for freight rate-making purposes for a period of five years after the authority herein granted is exercised, unless otherwise authorized or directed by the Commission. A certificate of abandonment will be issued to Louisville and Nashville Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed and served no later than 15 days after publication of this Notice; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail service over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the **Federal Register** on March 31, 1976, at 49 FR 13691, as amended by publication of May 10, 1978, at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-22334 Filed 7-24-80; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29342]

St. Louis Southwestern Railway Co. of Texas-Purchase (Portion)—Southern Pacific Transportation Co.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: St. Louis Southwestern Railway Company of Texas (SSW-TEX) seeks to purchase two railroad lines totalling 18.26 miles from the Southern Pacific Transportation Company (SP) (parent of its parent) for operation by St. Louis Southwestern Railway Company (SSW), its own parent. The requested exemption was filed to fulfill a condition to abandonment permitted by the Commission in No. AB-12 (Sub-No. 53), *Southern Pacific Transportation Company—Abandonment between Bonita Junction and Seagoville in Nacogdoches, Rusk, Cherokee, Anderson, Kaufman and Dallas Counties, Texas* (not printed), decided October 31, 1979. The parties seek an exemption under 49 U.S.C. § 10505 to the requirements of 49 U.S.C. §§ 11343-11347.

DATE: Comments must be received on or before August 25, 1980.

ADDRESS: Send comments to the Interstate Commerce Commission, 12th St. and Constitution Ave. NW, Washington, D.C. 20423. All written statements will be available for public inspection during regular business hours at the same address.

FOR FURTHER INFORMATION CONTACT: Richard Kelly, 202-275-7245.

SUPPLEMENTARY INFORMATION:

The Parties

SP owns and operates the portion of the branch line proposed to be sold. It controls 99.7 percent of the stock of SSW which in turn controls SSW-TEX. SSW-TEX owns various railroad lines in Texas, all of which are operated by SSW pursuant to a lease approved and authorized in *St. Louis Southwestern Railway Company of Texas Lease*, 290 I.C.C. 205 (1953).

The Transaction

SP's entire Jacksonville, TX branch and a portion of its Athens, TX branch were the subject of an application for abandonment filed by SP on October 28, 1976 (AB-12 (Sub-No. 53)). The Jacksonville branch extends from milepost 154.56 near Bonita Junction, TX to milepost 203.43 near Jacksonville. The portion of the Athens branch extends from milepost 203.43 near Jacksonville to milepost 298.70 near Seagoville, TX. By decision of October 31, 1979, the Commission, Division 2, permitted the abandonment proposed with the exception of the trackage between mileposts 200.30 and 202.70 on the Jacksonville branch and the trackage between mileposts 240.66 and 256.52 on the Athens branch. The abandonment was conditioned on the sale of these portions to SSW-TEX for operation by SSW. Petitioners seek an exemption under 49 U.S.C. 10505 for this sale.

The Exemption

The purchase by one carrier of a portion of the property of another carrier requires the approval of the Commission under 49 U.S.C. 11343-11347. The petitioners seek an exemption from the requirements of 49 U.S.C. 11343-11347. 49 U.S.C. 10505 provides that a transaction involving a railroad may be exempted from Commission regulation if it is of limited scope and

(1) is not necessary to carry out 49 U.S.C. 10101;

(2) would be an unreasonable burden on interstate commerce; and

(3) would serve little or no useful public purpose.

Limited Scope

The transaction is within a corporate "family". The transaction involves the acquisition of only 18.26 miles of railroad. No significant changes in operations will occur because SSW already serves both Jacksonville and Athens. The lines are easily served by SSW over existing lines.

Transportation Policy

In its decision of October 31, 1979, in AB-12 (Sub-No. 53) the Commission, Division 2, found that the subject 18.26 miles, out of the original 144.14 miles proposed to be abandoned, handled 42 percent of all the traffic on the line. The Commission conditioned the abandonment on SP selling these lines to SSW-TEX so that this traffic could continue to move and the shippers along the subject line would continue to be served. Regulation of the sale does not appear necessary to carry out the National Transportation Policy of 49 U.S.C. § 10101.

Unreasonable Burden on Interstate Commerce

Since the transaction is a condition to abandon which will permit continued service within one corporate family, it appears that filing an application under the regulations at 49 CFR Part 1111 (1979) would be an unnecessary burden on interstate commerce.

Little or No Useful Public Purpose

Because of the intercorporate nature of the transaction, the continuation of service that would result, and the size of the lines involved, it appears that no useful public purpose would be served by our review of the proposal.

Any exemption, were it granted in this proceeding, would be limited solely to this proceeding. After consummation of the transaction, the Commission would retain jurisdiction over the carriers involved to make such additional

findings and impose such terms and conditions with respect to SP's employees as may be necessary and lawful. Such action would be taken only after the filing of a petition by the employees, wherein it is shown that the conditions of their employment or any interest has been adversely affected as a result of the consummation of the transaction. Consummation will be considered as acceptance of this reservation of jurisdiction.

Before granting an exemption, we are required to provide the opportunity for a proceeding. This request for comments on the exemption of the proposed transaction is that opportunity. All comments filed in response to this notice will be used to determine whether the proposed exemption under 49 U.S.C. § 10505 should be approved.

This proceeding is instituted under the authority of 49 U.S.C. 10505 and pursuant to 5 U.S.C. 553 and 559.

This action will not significant affect either energy consumption or the quality of the human environment.

Dated: July 14, 1980.

By the Commission, Chairman Gaskins, Vice-Chairman Gresham, Commissioners Stafford, Clapp, Trantum, Alexis, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-22336 Filed 7-24-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Antitrust Division

Proposed Final Judgment in United States v. Rea Construction Co. and Competitive Impact Statement Thereon

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), that a proposed Final Judgment and a Competitive Impact Statement ("CIS") as set out below have been filed with the United States District Court for the Western District of North Carolina, Charlotte Division, in *United States* v. *Rea Construction Company*, Civil Action No. C–C–80–225. The Complaint in this case alleges that Rea violated the Sherman Act by conspiring to submit collusive, noncompetitive and rigged bids on an airport project and highway job in North Carolina.

The proposed Judgment enjoins the defendant from engaging in or renewing the alleged conspiracy.

The CIS describes the terms of the Judgment and the background of the action and concludes that the proposed Judgment provides appropriate relief against the violation alleged in the Complaint.

Public comment is invited on or before September 7, 1980. Such comments and responses thereto will be published in the **Federal Register** and filed with the Court. Comments should be directed to Anthony V. Nanni, Chief, Trial Section, Antitrust Division, Department of Justice, 10th & Pennsylvania Ave., NW., Washington, D.C. 20530.

Dated: July 9, 1980.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

U.S. District Court—Western District of North Carolina, Charlotte Division

United States of America, Plaintiff, v. Rea Construction Company, Defendant. Civil Action No. C–80–225. Filed: July 9, 1980. Entered:

Stipulation

It is stipulated and agreed by and between the parties hereto and by their respective attorneys, that:

1. the parties consent that the court may file and enter a Final Judgment, in the form attached to this Stipulation, on the court's own motion or on motion of any party at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)–(h)), and without further notice to any party or other proceedings, if plaintiff has not withdrawn its consent, which it may do at any time before entry of the judgment by serving notice of its withdrawal on defendant and filing that notice with the court.

2. If plaintiff withdraws its consent or if the proposed judgment is not entered pursuant to this stipulation, the stipulation shall be of no effect whatever and the making of it shall be without prejudice to any party in this or any other proceeding.

July 9, 1980.

For the plaintiff.

Sanford M. Litvack,

Assistant Attorney General.

Joseph H. Widmar,

Anthony V. Nanni,

Arthur A. Feiveson,

Laura J. Metcoff,

Attorneys, United States Department of Justice.

For the defendant.

J. Carlton Fleming,

Fleming, Robinson, Bradshaw, & Hinson, P.A., 2500 Jefferson First Union Plaza, Charlotte, North Carolina 28282.

U.S. District Court—Western District of North Carolina, Charlotte Division

United States of America, Plaintiff, v. Rea Construction Company, Defendant. Civil Action No. C–80–225. Filed: July 9, 1980. Entered:

Final Judgment

Plaintiff, United States of America, having filed its Complaint herein, and plaintiff and defendant, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law and without this Final Judgment constituting any evidence against or an admission by any party with respect to any such issue;

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law and upon consent of the parties, it is hereby,

Ordered, adjudged and decreed as follows:

I

This court has jurisdiction of the subject matter of this action and of the parties. The Complaint states a claim upon which relief may be granted against the defendant under Section 1 of the Sherman Act (15 U.S.C. 1).

II

As used in this Final Judgment:

A. "Person" shall mean any individual, partnership, firm, corporation, association or other business or legal entity;

B. "Asphalt" means a paving material consisting of aggregates using asphalt cement as the cementing agent; and

C. "Concrete" means a paving material consisting of aggregates using Portland cement as the cementing agent.

III

This Final Judgment applies to the defendant and to each of its officers, directors, agents, employees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

IV

Defendant is enjoined and restrained from entering into, adhering to, maintaining, enforcing or furthering, directly or indirectly, any contract, agreement, understanding, plan, program, combination or conspiracy with any person to:

(A) Fix, determine, establish, maintain or stabilize the prices, discounts or other terms or conditions for the sale of asphalt to any person or government agency;

(B) Submit noncompetitive, collusive or rigged bids on any contract for asphalt or concrete paving with any person or government agency; or

(C) Allocate contracts, rotate or divide markets, customers or territories with respect to contracts for asphalt or concrete paving with any person or government agency.

V

Defendant is enjoined and restrained from communicating to, requesting from or discussing with any other manufacturer of asphalt or concrete or any other asphalt or concrete paving company information about (a) any past, present, future or proposed bid, or the consideration of whether to make any bid, for the sale of asphalt or concrete to any third person or for any contract for asphalt or concrete paving; (b) any past, present, future or proposed price, discount or other term or condition for the sale of asphalt or concrete or the consideration of whether to make any change in any actual or proposed price, discount or other term or condition for the

sale of asphalt or concrete; or (c) asphalt or concrete production or sales volume or costs: *Provided, however,* That this Section V shall not apply to (1) any communication relating to prices for asphalt that is made to the public or the trade generally and is not made solely to any other contractor or seller of asphalt and (2) any necessary communication in connection with a bona fide contemplated or actual purchase, sales, subcontract or joint venture transaction between the parties to the communication.

VI

A. Defendant shall, within 60 days after entry of this Final Judgment, furnish a copy of it to each of its employees who has any responsibility for bidding or estimating contracts for asphalt or concrete paving or any responsibility for or authority over the establishment of prices for asphalt.

B. Each defendant shall furnish a copy of this Final Judgment to each person who becomes an employee described in subsection A of this section, within 60 days after he assumes the position that brings him within that description.

C. Defendant shall take additional affirmative steps to advise each of its employees described in subsections A and B of this section of its and of their obligations. These steps shall include distribution to each of them, at least once every two years, of copies of this Final Judgment and of a written directive about the defendant's policy requiring compliance with the Sherman Act and with the judgment. The directive shall include an admonition that noncompliance with result in appropriate disciplinary action, which may include dismissal, and advice that the defendant's legal advisors are available to confer about any compliance questions. The defendant shall require that each of them submit to it a signed statement, which it shall retain in its files, acknowledging each receipt of copies of the judgment and the directive, acknowledging that he has read them, acknowledging that he has been advised and understands that noncompliance will result in appropriate disciplinary action, which may include dismissal, and acknowledging that he has been advised and understands that noncompliance with the judgment may also result in conviction for contempt of court and fine or imprisonment, or both.

D. Defendant shall file with the court and serve on the plaintiff, within 90 days from the date of entry of this Final Judgment, an affidavit as to the fact and manner of its compliance with subsection A of this section.

VII

Defendant shall require, as a condition of the sale or other disposition of all, or substantially all, of the total assets of its asphalt and concrete business, that the acquiring party agree to be bound by the provisions of this Final Judgment. The acquiring party shall file with the court, and serve on the plaintiff, its consent to be bound by this Final Judgment.

VIII

For the purpose of determining or securing compliance with this Final Judgment, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division or his agent made to the defendant at its principal office, subject to any legally recognized privilege:

A. On reasonable notice to the defendant, which may have counsel present, duly authorized representatives of the Department of Justice shall be permitted:

1. Access, during office hours of the defendant, to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of the defendant relating to any matters contained in this Final Judgment; and

2. Subject to the reasonable convenience of the defendant and without restraint or interference from it, to interview officers, directors, employees or agents of the defendant, any of whom may have counsel present, regarding any matters contained in this Final Judgment.

B. The defendant shall submit such reports in writing, under oath if requested, with respect to any matters contained in this Final Judgment as may be reasonably requested.

No information or documents obtained by the means provided in this Section VIII shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the executive branch of the United States, except in the course of legal proceedings to which the United States is a party or for the purpose of securing compliance with this Final Judgment or as otherwise required by law.

If, at the time information or documents are furnished by the defendant to the plaintiff, the defendant represents and identifies in writing the material in the information or documents to be of a type described in Rule 26(c)(7) of the Federal Rules of Civil Procedure and the defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then plaintiff shall give ten days' notice to the defendant before divulging the material in any legal proceeding (other than a grand jury proceeding) to which the defendant is not a party.

IX

Jurisdiction is retained by this court for the purpose of enabling any of the parties to apply to this court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of its provisions, for the enforcement of compliance with it or for the punishment of any violation of it.

X

This Final Judgment shall be in effect for the period of ten years following the date of its entry.

XI

Entry of this Final Judgment is in the public interest.

J.

U.S. District Court—Western District of North Carolina, Charlotte Division

United States of America, Plaintiff, v. Rea Construction Company Defendant. Civil Action No. C–80–225. Filed: July 9, 1980. Entered:

Competitive Impact Statement

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), the United States files this competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I

Nature and Purpose of the Proceeding

On July 9, 1980, the United States filed a civil antitrust complaint under Section 4 of the Sherman Act (15 U.S.C. 4) to enjoin the above-named defendant from continuing or renewing violations of Section 1 of the Sherman Act (15 U.S.C. 1).

Count One of the complaint alleges that beginning on or about August 1979, the defendant and certain unnamed co-conspirators engaged in a combination and conspiracy to restrain interstate commerce by submitting collusive, noncompetitive and rigged bids on a project for the construction and reconstruction of various runways and taxiways at Douglas Municipal Airport, operated by the City of Charlotte, North Carolina (Project No. 6–37–0012–15). Count Two of the complaint alleges that beginning in or about July 1978, the defendant and certain unnamed co-conspirators engaged in a conspiracy to restrain interstate commerce by submitting collusive, noncompetitive and rigged bids for construction projects on highways in the State of North Carolina (Projects 8.7340005 and 8.7340013). The complaint seeks a judgment by the court that the defendant engaged in the conspiracies in restraint of trade in violation of Section 1 of the Sherman Act as alleged in Counts One and Two of the complaint and an order that enjoins the defendant from continuing or resuming such conspiracies and that restrains the defendant from engaging in other combinations and conspiracies having similar purposes or effects.

This proceeding arose as a result of grand jury investigations into the bid-rigging activities of the defendant and others in Virginia and North Carolina. Rea Construction Company was charged in a two count information with conspiring with others to submit collusive, noncompetitive and rigged bids on the two projects which are the subject of the complaint. Pursuant to a plea agreement, the defendant plead guilty and was sentenced to a fine of $350,000. Two of the defendant's employees were charged in separate criminal informations with conspiring with others to submit collusive, noncompetitive and rigged bids on the Douglas Airport project which is the subject of Count One of the complaint. These individuals were sentenced to two and four months incarceration, respectively, as a result of their guilty pleas to the informations pursuant to plea agreements.

II

The Terms of the Alleged Conspiracies

During the period of time coverd by the complaint, the defendant engaged in the business of highway construction and airport runway and taxiway construction in the State of North Carolina.

Count One of the Complaint

On August 28, 1979, the City of Charlotte solicited sealed bid proposals from construction contractors for project No. 6–37–0012–15. That project required contractors to submit sealed bids for the furnishing of labor, equipment and materials for the construction and reconstruction of the runways and taxiways at Douglas Municipal Airport, and the City of Charlotte was required under North Carolina law to award the project to the lowest responsible bidder. Under the Airport and Airway Development Act of 1970 (49 U.S.C. 1701 *et seq.*), the United States funded 75 percent of the costs of Project No. 6–37–0012–15.

The complaint alleges that, beginning in August 1979, the defendant and other unnamed co-conspirators conspired to restrain interstate commerce in violation of Section 1 of the Sherman Act, by submitting collusive, noncompetitive and rigged bids for Project No. 6–37–0012–15. To effectuate the conspiracy, the defendant and unnamed co-conspirators discussed the submission of prospective bids on the project, agreed that the defendant would be the low bidder on the project and submitted intentionally high or complementary bids. According to the complaint, the conspiracy had the effect of stabilizing the price of Project No. 6–37–0012–15 at the artificial and noncompetitive level and of denying the City of Charlotte and the United States the benefits of free and open competition on Project No. 6–37–0012–15.

Count Two of the Complaint

During the period of time covered by Count Two of the complaint, the North Carolina Department of Transportation invited highway construction contractors to submit sealed competitive bids on highway construction projects, two of which were Projects 8.7340005 and 8.7340013, let by the State of North Carolina on July 25, 1978. The State of North Carolina awards such contracts to the lowest responsible bidder. Pursuant to the Federal-Aid Highway Act (23 U.S.C. 101 *et seq.*), the United States furnished, in combination with the Department of Transportation of the State of North Carolina, a portion of the funds to pay the cost of Projects 8.7340005 and 8.7340013.

Count Two of the complaint alleges that, beginning in or about July 1978, the defendant and certain unnamed co-conspirators conspired to restrain interstate commerce in violation of Section 1 of the Sherman Act, by submitting collusive, noncompetitive and rigged bids on Projects 8.7340005 and 8.7340013. To effectuate the conspiracy, the complaint alleges that the defendant and unnamed co-conspirators discussed the submission of prospective bids on Projects 8.7340005 and 8.7340013, agreed that the defendant would be the low bidder on those projects and submitted intentionally high or complementary bids, or withheld bids on the projects. Count Two of the complaint further alleges that this conspiracy had the effect of establishing the price of Projects 8.7340005 and 8.7340013 at an artificial and noncompetitive level and of denying the State of North Carolina and United States the benfits of free and open competition on those projects.

III

Explanation of the Proposed Final Judgment

The parties have stipulated that the proposed final Judgment may be entered by the court at any time after compliance with the Antitrust Procedures and Penalties Act. The Final Judgment between the parties provides that there is no admission by any party with respect to any issue of fact or law. Pursuant to Section 2(e) of the antitrust Procedures and Penalties Act, entry of the proposed Final Judgment is conditioned upon a determination by the court that the proposed Final Judgment is in the public interest.

The proposed Final Judgment enjoins the defendant from entering into, adhering to, maintaining, enforcing or furthering, directly or indirectly, any contract, agreement, understanding, plan, program, combination or conspiracy with any person to (a) fix, determine, establish, maintain or stabilize the prices, discounts or other terms or conditions for the sale of asphalt to any person or government agency; (b) submit noncompetitive, collusive, or rigged bids on any contract for asphalt or concrete paving with any person or government agency; or (c) allocate contracts, rotate or divide markets, customers or territories with respect to contracts for asphalt or concrete paving with any person or government agency.

The proposed Final Judgment also enjoins the defendant from communicating to, requesting from or discussing with any other manufacturer of asphalt or concrete or any other asphalt or concrete paving company information about (a) any past, present, future or proposed bid, or the consideration of whether to make any bid, for the sale of asphalt or concrete to any third person or for any contract for asphalt or concrete paving; (b) any past, present, future or proposed price, discount or other term or condition for the sale of asphalt or concrete or the consideration of whether to make any change in any actual or proposed price, discount or other term or condition for the sale of asphalt or concrete; or (c) asphalt or concrete production or sales volume or costs. These restrictions on communication do not apply to (1) any communication relating to prices for asphalt that is made to the public or the trade generally and that is not made solely to any other contracator or seller of asphalt, and (2) to any necessary communication in connection with a bona fide contemplated or actual purchase, sale, subcontract or joint venture transaction between the parties to the communication.

The proposed Final Judgment requires the defendant to take affirmative steps to advise each of its employees who has any responsibility for bidding or estimating contracts for asphalt or concrete paving or any responsibility for or authority over the establishment of prices for asphalt (hereinafter "described employee") of the defendant's and the described employee's obligations under the Final Judgment and the Sherman Act. The defendant must furnish a copy of the Final Judgment to each described employee within 60 days after judgment is entered, and to each person who becomes a described employee within 60 days after he assumes the position that brings him within the description. In addition, the defendant is required to distribute, at least once every two years, a copy of the Final Judgment and a written directive to each of the described employees. The directive must include a warning that noncompliance will result in disciplinary action, which may include dismissal, and advise that the defendant's legal advisors are available to confer on compliance questions. Upon receipt of the judgment and directive, the described employee must sign a statement to his employer acknowledging that he has read the judgment and directive, that he has been advised and understands that noncompliance with the judgment may result in conviction for contempt of court, fine and/or imprisonment. The defendant must retain copies of the described employee's statement in its files. The defendant must file with this court and serve on the United States within 90 days from entry of this Final Judgment an affidavit as to the fact and manner of its compliance with the requirement that it serve, within 60 days after entry of this Final Judgment, a copy thereof to each described employee.

The proposed Final Judgment also provides that the defendant require, as a condition of the sale or other disposition of all, or substantially all, of the total assets of its asphalt and concrete business, that the acquiring party agree to be bound by the provisions of the Final Judgment. The acquiring party must file with the court, and serve on the United States, its consent to be bound by the judgment.

The Department of Justice is given access under the proposed Final Judgment to the files and records of the defendant subject to reasonable notice requirements, in order to examine such records to determine compliance or noncompliance with the Final Judgment. The Department is also granted access to interview officers, directors, agents or employees of the defendant to determine whether the defendant and its representatives are complying with the Final Judgment. Finally, the defendant, upon the written request of the Department of Justice, shall submit reports in writing, under oath if requested, with respect to any of the matters contained in the Final Judgment.

The Final Judgment is to be in effect for ten years from its date of entry.

IV

Remedies Available to Litigants

Section 4 of the Clayton Act (15 U.S.C. 15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages such person has suffered, as well as costs and reasonable attorney's fees. The entry of the proposed Final Judgment will neither impair nor assist the state of North Carolina in bringing or prosecuting any treble damage antitrust claim arising out of the combination and conspiracy charged in the complaint. Under Section 5(a) of the Clayton Act, 15 U.S.C 16(a), this Final Judgment may not be used as *prima facie* evidence in legal proceedings against the defendant.

V

Procedures Available for Modification of the Proposed Final Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed Final Judgment should be modified may submit written comments to Anthony V. Nanni, Chief, Trial Section, Department of Justice, Antitrust Division, 10th & Constitution Avenue, N.W., Washington, D.C. 20530, within the 60-day period provided by the Antitrust Procedures and Penalties Act. The comments will be given due consideration by the Departent of Justice, which remains free to withdraw its consent to the proposed Final Judgment at any time prior to its entry if it should determine that some modification is appropriate and necessary to the public interest. The proposed Final Judgment provides that the parties may apply to the court for such orders as may be necessary or appropriate for its modification or enforcement.

VI

Alternatives to the Proposed Final Judgment

The proposed Final Judgment will dispose of the United States' claim for injunctive relief. The only alternative available to the Department of Justice is a trial of this case on the merits. Such a trial would require a substantial expenditure of public funds and judicial time. Since the relief obtained in the proposed Final Judgment is substantially similar to the relief the Department of Justice would expect to obtain after winning a trial on the merits, the United States believes that entry of the proposed Final Judgment is in the public interest.

Dated: July 9, 1980.

Respectfully submitted,

Arthur A. Feiveson,

Attorney, United States Department of Justice, Antitrust Division, Room 3232, 10th & Constitution Avenue N.W., Washington, D.C. 20530 (202) 633-2476.

[FR Doc. 80-22366 Filed 7-24-80; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Employment Transfer and Business Competition Determinations Under the Rural Development Act; Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing on or before August 8, 1980. Comments received after the two-week period may not be considered. Send comments to: Administrator, Employment and Training Administration, 601 D Street, N.W., Washington, D.C. 20013.

Signed at Washington, D.C. this 15th day of July 1980.

Earl T. Klein,

Director, Office of Program Services.

Applications Received During the Week Ending July 19, 1980

Name of applicant and location of enterprise	Principal product or activity
Cyclone Iron Foundry, Memphis, Texas.	A gray and ductile iron foundry.
Nautical Inn, Lake Havasu City, Arizona.	Motel.
Kyle Hotel, Temple, Texas	Hotel.
Ithaca Center, Ithaca, New York.	A mixed use retail, office and residential housing center.
Art Porter, Inc., Rexburg, Idaho.	Commercial printing and printing of cards, stationery, and wedding announcements.
Oak Manor of Wilkesboro, Wilkesboro, North Carolina.	Intermediate nursing care.
L. M. Brinkley & Sons, Ahoskie, North Carolina.	Motel.
Green Acre Farms, Inc., Sebastopol, Mississippi.	Production and processing of broiler chickens.
Mt. Reba, Inc., Bear Valley, California.	Ski resort & related activities.
Upper Peninsula Shipbuilding Company, Ontonagon, Michigan.	Construction of a shipbuilding facility and the building of small commercial vessels.
Alamosa Mushroom Farm, Inc., Alamosa, Colorado.	A mushroom farm.

[FR Doc. 80-22164 Filed 7-24-80; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Extended Benefits; New Extended Benefit Period in the State of Vermont

This notice announces the beginning of a new Extended Benefit Period in the State of Vermont, effective on July 20, 1980.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State or the nation, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

In accordance with section 203(e) of the Act, the Vermont unemployment compensation law provides that there is a State "on" indicator in the State for a week if the head of the State employment security agency determines, in accordance with 20 CFR 615.12(e), that, for the period consisting of that week and the immediately preceding 12

weeks, the rate of insured unemployment under the State unemployment compensation law equalled or exceeded the State trigger rate. 20 CFR 615.12(b) or (c). The Extended Benefit Period actually begins with the third week following the week for which there is an "on" indicator. A benefit period will be in effect for a minimum of 13 consecutive weeks, and will end the third week after there is an "off" indicator.

Determination of "on" Indicator

The head of the employment security agency of the State of Vermont has determined, in accordance with the State law and 20 CFR 615.12(e), that the rate of insured unemployment in the State for the period consisting of the week ending on July 5, 1980, and the immediately preceding 12 weeks, rose to a point that equals or exceeds the State trigger rate, so that for that week there was an "on" indicator in that State.

Therefore, an Extended Benefit Period commenced in that State with the week beginning on July 20, 1980.

Information for Claimants

The duration of Extended Benefits payable in the new Extended Benefit Period, and the terms and conditions on which they are payable, are governed by the Act and the State unemployment compensation law. The State employment security agency will furnish a written notice of potential entitlement to Extended Benefits to each individual who has established a benefit year in the State that will expire after the new Extended Benefit Period begins, and who has exhausted all rights under the State unemployment compensation law to regular benefits before the beginning of the new Extended Benefit Period. 20 CFR 615.13(d)(1). The State employment security agency also will provide such notice promptly to each individual who exhausts all rights under the State unemployment compensation law to regular benefits during the Extended Benefit Period, including exhaustion by reason of the expiration of the individual's benefit year. 20 CFR 615.13(d)(2).

Persons who believe they may be entitled to Extended Benefits in the State of Vermont, or who wish to inquire about their rights under the Extended Benefit Program, should contact the nearest local office of the Vermont Department of Employment Security in their locality.

Signed at Washington, D.C., on July 21, 1980.

Ernest G. Green,

Assistant Secretary for Employment and Training.

[FR Doc. 80-22435 Filed 7-24-80; 8:45 am]

BILLING CODE 4510-30-M

Office of the Secretary

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for worker adjustment assistance issued during the period July 14–18, 1980.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) that a significant number of proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative determinations

In each of the following cases it has been concluded that at least one of the above criteria has not been met.

TA–W–8198; Pea Ridge Iron Ore, Sullivan, Mo.

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–7905; Ashland Oil, Inc., Ashland, Ky.

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of rubber retread strips are negligible.

TA–W–7809; Merames Ind., Sullivan, Mo.

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–7810; Fashion Shoe Products, Sullivan, Mo.

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8919; Brenkee Coal Co., Gary, W.Va.

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of coal & Coke did not increase as required for certification.

TA–W–7788; Clock Reed Shake Co., Amanda Park, Wash.

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8851; Spice Creek Mine, Thorpe, W.Va.

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of coal & Coke did not increase as required for certification.

TA–W–8865; Ridgeland Mine, Thorpe, W.Va.

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of coal & coke did not increase as required for certification.

TA–W–7984; Scripto, Inc., Doraville, Ga.

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of mechanical pencils did not increase as required for certification.

TA–W–7348; Michigan Screw Products, Centerline, Mich.

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8011; Snyder Shake, Forks, Wash.

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–7961; C. L. Mfg, Kingston, N.Y.

Investigation revealed that criterion (3) has not been met. Sales by manufacturers for which the subject firm produced under contract did not decline.

TA-W-8167; Collins & Aikman Corp., Old Fort, N.C.

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of auto carpeting and finished fabric did not increase as required for certification.

TA-W-8168; Collins & Aikman Corp., Albe Marle, N.C.

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of auto carpeting and finished fabric did not increase as required for certification.

TA-W-7776; E. H. Hall Co., Lynn, Mass.

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

Affirmative Determinations

In each of the following cases, it has been concluded that all of the criterion have been met, and certifications have been issued covering workers totally or partially separated from employment on or after the designated dates.

TA-W-7878; P&W Cedar, Inc., Hamilton, Washington

A certification was issued covering all workers of the firm separated on or after April 7, 1979.

TA-W-7662; G-III Leather Fashion, Inc., New York, New York

A certification was issued covering all workers of the firm separated on or after March 28, 1979 and before January 12, 1980.

TA-W-7674; Firestone Tire & Rubber, Bloomington, Illinois

A certification was issued covering all workers of the firm separated on or after December 29, 1979.

TA-W-7940; Lapeer Fabricators, Lapeer, Michigan

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of plastic molded part for automobiles are negligible.

TA-W-7704; Oakville Shake Co., Oakville, Washington

A certification was issued covering all workers of the firm separated on or after March 30, 1979.

TA-W-7500A; Deckerville Die Foam Co., Deckerville, Michigan

A certification was issued covering all workers of the firm separated on or after March 2, 1979.

TA-W-7501; Maryville Moulding, Maryville, Michigan

A certification was issued covering all workers of the firm separated on or after March 2, 1979.

TA-W-7502; Lewiston Lustre, Lewiston, Michigan

A certification was issued covering all workers of the firm separated on or after March 2, 1980.

TA-W-7503; Snover Stamping, Snover, Michigan

A certification was issued covering all workers of the firm separated on or after March 2, 1979.

TA-W-7500; Chester Field Chrone Co., Mt. Clemens, Michigan

A certification was issued covering all workers of the firm separated on or after June 17, 1979.

TA-W-8018; Chronar Corp., Princeton, New Jersey

A certification was issued covering all workers of the firm separated on or after April 23, 1979.

TA-W-7952; Modern Coal Co., Union City, New Jersey

A certification was issued covering all workers of the firm separated on or after September 1, 1979.

TA-W-8105; General Motors Corp., Detroit, Michigan

A certification was issued covering all workers of the plant separated on or after November 1, 1979.

TA-W-8017; General Motors Corp., Detroit, Michigan

A certification was issued covering all workers of the plant separated on or after July 1, 1979.

TA-W-8572; General Motors Corp., Detroit, Michigan

A certification was issued covering all workers of the firm separated on or after August 1, 1979.

TA-W-8106; General Motors, Detroit, Michigan

A certification was issued covering all workers of the firm separated on or after June 1, 1979.

TA-W-8107; General Motors, Detroit, Michigan

A certification was issued covering all workers of the firm separated on or after January 1, 1980.

TA-W-8000; Danzero, Inc., Hialeah, Florida

A certification was issued covering all workers of the firm separated on or after May 7, 1979.

TA-W-7732; Son Cedar Products Inc., Darrington, Washington

A certification was issued covering all workers of the firm separated on or after August 1, 1979.

TA-W-7734; T&W Enterprises, Darrington, Washington

A certification was issued covering all workers of the firm separated on or after August 1, 1979.

TA-W-7733; West & Son Logging, Darrington, Washington

A certification was issued covering all workers of the firm separated on or after August 1, 1979.

TA-W-7673; Evergreen Sales, Haquiam, Washington

A certification was issued covering all workers of the firm separated on or after March 27, 1979 and before July 1, 1980.

TA-8655; Theo Manufacturing, Queens, New Jersey

A certification was issued covering all workers of the firm separated on or after October 19, 1979.

8655A; Matty of Lynn, Queens, New Jersey

A certification was issued covering all workers of the firm separated on or after October 19, 1979.

I hereby certify that the aforementioned determinations were issued during the period July 14–18, 1980. Copies of these determinations are available for inspection in Room S-5314, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210 during normal working hours or will be mailed to persons who write to the above address.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-22433 Filed 7-24-80; 8:45 am]

BILLING CODE 4510-28-M

Ford Motor Co.; Amended Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In the matter of:

TA-W-6259—Cleveland Engine Plant No. 1, Cleveland Ohio

TA-W-6260—Cleveland Engine Plant No. 2, Cleveland Ohio

TA-W-6261—Cleveland Castings Plant, Cleveland, Ohio

TA-W-6635—Buffalo Stamping Plant, Buffalo, New York
TA-W-6669—Nashville Glass, Nashville, Tennessee
TA-W-6849—Mahwah Assembly, Mahwah, New Jersey
TA-W-6850—Pico Rivera Assembly, Pico Rivera, California
TA-W-6874—Kansas City Assembly, Kansas City, Missouri
TA-W-6916—Livonia Plant, Livonia, Michigan
TA-W-6946—Atlanta Assembly, Atlanta, Georgia
TA-W-6947—Dearborn Assembly, Dearborn, Michigan
TA-W-6948—Louisville Assembly, Louisville, Kentucky
TA-W-6950—Norfolk Assembly, Norfolk, Virginia
TA-W-6951—San Jose Assembly, San Jose, California
TA-W-6952—Twin Cities Assembly, Minneapolis, Minnesota
TA-W-6953—Lorain Assembly, Lorain, Ohio
TA-W-6954—Ohio Truck Assembly, Lorain, Ohio
TA-W-6955—Wayne Assembly, Wayne, Michigan
TA-W-6955A—Michigan Truck Assembly, Wayne, Michigan
TA-W-6956—St. Louis Assembly, St. Louis, Missouri
TA-W-6957—Wixom Assembly, Wixom, Michigan
TA-W-6958—Chicago Assembly, Chicago, Illinois
TA-W-6959—Chesterfield Trim, Chesterfield Township, Michigan
TA-W-6960—Utica Trim, Utica, Michigan
TA-W-6961—Milan Plastics, Milan, Michigan
TA-W-6962—Saline Plant, Saline, Michigan
TA-W-6963—Mt. Clemens Paint, Mt. Clemens, Michigan
TA-W-6964—Mt. Clemens Vinyl, Mt. Clemens, Michigan
TA-W-6965—Dearborn Engine, Dearborn, Michigan
TA-W-6966—Northville Valve, Northville, Michigan
TA-W-6968—Michigan Casting, Dearborn, Michigan
TA-W-6969—Lima Engine, Lima, Ohio
TA-W-6970—Dearborn Specialty Foundry, Dearborn, Michigan
TA-W-6971—Sheffield Plant, Sheffield, Alabama
TA-W-6972—Vulcan Forge, Dearborn, Michigan
TA-W-6973—Pattern Shop, Dearborn, Michigan
TA-W-6974—Rawsonville Plant, Rawsonville, Michigan
TA-W-6975—Sandusky Plant, Sandusky, Ohio
TA-W-6976—Ypsilanti Plant, Ypsilanti, Michigan
TA-W-6977—Chicago Stamping, Chicago Heights, Illinois
TA-W-6978—Cleveland Stamping, Cleveland, Ohio
TA-W-6979—Dearborn Stamping, Dearborn, Michigan
TA-W-6980—Dearborn Tool & Die, Dearborn, Michigan
TA-W-6981—Monroe Stamping, Monroe, Michigan
TA-W-6982—Woodhaven Stamping, Woodhaven, Michigan
TA-W-6983—Maumee Stamping, Maumee, Ohio
TA-W-6984—Dearborn Frame, Dearborn, Michigan
TA-W-6985—Fairfax Plant, Fairfax, Ohio
TA-W-6986—Sharonville Plant, Sharonville, Ohio
TA-W-6987—Canton Forge, Canton, Ohio
TA-W-6988—Sterling Plant, Sterling, Michigan
TA-W-6989—Van Dyke Plant, Sterling Heights, Michigan
TA-W-6990—Sheldon Road Plant, Plymouth, Michigan
TA-W-6991—Green Island Plant, Troy, New York
TA-W-6993—Glass Technical Center, Dearborn, Michigan
TA-W-6994—Dearborn Glass, Dearborn, Michigan
TA-W-6995—Tulsa Glass, Tulsa, Oklahoma
TA-W-6996—General Services, Dearborn, Michigan
TA-W-6997—Engineering Facility & Service, Dearborn, Michigan
TA-W-6998—Dearborn Steel, Dearborn, Michigan
TA-W-7170—Indianapolis Stamping, Indianapolis, Indiana

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor issued six Certifications Regarding Eligibility to Apply for Worker Adjustment Assistance on December 26, 1979; March 14, 1980; March 25, 1980; April 17, 1980; April 25, 1980 and June 2, 1980, applicable to all workers at certain Ford plants. The Notices of Certifications were published in the **Federal Register** on January 4, 1980, 45 FR 1167; March 21, 1980, 45 FR 18516; April 4, 1980, 45 FR 23097; April 25, 1980, 45 FR 28009; May 2, 1980, 45 FR 29433; and June 13, 1980, 45 FR 40251, respectively.

The first certification mentioned above was applicable to all workers covered under the following petitions: TA-W-6259 through TA-W-6261, cited above, of the Ford Motor Company, Cleveland, Ohio.

The second certification mentioned above was applicable to all workers covered under petition TA-W-6850, cited above, of the Ford Motor Company, Pico Rivera, California.

The third certification mentioned above was applicable to all workers covered under the following petitions: TA-W-6849 and TA-W-6874, cited above, of the Ford Motor Company, Mahwah, New Jersey, and Kansas City, Missouri, respectively.

The fourth certification mentioned above was applicable to all workers covered under the following petitions: TA-W-6946 through TA-W-6948, TA-W-6950-6955, 6955A and TA-W-6956-6958, cited above, of the Ford Motor Company, in Atlanta, Georgia; Dearborn, Michigan; Louisville, Kentucky; Norfolk, Virginia, San Jose, California; Minneapolis, Minnesota; Lorain, Ohio; Wayne, Michigan; St. Louis, Missouri; Wixom, Michigan; and Chicago, Illinois, respectively.

The fifth certification mentioned above was applicable to all workers covered under the following petitions: TA-W-6669 and 6916, TA-W-6959 through TA-W-6966, TA-W-6968-6991, TA-W-6993, 6995-6998 and TA-W-7170 cited above.

The sixth certification mentioned above was applicable to all workers covered under petition TA-W-6635, cited above, of the Ford Motor Company, Buffalo, New York.

The Department issued a Notice of Determination on April 25, 1980, (45 FR 29932) applicable to all workers covered under petition, TA-W-6994, cited above, of the Dearborn Glass Plant of the Ford Motor Company, Dearborn, Michigan.

On the basis of additional information, the Office of Trade Adjustment Assistance, on its own motion, reviewed the certifications. It was found on review that workers at several subdivisions of Ford Motor Company, who were certified under the six above-mentioned certifications, were not able to establish their individual eligibility for trade readjustment allowances since multiple certifications of various plants of the same firm did not allow for coverage of certain employees who had transferred from one certified worker group to another in the 52 weeks prior to their layoffs. Furthermore, on additional review, it was found that significant layoffs occurred prior to the original impact dates in seven cases TA-W-6954, TA-W-6972, TA-W-6977, TA-W-6987, TA-W-6988, TA-W-6989, and TA-W-6996.

The intent of the certifications is to cover all workers at the several locations of the Ford Motor Company who were affected by the decline in the sales or production of passenger cars, pick-up trucks, light trucks, utility vehicles and component parts for passenger cars, trucks, vans and general utility vehicles at 61 assembly and auxiliary plants of the Ford Motor Company, Dearborn, Michigan, related to increased import competition. The Notices of Certifications and Notice of Determination, therefore, are amended to include all workers at the 61 assembly and auxiliary plants of the Ford Motor Company, Dearborn, Michigan.

The separate certifications applicable to the Ford Motor Company are hereby amended as follows:

"All workers of the following facilities of the Ford Motor Company who become totally or partially separated from employment on or after the indicated impact dates are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

TA-W-	Plant	Impact date
6259	Cleveland Engine Plant #1, Cleveland, Ohio.	June 1, 1979.
6260	Cleveland Engine Plant #2, Cleveland, Ohio.	June 1, 1979.
6261	Cleveland Castings Plant, Cleveland, Ohio.	June 1, 1979.
6635	Buffalo Stamping Plant, Buffalo, New York.	Jan. 1, 1979.
6669	Nashville Glass, Nashville, Tennessee.	Dec. 17, 1978.
6849	Mahwah Assembly, Mahwah, New Jersey.	Jan. 16, 1979.
6850	Pico Rivera Assembly, Pico Rivera, California.	Jan. 11, 1979.
6874	Kansas City Assembly, Kansas City, Missouri.	Jan. 21, 1979.
6916	Livonia Plant, Livonia, Michigan	July 1, 1979.
6946	Atlanta Assembly, Atlanta, Georgia	Jan. 30, 1979.
6947	Dearborn Assembly, Dearborn, Michigan.	Aug. 1, 1979.
6948	Louisville, Assembly, Louisville, Kentucky.	Jan. 30, 1979.
6950	Norfolk Assembly, Norfolk, Virginia	Oct. 1, 1979.
6951	San Jose Assembly, San Jose, California.	Oct. 1, 1979.
6952	Twin Cities Assembly, Minneapolis, Minnesota.	Oct. 1, 1979.
6953	Lorain Assembly, Lorain, Ohio	Aug. 1, 1979.
6954	Ohio Truck Assembly, Lorain, Ohio	June 13, 1979.
6955	Wayne Assembly, Wayne, Michigan	Jan. 30, 1979.
6955A	Michigan Truck Assembly, Wayne, Michigan.	Sept. 1, 1979.
6956	St. Louis Assembly, St. Louis, Missouri.	Aug. 1, 1979.
6957	Wixom Assembly, Wixom, Michigan	Aug. 1, 1979.
6958	Chicago Assembly, Chicago, Illinois	Oct. 1, 1979.
6959	Chesterfield Trim, Chesterfield Township, Mich.	Jan. 30, 1979.
6960	Utica Trim, Utica, Michigan	Jan. 30, 1979.
6961	Milan Plastics, Milan, Michigan	Oct. 1, 1979.
6962	Saline Plant, Saline, Michigan	Jan. 30, 1979.
6963	Mt. Clemens Paint, Mt. Clemens, Michigan.	Aug. 1, 1979.
6964	Mt. Clemens Vinyl, Mt. Clemens, Michigan.	Aug. 1, 1979.
6965	Dearborn Engine, Dearborn, Michigan.	Nov. 1, 1979.
6966	Northville Valve, Northville, Michigan	Aug. 1, 1979.
6968	Michigan Casting, Dearborn, Michigan.	Jan. 30, 1979.
6969	Lima Engine, Lima, Ohio	Mar. 1, 1979.
6970	Dearborn Specialty Foundry, Dearborn, Michigan.	July 1, 1979.
6971	Sheffield Plant, Sheffield, Alabama	July 1, 1979.
6972	Vulcan Forge, Dearborn, Michigan	June 22, 1979.
6973	Pattern Shop, Dearborn, Michigan	July 1, 1979.
6974	Rawsonville Plant, Rawsonville, Michigan.	Jan. 30, 1979.
6975	Sandusky Plant, Sandusky, Ohio	Jan. 30, 1979.
6976	Ypsilanti Plant, Ypsilanti, Michigan	Jan. 30, 1979.
6977	Chicago Stamping, Chicago Heights, Illinois.	July 1, 1979.
6978	Cleveland Stamping, Cleveland, Ohio	Jan. 30, 1979.
6979	Dearborn Stamping, Dearborn, Michigan.	Aug. 1, 1979.
6980	Dearborn Tool & Die, Dearborn, Michigan.	Aug. 1, 1979.
6981	Monroe Stamping, Monroe, Michigan	Jan. 30, 1979.
6982	Woodhaven Stamping, Woodhaven, Michigan.	Aug. 1, 1979.
6983	Maumee Stamping, Maumee, Ohio	Aug. 1, 1979.
6984	Dearborn Frame, Dearborn, Michigan	Jan. 30, 1979.
6985	Fairfax Plant, Fairfax, Ohio	June 1, 1979.
6986	Sharonville Plant, Sharonville, Ohio	July 1, 1979.
6987	Canton Forge, Canton, Ohio	Aug. 1, 1979.
6988	Sterling Plant, Sterling, Michigan	Jan. 30, 1979.
6989	Van Dyke Plant, Sterling Heights, Michigan.	Jan. 30, 1979.
6990	Sheldon Road Plant, Plymouth, Michigan.	July 1, 1979.
6991	Green Island Plant, Troy, New York	Aug. 1, 1979.
6993	Glass Technical Center, Dearborn, Michigan.	Feb. 1, 1960.
6994	Dearborn Glass (glass auto parts) Dearborn MI.	Jan. 30, 1979.
6995	Tulsa Glass, Tulsa, Oklahoma	July 14, 1979.
6996	General Services, Dearborn, Michigan.	July 1, 1979.
6997	Engineering Facility & Service, Dearborn, MI.	Nov. 1, 1979.
6998	Dearborn Steel, Dearborn, Michigan	Aug. 1, 1979.
7179	Indianapolis Stamping, Indianapolis, Indiana.	July 1, 1979.

I further conclude that all workers at Dearborn Glass, Dearborn, Michigan, of the Ford Motor Company who are engaged in employment related to the production of flat glass are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 16th day of July 1980.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-22441 Filed 7-24-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-7086]

Electronic Interconnect Systems, Inc., South Hadley, Mass.; Amended Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor issued a certification of eligibility to apply for adjustment assistance on May 5, 1980, applicable to all workers at the Electronic Interconnect Systems, Inc., South Hadley, Massachusetts. The Notice of Certification was published in the **Federal Register** on May 16, 1980, (45 FR 32449).

At the request of the Massachusetts Employment Service, Holyoke, Massachusetts, a further investigation was made by the Director of the Office of Trade Adjustment Assistance. Additional information revealed that several layoffs have occurred at the South Hadley, Massachusetts plant immediately before the impact date of August 1, 1979.

The intent of the certification is to cover all workers of the Electronic Interconnect Systems, Inc., who were affected by the decline in production of wire and wire assemblies.

The amended certification applicable to TA-W-7086 is hereby issued as follows:

"All workers of Electronic Interconnect System, Inc., South Hadley, Massachusetts (formerly Holyoke Wire and Cable) who became totally or partially separated from employment on or after June 1, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

Signed at Washington, D.C. this 16th day of July 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-22440 Filed 7-24-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8835]

Girard Manufacturing Co., Girard, Pa., Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on June 16, 1980 in response to a petition filed by the International Association of Machinists and Aerospace Workers on behalf of workers and former workers at the Girard Manufacturing Company, Girard, Pennsylvania.

On March 14, 1980 a petition was filed on behalf of the same group of workers (TA-W-7513).

since the identical group of workers is the subject of the ongoing investigation TA-W-7513, a new investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C. this 8th day of July 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-22437 Filed 7-24-80; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible

to apply for adjustment assistance under Title II, Chapter 2, of the Act in accorance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 4, 1980.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 4, 1980.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 21st day of July 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: (Union/workers or former workers of)—	Location	Date received	Date of petition	Petition No.	Articles produced
Chippewa Tool & Die, Inc. (workers)	Evart, Mich	6/27/80	6/23/80	TA-W-9,365	Producing auto molds.
Commercial Shearing, Inc. (workers)	Butler, Ind	6/27/80	6/23/80	TA-W-9,366	Hydraulic Pumps.
Dexter Mills (workers)	Dexter, Mealn	6/27/80	6/23/80	TA-W-9,367	Drapery fabrics.
Energex Lighting, Inc. (workers)	West Orange, N.J	6/27/80	6/23/80	TA-W-9,368	Light Bulbs.
Jumping Jack Shoes, Inc. (workers)	Monett, Mo	6/27/80	6/10/80	TA-W-9,369	Shoes.
Niko Mfg Co. (ACTWU)	Copiauge, N.Y	6/27/80	6/19/80	TA-W-9,370	Women Sportswear
Profile Steel & Wire, Inc. (workers)	Detroit, Mich	6/27/80	6/23/80	TA-W-9,371	Cold rolled shaped wire.
Switches, O.E.M. Div of Dura Corp. (AIW)	Goshen, In	6/27/80	6/18/80	TA-W-9,372	Switches for automobiles.
Universal Prototype, Inc. (workers)	Fraser, Mi	6/27/80	6/23/80	TA-W-9,373	Plastic automotive trim.
Beatty Machine & Manufacturing (workers)	Hammond, Ind	6/27/80	6/24/80	TA-W-9,374	Punch presses & shears and shearing equipment.
Dyneer Corp., Dico Co. Div. (workers)	Des Moines, Iowa	7/2/80	6/25/80	TA-W-9,375	Unloader booms.
Florsheim Shoe Co. (ACTWU)	Hermann, Mo	7/2/80	6/25/80	TA-W-9,376	Men's low-cut shoes and boots.
Kaiser Steel Corp. (USWA)	Fontana, Calif	6/23/80	6/20/80	TA-W-9,377	Basic steel and fabricated steel products.
Kay Lee Manufacturing (workers)	Hammonton, N.J	6/16/80	5/28/80	TA-W-9,378	Shirts, Pants, Dresses.
Ken Brown Motor Co. (workers)	Detroit, Mich	7/2/80	6/25/80	TA-W-9,379	Sold Wholesale parts and cars.
Southern Switches Corp. (workers)	Dahlonga, Ga	7/7/80	6/30/80	TA-W-9,380	Assembly of air conditioning, heaters.
Toledo Pickling & Steel Service Inc. (teamsters).	Toledo, Ohio	7/2/80	6/30/80	TA-W-9,381	Pickles and cuts steel.
Youngstown Sheet & Tube Corp., Campbell Works Plant (USWA).	Pittsburgh, Pa	6/16/80	6/10/80	TA-W-9,382	Tubular steel products.
Buffalo Slag Co., Inc. (workers)	Buffalo, N.Y	7/2/80	6/24/80	TA-W-9,383	Processing Slag.
Coastal Steel Corp. (company)	Woodbridge, N.J	7/8/80	7/2/80	TA-W-9,384	Cold drawn wire. Cold drawn bar
Colt Industries, Holley Carburetor Div. (UAW)	Paris, Tenn	7/8/80	7/3/80	TA-W-9,385	Single barrel & two-barrel fuel metering equipment (carburetors).
Dirksen Screw Products Co. (workers)	Warren, Mich	7/8/80	7/1/80	TA-W-9,386	Transmission parts, carburetor parts, gear blanks.
Gould, Inc. (UAW)	Shreveport, La	7/7/80	7/3/80	TA-W-9,387	Automotive batteries.
Keiper U.S.A. (workers)	Battlecreek, Mich	7/8/80	7/1/80	TA-W-9,388	Automobile seat recliners.
Mack Truck Inc. (workers)	Bridgewater, N.J	7/8/80	6/30/80	TA-W-9,389	Parts distribution for trucks.
Oakland Tool & Mfg. Co. (workers)	Fraser, Mich	7/8/80	7/7/80	TA-W-9,390	Steel stampings, brackets, retainers, battery supports, panels, plate assemblies, shields & reinforcements.
Uptilt Inc	Lansing, Mich	7/8/80	7/4/80	TA-W-9,391	Bumper guards, gas tank strap assembly, GM stamp metal parts.
ARSYNCO (OCAWU)	Carlstadt, N.J	7/8/80	6/30/80	TA-W-9,392	Organic chemicals.
Cyclops Corp., Detroit Strip Division (workers)	Detroit, Mich	7/7/80	6/23/80	TA-W-9,39,3	Clerical.
E.H.M. Knitting Corp. (company)	N.Y.C., N.Y	7/7/80	6/30/80	TA-W-9,394	Operators of Machines, sewing, etc.
Firestone Synthetic Rubber & Latex Co., (workers).	Orange, Tex	7/7/80	7/11/80	TA-W-9,395	Plant Protection-Safety-Sample Crew.
Garfin-Leather-Div. (workers)	Boston, Mass	7/8/80	7/2/80	TA-W-9,396	Ladies' and Men's leather jackets, vests.
Gill & Williams Tooling Inc. (company)	Grand Rapids, Mich. (Clay Ave.).	7/8/80	6/30/80	TA-W-9,397	Tools, dies, metal stamping, assemblies for auto industry.
Gill & Williams Tooling Inc. (company)	Grand Rapids, Mich (Woodfield Ct.).	7/8/80	6/30/80	TA-W-8,398	Tools, dies, metal stamping, assemblies for auto industry.
Gulf & Western Mfg. Co., Michigan Plating & Stamping, Co. (Div.) (workers).	Grand Rapids, Mich	7/8/80	6/27/80	TA-W-9,399	Automotive bumpers—original equipment.
Wilson Concepts Inc. (workers)	Daylon, Ohio	7/7/80	7/1/80	TA-W-9,400	,3rd Gear, Bearings.
Beals, McCarthy & Rogers Inc. (USWA)	Buffalo, N.Y	7/11/80	7/8/80	TA-W-9,401	Cut, burn and shape plate & structural carbon steel.
Goodyear Tire & Rubber Co. (union)	Cartersville, Ga	7/11/80	7/7/80	TA-W-9,402	Tire cord.
Hayes-Albion Corp., Spencerville Div. (workers).	Spencerville, Ohio	7/11/80	7/7/80	TA-W-9,403	Auto trim.
Hoover Universal, Inc. (company)	Saline, Mich	7/10/80	7/8/80	TA-W-9,404	Decorative Automotive Zinc Die Casting.
Mayer, Rothkopf Industries (company)	Orangeburg, S.C	7/11/80	7/1/80	TA-W-9,405	Circular Knitting Machine.
Teledyne Howell Penncraft (company)	Lincoln Park, Mich	7/10/80	7/3/80	TA-W-9,406	Heating treating of tools for customers supplying the auto industry.
Teledyne Howell Penncraft (company)	Wayne, Mi	7/10/80	7/3/80	TA-W-9,407	Heating treating of tools for customers supplying the auto industry

Appendix—Continued

Petitioner: (Union/workers or former workers of)—	Location	Date received	Date of petition	Petition No.	Articles produced
Teledyne Howell Penncraft (company)	Plymouth, Mi	7/10/80	7/3/80	TA-W-9,408	Heating treating of tools for customers supplying the auto industry.
Teledyne Howell Penncraft (company)	Howell, Mich	7/10/80	7/3/80	TA-W-9,409	Heating treating of tools for customers supplying the auto industry.
Buckbee-Mears Co. (workers)	Corland, N.Y	7/7/80	6/24/80	TA-W-9,410	Masks of color T.V.s.
Eaton Corp., Forge Div. Trailer Axle Plant (union).	Louisville, Ky	6/23/80	6/16/80	TA-W-9,411	Camshafts, Axles, Brakes, Spiders, and Spindles.
Jay Bee Dress (workers)	Brooklyn, N.Y	7/7/80	7/1/80	TA-W-9,412	Made Dresses.
Kokomo Wire & Cable, Inc. (UAW)	Kokomo, Ind	7/11/80	7/2/80	TA-W-9,413	Automotive wiring harness assemblies.
Lake Erie Screw Corp. (IAM)	Cleveland, Ohio	6/30/80	6/25/80	TA-W-9,414	Fastening devices.
Timken Co. (USWA)	Columbus, Ohio	7/8/80	6/20/80	TA-W-9,415	Bearings.
U.S. Steel Corp.: Clairton Works (union)	Clairton, Pa	6/16/80	6/10/80	TA-W-9,416	Steel Products.
U.S. Steel Corp.: Eastern Limestone Operations (USWA).	Conneaut, Ohio	7/2/80	6/28/80	TA-W-9,417	Limestone.
U.S. Steel Corp.: Homestead Works (USWA)	Munhall, Pa	6/16/80	6/10/80	TA-W-9,418	Manufacture of steel and steel products.
AP Parts Cor., A Questor Co. (UAW)	Dyersburg, Tenn	7/7/80	7/2/80	TA-W-9,419	Build shock absorber.
Dayton Malleable Corp. (UAW)	Columbia, La	7/7/80	7/2/80	TA-W-9,420	Made aluminum housing.
Falls Stamping & Weld Co. (UAW)	Cuyahoga Falls, Ohio	7/7/80	6/28/80	TA-W-9,421	Press Operators.
Louis Cantor & Son (ILGWU)	Egg Harbor, N.J	6/16/80	5/28/80	TA-W-9,422	Manufacture ladies coats and garments.
Modern Clothing Co. Inc. (ILGWU)	Hammonton, N.J	6/16/80	5/28/80	TA-W-9,423	Ladies Sportswear.
Piedmont Automotive Products (workers)	Clarksville, Ga	7/7/80	6/30/80	TA-W-9,424	Trailer driver, assembly workers.
R.B. & W. Fabricated Metal Products (USWA)	Livonia, Mich	7/7/80	6/24/80	TA-W-9,425	Machine operators.
Setting Son Seat Co. (workers)	Bluff, Calif	7/7/80	7/1/80	TA-W-9,426	Motorcycle seats, boat seats.
South Haven Coil, Inc. (workers)	Bedford, Ind	7/7/80	7/1/80	TA-W-9,427	Assemblers.
Acheson Colloids (teamsters)	Port Huron, Mich	7/8/80	7/2/80	TA-W-9,428	Oil lubrication and oil substance.
E. I. du Pont de Nemours & Co., Inc. (company).	Flint, Mich	7/7/80	7/1/80	TA-W-9,429	Automotive finishes, topcoats.
Joseph Petrilli, Inc (ILGWU)	Egg Harbor, N.J	6/16/80/	5/28/80	TA-W-9,430	Manufacturing ladies blazers.
Spano Shoe Products, Inc. (company)	Brooklyn, N.Y	7/7/80	6/30/80	TA-W-9,431	Shoes.
St. Clair Metal Products Co. (teamsters)	Port Huron, Mich	7/8/80	7/2/80	TA-W-9,432	Auto exterior trim and metal stampings.
Toms River Chemical Corp. (OCAWIU)	Toms River, N.J	7/2/80	6/23/80	TA-W-9,433	Dyes.
U.S. Steel Corp.: Duluth, Missabe, & Iron Range Railway Co. (workers).	Proctor, Minn	6/27/80	6/23/80	TA-W-9,434	Hauls ore and taconite pellets.
Wickes Engineered Materials (company)	Saginaw, Mich	7/7/80	7/1/80	TA-W-9,435	Industrial components from graphite and iron powders.
Applied Arts Division (UAW)	Grand Rapids, Mich	6/30/80	6/24/80	TA-W-9,436	Automotive stampings.
BDP Co. (workers)	City of Industry, Calif	7/11/80	7/7/80	TA-W-9,437	Heaters and Air Conditioners.
Clausing Corp., Atlas Div. (union)	Kalamazoo, Mich	6/30/80	6/26/80	TA-W-9,438	Metal Cutting Machine Tools.
GTE Products Corp. (workers)	Bangor, Me	6/27/80	6/23/80	TA-W-9,439	Precision weld parts-components, leads, wiring.
Gutert Special Steel Corp. (USWA)	Lockport, N.Y	6/6/80	6/3/80	TA-W-9,440	Stainless steel, tool steel, metal band saw high speed steel bars.
Howton Manufacturing Co. (ILGWU)	Elizabeth, N.J	6/27/80	6/23/80	TA-W-9,441	Sportswear.
Jefferson Screw Products (workers)	Hazel Park, Mich	7/7/80	6/30/80	TA-W-9,442	Automotive parts and services.
U.S. Steel Corp.: Frick District Mines	Uniontown, Pa	6/16/80	6/2/80	TA-W-9,443	Coal.
U.S. Steel Headquarters (workers)	Pittsburgh, Pa	6/30/80	6/25/80	TA-W-9,444	General Administrative Services for U.S. Steel Corp.
Avis Industrial Corp., Central Fibre Products Div. (UAW).	Chelsea Mich	7/7/80	7/2/80	TA-W-9,445	Wire form for automobiles.
Dana Corp., Victor Products Division (UAW)	Havana, Ill	6/27/80	6/20/80	TA-W-9,446	Gaskets for autos, industrial and agricultural use.
J. T. Ryerson & Son (workers)	Dayton, Ohio	7/7/80	6/25/80	TA-W-9,447	Distributes steel.
Perfect Plastics (workers)	Troy, Mich	5/27/80	5/20/80	TA-W-9,448	Plastic auto parts.
Press-Way, Inc. (company)	Warren, Mich	7/7/80	6/30/80	TA-W-9,449	Auto stampings brackets, braces, fasteners and small assemblies for Ford and Chrysler.
TRW—J. H. Williams Division (USWA)	Buffalo, N.Y	7/7/80	7/2/80	TA-W-9,450	Band tools and drop forgings.
Tube Processing (company)	Troy, Mich	7/14/80	6/19/80	TA-W-9,451	Tube fabricator, automotive related.
Westover Knitting Mills (workers)	Indian Orchard, Mass	6/27/80	6/20/80	TA-W-9,452	Cotton and polyester weft.
Zollner Corp., (workers)	Fort Wayne, Ind	6/27/80	6/20/80	TA-W-9,453	Heavy duty pistons and castings.
Chromalloy American Corp. Newnam Foundry (company).	Kendallville, Ind	7/11/80	7/8/80	TA-W-9,454	Grey iron castings.
Ell-Kan, Plant No. 44 (workers)	Ellsworth, Kan	7/11/80	7/7/80	TA-W-9,455	Multiple circuit wiring harnesses.
Goodyear Tire and Rubber Co., Chemical Division (OCAWIU).	Niagara Falls, N.Y	5/27/80	5/21/80	TA-W-9,456	Vinyl chloride resin.
Moog Automotive, Inc. (UAW)	ST. Louis, Mo	7/11/80	7/9/80	TA-W-9,457	Automotive replacement.
P-R Die & Stamping Company (company)	Detroit, Mich	7/14/80	6/26/80	TA-W-9,458	Automotive stampings.
RWC, Inc. (company)	Bay City, Mich	7/14/80	7/8/80	TA-W-9,459	Automated assembly equipment.
Sies Re-Fab-Co., Inc. (company)	Troy, Mich	7/14/80	7/10/80	TA-W-9,460	Automotive parts.
Sterling China Co. (company)	Wellsville, Ohio	7/11/80	6/19/80	TA-W-9,461	Commercial chinaware.
Superior Metal Products (company)	Auburn Heights, Mich	7/14/80	7/11/80	TA-W-9,462	Metal stamping for automotive.
Allen Industries, Inc. (company)	Compton, Calif	7/15/80	7/10/80	TA-W-9,463	Seat cushions for automobiles.
Bendix Corp., (company)	Southfield, Mich	7/15/80	7/11/80	TA-W-9,464	Internal controls for autos.
Exide Co. (E.S.B. Inc.) (IBEW)	Kansas City, Mo	7/7/80	6/14/80	TA-W-9,465	Automotive batteries.
The Goodyear Tire and Rubber Co. (workers)	Akron, Ohio	6/27/80	6/1/80	TA-W-9,466	Corporate headquarters, no production.
The Goodyear Tire and Rubber Co., Goodyear Research Div. (workers).	Adron, Ohio	6/27/80	6/1/80	TA-W-9,467	Research.
Haywood Marum Inc., Marum Knitting Mills Div. (workers).	Lawrence, Mass	6/12/80	5/14/80	TA-W-9,468	Men's hosiery.
ITT Hancock Industries, Inc. (UAW)	Roscommon, Mich	6/6/80	6/1/80	TA-W-9,469	Hood hinges, latches, catches, door hinges, catch assembly.
Tony Marson Tile & Marble Co. (BAC)	Southfield, Mich	7/11/80	7/8/80	TA-W-9,470	Ceramic tiles.
Weyerhaeuser Longview Shake Mill (IWA)	Longview, Wash	7/7/80	6/30/80	TA-W-9,471	Lumber, plywood, pulp, paper.
Alma Plastic Ploymid Plant (workers)	Linwood, Mich	7/15/80	7/14/80	TA-W-9,472	Automotive interior trim.

Appendix—Continued

Petitioner (Union/workers or former workers of)—	Location	Date received	Date of petition	Petition No.	Articles produced
American Bisque Company (United Glass & Ceramic Workers of N. Am.).	Williamstown, W Va	7/11/80	7/7/80	TA-W-9,473	ceramic art ware.
Fairlane Gear Inc (workers)	Canton, Mich	7/15/80	7/3,80/80	TA-W-9,474	Gears and shafts.
Fibercel Corp. (workers)	Lockport, N.Y	7/15/80	7/10/80	TA-W-9,475	protective packaging.
Fibercel Corp. (workers)	Portville, N.Y	7/15/80	7/10/80	TA-W-9,476	Protective packaging.
Gibraltar Steel Corp. (workers)	Buffalo, N.Y	5/28/80	5/19/80	TA-W-9,477	Steel.
Great Shapes Leotards, Inc. (workers)	New York, N.Y	7/15/80	7/10/80	TA-W-9,478	Body suits and wrap skirts.
L. Surath & Sons, Inc. (company)	Bay City, Mich	7/15/80	7/11/80/80	TA-W-9,479	Scrap procedures.
Phelps Dodge Magnet Wire Co. (UAW)	Hopkinsville, Ky	7/10/80	7/6/80	TA-W-9,480	Copper wire.
Adell Industries (ACTWU	Novi, Mich	7/15/80	6/81/80	TA-W-9,481	Petition states door guards.
Amer-cel Structures (workers)	Eaton Rapids, Mich	7/15/80	7/11/80	TA-W-9,482	Fabricated Structural Steel for buildings & Conveyor Coverings for Auto Companies.
Amer-cel Structures (workers)	Lansing, Mich	7/15/80	7/11/80	TA-W-9,483	Auto Companies. Fabricated Structural Steel for buildings and Conveyor Coverings for Auto Companies.
Bassett Steel & Tube Co	King of Prussia, Pa	6/27/80	6/23/80	TA-W-9,484	Fabrication & distribution of Steel Tubing.
Essex Group Inc. (USWA)	Kittanning, Pa	6/11/80	5/16/80	TA-W-9,485	Electronic products for automobiles.
Goodyear Tire & Rubber Co. (union)	Rockmart, Ga	6/30/80	6/24/80	TA-W-9,486	Tire Cord Fabric.
Grandoe Corp. (ACTWU)	Gloversville, N.Y	7/15/80	7/11/80	TA-W-9,487	Gloves.
Mallory Buick Co. (IAMAW)	St. Louis, Mo	6/24/80	6/24/80	TA-W-9,488	Sale of new and used automobiles.
South Buffalo Railway Co. (workers)	Bethlehem, Pa	6/24/80	6/19/80	TA-W-9,489	Transportation of steel.
Alofs Mfg. Co. (company)	Wyoming, Mich	6/30/80	6/22/80	TA-W-9,490	Metal Stampings and Stamped Assemblies.
Driver Leasing Inc. (workers)	Grand Rapid Mich	7/14/80	6/27/80	TA-W-9,491	Transports Donnelly's automobile mirrors.
Easton Corp. Massillon, Fastener Plt. & Wire Mill Plt. (workers).	Massillon, Ohio	7/11/80	7/1/80	TA-W-9,492	Fastener Plant and Wire Plant.
Great Lakes Container Corp. (workers)	Pontiac, Mich	7/15/80	7/9/80	TA-W-9,493	Recondition Steel Barrels.
Howell Industries, Inc. (company)	Southfield, Mich	6/30/80	6/26/80	TA-W-9,494	Stampings and Assemblies.
Howell Industries, Inc. (company)	Masury, Ohio	6/30/80	6/26/80	TA-W-9,495	Stampings and Assemblies.
Joan Fabrics Corp (workers)	Lowell, Mass	7/10/80	7/7/80	TA-W-9,496	Automotive Upholstery Fabrics.
Patmon Oldsmobile, Inc. (workers)	Grosse Point, Mich	5/6/80	4/23/80	TA-W-9,497	Auto dealership.
River Terminal Railway Company (union)	Cleveland, Ohio	7/11/80	7/7/80	TA-W-9,498	Railway services of steel mill.
Alongi Oldsmobile Inc. (workers)	Niagara Falls, N.Y	7/15/80	7/11/80	TA-W-9,499	Sales and services of automobiles.
Beldon Corp Dumas Plant (workers)	Dumas, Ark	6/12/80	6/3/80	TA-W-9,500	Ignition sets.
Freightliner Corp. (teamsters)	Indianapolis, Ind	5/20/80	5/16/80	TA-W-9,501	Freightliner over-the-road trucks.
Gage Pattern & Model Inc. (workers)	Madison Heights, Mich	6/13/80	6/12/80	TA-W-9,502	Wood model and plastic duplicating aides for automotive industry
Jones & Laughlin Steel Corp. (USWA)	Cleveland, Ohio	7/14/80	7/9/80	TA-W-9,503	Flat rolled steel and coils and cut up steel.
Jones & Laughlin, Youngstown Plant, Specialty Steel Div.	Campbell, Ohio	7/14/80	7/12/80	TA-W-9,504	Specialty steel.
Milady Brassiere & Corset Co Inc. (workers)	New York, N.Y	6/27/80	6/23/80	TA-W-9,505	Brassieres, girdles, corselettes, foundation swimwear.
Prestole Everlock A Microdot Co. (workers)	Toledo, Ohio	7/14/80	7/10/80	TA-W-9,506	Metal stampings and fasteners
Union Railroad Co. (USWA)	East Pittsburgh, Pa	7/14/80	7/10/80	TA-W-9,507	Deliver raw materials to U.S. Steel Corp.
American Cyamid Co (union)	Bound Brook, N.J	7/9/80	7/7/80	TA-W-9,508	Organic materials.
Approved Manufacturing Co. (workers)	Farmington, Mich	7/9/80	7/1/80	TA-W-9,509	Component parts for auto industry.
B. F. Goodrich Co. Gloucester Plant (workers).	Gloucester, Mass	7/7/80	7/3/80	TA-W-9,510	Rigid PVC film.
Fashion Clothing Inc. (ILGWA)	Paterson, N.J	7/9/80	7/7/80	TA-W-9,511	Ladies jackets and coats.
Hanna Furnace Corp. (USWA)	Buffalo, N.Y	7/9/80	7/7/80	TA-W-9,512	Merchant pig iron.
Monsanto Co. (USWA)	Nitro, W.Va	7/9/80	7/1/80	TA-W-9,513	Chemicals for rubber industry.
Para Quality Carpentry Inc. (workers)	Utica, Mich	7/9/80	6/16/80	TA-W-9,514	Construction of new homes.
Rockwell International Amforge Div. (UAW)	Chicago, Ill	7/7/80	6/20/80	TA-W-9,515	Axles, pinions, and shafts for tractors and trailers.
Tiechon Industries Inc (company)	St. Troy, Mich	7/9/80	7/7/80	TA-W-9,516	Machine castings.

[FR Doc. 80-22434 Filed 7-24-80; 8:45 am]

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[TA-W-9118]

NL Industries, Inc., Chemicals Division, Sayreville, N.J.; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on June 30, 1980 in response to a worker petition received on June 16, 1980 which was filed on behalf of workers and former workers of Sayreville, New Jersey plant of NL Industries, Incorporated, Chemicals Division. The workers at the subject plant produce titanium dioxide.

On June 17, 1980 a petition was filed on behalf of the same group of workers (TA-W-9019).

Since the identical group of workers is the subject of the ongoing investigation TA-W-9019 a new investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C. this 14th day of July 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-22438 Filed 7-24-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8133]

Specialty Systems, Inc., Rochester, Mich.; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on May 13, 1980 in response to a worker petition received on May 8, 1980 which was filed on behalf of workers and former workers of Specialty Systems, Incorporated, Rochester, Michigan. The workers of the subject firm produce chemical release and cleaning agents for plastic molds.

The petitioner requested withdrawal of the petition in a letter. On the basis of the withdrawal, continuing the investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C. this 14th day of July 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-22439 Filed 7-24-80; 8:45 am]

BILLING CODE 4510-28-M

Office of Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 80-51]

Class Exemption for Certain Transactions Involving Bank Collective Investment Funds

AGENCY: Department of Labor.

ACTION: Grant of class exemption.

SUMMARY: This exemption allows collective investment funds that are maintained by banks and in which employee benefit plans participate to engage in certain transactions provided that specified conditions are met. In the absence of this exemption, these transactions might be prohibited by the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code).

EFFECTIVE DATE: January 1, 1975.

FOR FURTHER INFORMATION CONTACT: Charmaine B. Gordon, Esq., Office of the Solicitor, U.S. Department of Labor, (202) 523-9595. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: On July 27, 1979, notice was published in the Federal Register (44 FR 44290) of the pendency before the Department of Labor (the Department) of a proposed class exemption from the restrictions of sections 406 and 407(a) of the Act and from the taxes imposed by section 4975(a) and (b) of the Code by reason of section 4975(c)(1) of the Code. The proposed class exemption, requested in an application filed by the American Bankers Association[1] (the Applicant), would apply to certain transactions entered into by banks that maintain collective investment funds in which employee benefit plans participate. Public comments and requests for hearings were received pursuant to the provisions of section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1 C.B. 722.[2] Notice of a public hearing on the proposed exemption was published on October 26, 1979 (44 FR 61694), and the public hearing was held on December 3, 1979.

After having considered all of the comments and testimony received, the Department has determined to modify certain provisions of the exemption. Following is a brief summary of the major provisions of the exemption and a discussion of the principal comments received and the Department's responses thereto.

I. Description of the Exemption

A. Section I

Section I(a)(1)(A) of the exemption permits a bank collective investment fund to engage in transactions, which otherwise might be prohibited by sections 406 and 407(a) of the Act and section 4975(c)(1) of the Code, with persons who are parties in interest with respect to a plan, so long as the plan's participation in the collective investment fund does not exceed a specified percentage of the total assets in the collective investment fund. In the case of transactions that occur prior to September 23, 1980, such participation in the collective investment fund must not exceed 10 percent of the total of all assets in the collective investment fund. Transactions occurring on or after October 23, 1980, however, are permitted provided that the plan's participation in the collective investment fund does not exceed 5 percent of the total assets in the collective investment fund.

An alternative exemption is provided for transactions between an employer of employees covered under a multiple employer plan and a collective investment fund in which the plan has an interest greater than the percentage limitations set forth in section I(a)(1)(A), if certain conditions are met. Section I(a)(3) of the exemption permits bank collective investment funds to acquire, sell or hold employer securities or employer real property in those cases where the limitations relating to the percentage of the plan's interest in the fund are not met. Section I(a)(1)(B) provides exemptive relief for transactions involving short-term collective investment funds without regard to the percentage of the fund's total assets represented by any particular plan's investment in the fund.

Section I(b) covers specific transactions that may be entered into by bank collective investment funds. Under section I(b)(1), a bank collective investment fund is permitted to engage in certain transactions with a person who is a party in interest with respect to a plan participating in the collective investment fund solely by virtue of being a service provider or an affiliate of a service provider. Section I(b)(2) permits, under certain circumstances, the furnishing of goods to a bank collective investment fund by a party in interest with respect to a plan participating in the collective investment fund. Section I(b)(2) also permits both the leasing of real property and the incidental furnishing of goods by a bank collective investment fund to a party in interest provided specified conditions are met. Section I(b)(3) allows a bank or its affiliate to provide a collective investment fund, maintained by that bank, with real property investment management services, so long as those services are provided at cost. Section I(b)(4), which was added in response to comments received by the Department, permits certain transaction involving places of public accommodation.

B. Section II

This section exempts, in certain cases, the acquisition or holding by a plan of qualifying employer securities or qualifying employer real property in excess of the 10 percent limitation of section 407(a) of the Act, if the percentage limitation would be violated solely because the employer securities and employer real property are aggregated with employer securities or employer real property held by a bank

[1] Exemption Application No. D-784.

[2] This application was filed with both the Department and the Internal Revenue Service. However, the notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganizatin Plan No. 4 of 1978, (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue this type of exemption to the Secretary of Labor.

collective investment fund in which the plan has an interest.

C. Section III

All the transactions described in sections I and II are subject to general conditions in section III. Each transaction must be at least favorable to the bank collective investment fund as an arm's-length transaction with an unrelated party would be. In addition, the bank maintaining the collective investment fund must keep, subject to inspection, a record of every exempted transaction for a period of six years after the transaction occurs.

II. Discussion of Comments Received

A. Bank Collective Investment Funds and the Prohibited Transaction Provisions of ERISA

A number of commentators argued that the assets of bank collective investment funds are not plan assets for the purposes of the fiduciary responsibility and prohibited transaction provisions of the Act and Code.[3] They argued that, unlike the assets of other pooled investment vehicles, such as, for example, insurance company pooled separate accounts and mutual funds, the assets of collective investment funds are trust assets that are held in trust by banks as trustees. Consequently, they asserted that, as a trustee, a bank has a fiduciary relationship to a collective investment fund and, therefore, must act equitably and prudently with respect to all participating plans in the fund. They urged that a collective investment fund is thus a separate fiduciary enterprise managed by a trustee whose fiduciary responsibility arises with respect to a fund as a single entity, and that, therefore, the assets of such a fund need not be considered plan assets in order to subject the bank trustee to fiduciary standards. Further, it was suggested that, in light of federal and state regulation of banks, a bank's fiduciary obligation is sufficient to ensure that a collective investment fund will not be utilized as a vehicle for engaging in prohibited transactions.

As noted in the preamble to the proposed exemption, the Department, at that time, rejected the view of the Applicant that the assets of a collective investment fund are not plan assets for the purposes of the fiduciary responsibility and prohibited transaction provisions of the Act and the Code. In this regard, the Department has proposed regulations relating to the definition of plan assets and the establishment of a trust (44 FR 50363, August 28, 1979 and 45 FR 38084, June 6, 1980). Under the proposals, the assets of collective investment funds, as well as the assets of other pooled investment vehicles in which plans invest, would constitute plan assets for the purposes of the above provisions of the Act and the Code. In view of the position the Department has taken in those proposed regulations and for the reasons set forth in the preamble thereto, the Department is not prepared to conclude, at this time, that the assets of a collective investment fund are not plan assets. Since the Applicant has requested relief from sections 406 and 407(a) of the Act and section 4975(c)(1) of the Code, assuming that the assets of a collective investment fund are plan assets, and since the Department believes such relief is warranted under the circumstances set forth herein to the extent that those assets are plan assets, the Department has decided to grant an exemption for certain transactions involving bank collective investment funds subject to the requirements described below.

B. General Percentage Limitation for Future Transactions

Section I(a)(1)(A) of the exemption permits a collective investment fund maintained by a bank to enter into future transactions with certain persons who are parties in interest with respect to a plan participating in the fund, so long as the participation in the fund by the plan does not exceed 5 percent of the fund's total assets. Many commentators argued that the 5 percent limitation would require a significant number of adjustments to be made in existing collective investment fund arrangements. It was suggested that a 10 percent limitation would be less disruptive of existing collective fund arrangements, and that the safeguards of state and federal regulation of bank collective investment funds, when combined with a 10 percent limitation, would provide sufficient protection for plan participants.

Commentators argued that 10 percent is often used as a test for measuring substantiality of interest or ability to control.[4] In addition, they argued that a 5 percent limitation is unwarranted because participating plans and parties in interest with respect to those plans have no legal equitable authority over the management of the bank collective fund. Finally, one commentator suggested that the 5 percent limitation might have a "domino effect" resulting in the liquidation of collective investment funds in any situation where there are any accounts which are larger in size than the specified limit. In such situations, in the commentator's view, banks will remove all or a portion of a plan's interest in a collective investment fund to comply with the 5 percent limitation and this might ultimately lead to the liquidation of a collective investment fund, since as a result of such removal or diminution, the interest of the remaining plans would increase; that increase, in turn, might cause the interest of one or more other plans in the fund to exceed 5 percent, so that the process would be repeated.

The Department is not persuaded by the arguments submitted in favor of an increase in the percentage limitation on plan participation for future transactions.[5] It appears to the Department that where a plan holds less than a 5 percent interest in a collective investment fund, there is, as a general matter, a sufficiently small potential for abuse to warrant granting a class exemption for transactions with persons who are parties in interest with respect to that plan. As the amount of a plan's interest in a collective investment fund increases, however, individuals who have no legal authority over the fund's management, but who have the authority to determine whether the plan should continue to participate in the fund, might be increasingly in a position to exert influence over the managers of the fund. As a result the Department is not prepared to conclude that in all cases a 10 percent limitation would be

[3] As indicated in the preamble to the proposed exemption, whether the assets of a bank collective investment fund constitute plan assets is a threshhold issue for purposes of section 406 of the Act and section 4975 of the Code since, to the extent the assets of a collective investment fund are deemed to be plan assets, a bank managing such funds would be a fiduciary under the Act and would be subject to the prohibited transaction provisions of the Act and the Code.

[4] *See, e.g.*, the definition of party in interest in section 3(14)(H) and (I) of the Act, and the percentage limitation with respect to the acquisition and holding of employer securities and employer real property by certain plans in section 407 of the Act.

[5] Under sections 3(14)(H) and (I) of the Act, a person is deemed to be a party in interest with respect to a plan by virtue of having a 10 percent direct or indirect interest in other entities which are themselves parties in interest. For this reason, any analogy between the 10 percent specified in the above sections of the Act and the suggested 10 percent limitation for future transactions would appear to be inappropriate, since a person who is a party in interest by virtue of having an interest in an entity which is itself a party in interest has a more remote relationship with respect to a plan than would a collective investment fund in which a plan has an interest. The Department also believes that the 10 percent limitation on the proportion of assets of certain employee benefit plans which may be invested in employer securities or employer real property is not primarily designed as a test of control, but, rather, to ensure that certain types of plans do not become overly dependent on the economic well-being of the employer.

protective of the interests of plan participants and beneficiaries.[6]

With respect to the argument that compliance with the 5 percent limitation would be administratively burdensome and might tend to have a "domino effect" toward the liquidation of collective investment funds, the Department notes that this exemption does not require that every plan be reduced to a 5 percent or lower level of participation in a collective investment fund, but, rather, that there is no exemption available if the fund engages in future transactions with parties in interest with respect to a plan whose interest in such fund exceeds 5 percent of the assets in the fund at the time of such transactions. Thus, a collective investment fund would only have to maintain records and make inquiry sufficient to assure that it did not engage in party in interest transactions (not otherwise exempt) with respect to plans with more than a 5 percent interest in the fund. In addition, section IV(h) of the exemption provides that a transaction permitted because a plan's interest in a fund does not exceed the 5 percent limitation will remain exempt if the interest of the plan in the collective investment fund exceeds the limitation so long as no portion of the excess results from an increase in the assets allocated to the collective investment fund by the plan.

C. Additional Requested Exemptions

In commenting upon the proposed exemption, the Applicant reasserted the necessity for two additional exemptions that would be available if the 5 percent limitation on a plan's future participation in a collective investment fund is not met and the plan's participation in the collective investment fund is between 5 and 10 percent. These exemptions were not proposed by the Department. Under the first of these requested exemptions, relief would be available where the amount of a collective investment fund's assets involved in a particular transaction does not exceed 2 percent of the fund's total assets. The second requested exemption would provide relief where a plan's interest in a collective investment fund does not exceed 10 percent of the plan's assets. It was argued that under these alternatives, the amount of monies involved would be sufficiently small so that it would be most unlikely that a party in interest would attempt to influence a bank maintaining a collective investment fund to engage in the transaction.

The Department is not convinced that under the two alternatives the amount involved would be sufficiently small, under all circumstances, to support the grant of an exemption. Under the request, the amount involved would be determined by the size of a collective investment fund or the size of a plan participating in that fund; thus, the value of the property involved in the transaction could be significant. Consequently, the Department does not believe that the two requested alternative exemptions would be protective of the interests of participants and beneficiaries.

D. General Percentage Limitation for Past Transactions

A number of commentators objected that the exemption only provided relief for transactions by funds with parties in interest with respect to plans that held less than a 10 percent interest in the fund. It was suggested that to impose a percentage test retroactively where trusts were administered in accordance with fundamental arm's-length standards, but without anticipation of such a specific limitation, would be unrealistic and unfair.

It appears that the commentators have misconstrued the exemptive relief afforded by virtue of the 10 percent limitation on transactions entered into in the past. The purpose of the percentage limitation, as applied to past transactions, is not to establish a requirement that should have been met (or foreseen) by bank collective investment funds in such past transactions, but, rather, to provide an exemption for certain otherwise unlawful but, nevertheless, already consummated transactions by bank collective investment funds, where the interest in the collective investment fund of the plan involved did not exceed 10 percent of the assets in the fund.[7] While the Department has decided to grant relief for past transactions which is broader than the relief for future transactions, it is not prepared to conclude that in all cases a limitation higher than 10 percent or no limitation at all would be protective of the interests of participants and beneficiaries. The Department believes that situations where the 10 percent limitation is insufficient to provide relief should be dealt withon an individual, rather than a class, basis.

E. Transitional Period

Many commentators argued that, because of the size of the funds and the multiplicity of plans involved, the application of the prospective 5 percent limitation on plan participation should be further deferred from 60 days, as proposed, to 180 days, to permit adjustments to operations that may have to be made to comply with this limitation. Based upon their submissions, the Department is unable to conclude that such a lengthy deferral is warranted. However, in consideration of the concerns expressed by the commentators, the Department has decided to delay the effective date of this condition for 90 days after publication of the exemption.

F. Newly Established or Terminating Collective Investment Funds

In its application, the Applicant sought relief for all transactions between parties in interest with respect to participating plans and collective investment funds that have been in existence one year or less, or that are in the process of terminating. A few commentators suggested that such relief is warranted because newly established or terminating collective investment funds might have only a small number of plans, and as a result might not be able to avail themselves of an exemption conditioned upon a participating plan's interest not exceeding a specified percentage of a collective fund's total assets.

It appears to the Department, as noted in the preamble to the proposed exemption, that where the number of plans participating in a collective investment fund is small, the number of parties in interest with whom the fund will be prevented from dealing under the Act and the Code will also probably be relatively small. Although the Applicant asserts, in its comments, that it is "not possible" to restrict investments in new or terminating funds in such a way as to avoid prohibited transactions, none of the commentators, including the Applicant, described with any specificity the experiences of such funds or the difficulties they would encounter in so restricting their investments. For these reasons, the Department has decided not to revise the exemption in this regard. It appears to the Department that, under the exemption, such a fund's investment opportunities will not be overly restricted and that a fund's

[6] It should be noted that the Department took a similar position with respect to the exemption for transactions involving insurance company pooled separate accounts, which are, in many respects, functionally similar to bank common and collective trusts (Prohibited Transaction Exemption 78-19, 43 FR 59915, December 22, 1978).

[7] A similar condition was contained in the exemption for insurance company pooled separate accounts. We are not aware that conditioning the retroactive portion of that exemption on the 10 percent limitation has been unduly burdensome for insurance company pooled separate accounts. *Id.* at 59918.

managers will not have undue difficulty determining whether a particular transaction is prohibited.

G. Short-Term Investment Funds

One commentator objected to the requirement in the exemption proposed for short-term investment funds that "substantially all" the assets of a short-term investment fund be invested in short-term obligations, asserting that it did not provide sufficient flexibility for such funds that may wish to invest in long-term obligations. The Department has not accepted this comment because it believes the "substantially all" requirement accurately characterizes the type of fund for which relief should be available.[8] However, the Department did not intend to preclude all investments by a short-term collective investment fund in long-term investments. Whether a fund which invests some of its assets in long-term obligations is a short-term investment fund within the contemplation of the exemption depends on the investment objectives of the fund and how those objectives are carried out. In this regard, and, to provide more certainty with respect to the availability of the exemption, the Department notes that if a fund, for example, satisfies the conditions contained in the Comptroller's Handbook for National Trust Examiners, Precedents and Opinions, § 9.5900 (August 1978), regarding exemptions for short-term investment funds from the "current market valuation" requirement of 12 CFR § 9,[8a] then, in the Department's view, such fund would be deemed to invest "substantially all" of its assets in short-term obligations.

H. Requested Exemption From Section 406(b)(1) of the Act

One commentator requested that relief from section 406(b)(1) [9] of the Act be available for transactions involving short-term collective investment funds, but did not indicate with any specificity what types of transactions would be prohibited or why such relief would be necessary. In the absence of such information, the Department cannot conclude that such relief is warranted.

I. Value Limits of the Exemption for Certain Leases and Goods

Under the exemption, as proposed, section I(b)(2) would have permitted the leasing of real property or the furnishing of goods to a collective investment fund by a party in interest with respect to a plan participating in the collective investment fund if the amount involved in the furnishing of goods or leasing of real property in any calendar year (including the amount under any other lease or arrangement for the furnishing of goods in connection with the real property investments of the collective investment fund with the same party in interest, or any affiliate thereof) does not exceed the greater of $25,000 or .025 percent of the fair market value of the assets of the collective investment fund on a specified valuation date. Some commentators argued that the .025 percent limitatiton in the proposal was unnecessarily restrictive. They suggested that this percent limitation should be at least 0.5 percent to afford adequate relief for collective investment funds engaging in such transactions. Some of those commentators asserted that under current market conditions the proposed exemption would permit only a minimal amount of property to be leased by a collective investment fund to a party in interest with respect to a plan participating in the fund.[10] On the basis of these comments the Department has amended the exemption to permit rentals to parties in interest of the greater of $25,000 or 0.5 percent of the fair market value of the collective investment fund.

J. Places of Public Accommodation

A commentator requested the inclusion of a specific exemption for transactions involving places of public accommodation in order to remove any uncertainty regarding the status of these transaction, since similar relief was provided for insurance company pooled separate accounts. In light of the comment, the Department has amended the proposed exemption to include a specific exemption for such transactions.

K. Definition of Collective Investment Funds

One commentator noted that some banks may maintain a single collective investment fund under which a number of separate investment accounts are held. These investment accounts are typically dedicated to different types of securities or other investments. A plan participating in the collective investment fund may, according to the commentator, participate only in certain of these investment accounts. The commentator urged that each separate investment account be regarded as a collective investment fund for purposes of this exemption. The Department concurs with this comment, and has modified the definition accordingly.

L. Attribution of Ownership of Collective Investment Fund Assets to Participating Plans

Another commentator noted that section IV(i) of the proposed exemption, concerning the attribution of ownership of collective investment fund assests to participating plans, did not clearly indicate what proportionate interest a plan would be deemed to own in a fund and when that interest should be determined. Section IV(i) has been amended to provide that each plan participating in a collective investment fund shall be deemed to own the same proportionate undivided interest in each asset of the collective investment fund as its proportionate interest in the total assets of the collective investment fund as calculated on the most recent preceding valuation date of the fund.

M. Request for Exemptive Relief for Collective Investment Funds That Are Not Maintained by Banks

One commentator requested that the proposed class exemption be amended to apply to collective investment funds that are not maintained by banks. Relief was granted for bank collective investment funds, among other reasons, because such funds are regulated by other governmental agencies and constitute a well-defined class of funds. In the case of collective investment funds that are not maintained by banks, the record is insufficient for the Department to determine the nature of the funds and the entities managing such funds that would comprise the class covered by such broad relief. As a result, the Department believes it cannot make the required statutory findings for such relief and that, at this time, relief for non-bank maintained collective investment funds should be dealt with on an individual, rather than a class basis.

[8] A minor change was made to the exemption to make clear, as was intended, that a short-term investment fund is one which invests substantially all its assets in short-term obligations.

[8a] According to section 9.5900, an exemption from those valuation requirements is granted for short-term investment funds which, among other things, limit their investments largely to bonds, notes or other evidences of indebtedness which are payable on demand (including variable amount notes), or which have maturity dates not exceeding ninety-one days from the date purchased; 20 percent of the fund's assets may be invested in longer-term obligations. In addition, 40 percent of the fund's assets must be composed of cash demand obligations and assets that will mature on the fund's next business day.

[9] Section 406(b)(1) of the Act provides that a fiduciary with respect to a plan shall not deal with the assets of the plan in his own interest or for his own account.

[10] One commentator pointed out, using a $200,000,000 fund as an example, that the amount of rental which is allowable would be $50,000 per year. The commentator submitted that under current market conditions, this would, in most cases, be the equivalent of less than 5,000 square feet of office rental property.

N. Continuing Transactions

Certain commentators requested the deletion of a sentence contained in section IV(h) of the proposed exemption. The sentence in question provides that:

> Nothing in this paragraph should be construed as exempting a transaction entered into by a collective investment fund with a person who is not a party in interest with respect to a plan participating in the fund, but who later becomes such a party in interest while the transaction is continuing, unless the conditions of the exemption are met at the time such person becomes a party in interest.

It was suggested that this sentence reflects an improper interpretation of the prohibited transaction provisions of the Act and the Code since the purpose of these provisions is to preclude transactions with persons who, at the time the transaction is entered into, may have a relationship to the plan through which they may be able to influence improperly the management or disposition of plan assets. The commentators maintained that when a person who is not a party in interest with respect to a plan enters into a transaction with a plan, the transaction is not prohibited since the relationship that creates the potential for abuse that the prohibited transaction provisions were designed to prevent does not exist. It was argued that even if that person later becomes a party in interest while the transaction is continuing, such as, for example, in the case of a lease or extension of credit, as long as the terms of the transaction remain unchanged, the transaction should remain a transaction between a plan and a person who is not a party in interest with respect to that plan. In the commentators' view, nothing about the transaction has changed to create a potential for improper dealings.

It is the Department's view that a transaction, permissible when entered into, may become prohibited while the transaction is continuing. Certain transactions, such as leases or extensions of credit, are continuing transactions. For example, although a loan may be made at disbursement and a lease may be made at the execution of the agreement, the debtor-creditor and lessor-lessee relationships continue throughout the existence of the extension of credit or lease. Although the loan or lease may not have been between a plan and a party in interest when entered into, if the debtor-creditor or lessor-lessee relationship later becomes one between a plan and a party in interest, it is consistent with the purposes of the prohibited transaction provisions—to protect plans from the abuses that can arise in non-arm's length dealing—to treat the transaction as prohibited, or to view the fiduciary as causing the plan to continue to engage in the transaction. For example, one or more provisions of the loan or lease could be a matter of dispute between the plan and a person who is a party in interest, which dispute would be subject to all the potentials for abuse in a party in interest relationship, although the party was not a party in interest at the time of the agreement.[11] In light of the above, section IV(h) has been modified to make clear that in the case of a transaction that is continuing, the transaction shall be deemed to continue to occur until it is terminated. The exemption also has been revised to provide that, with respect to such continuing transactions, the exemption would be available if the conditions of the exemption were met either at the time the transaction was entered into or at the time the transaction would have become prohibited but for this exemption.

Finally, a commentator questioned whether the bank could be deemed to have "caused" the plan to engage in a prohibited transaction, within the meaning of section 406(a)(1) of the Act[12] in a situation where the bank is not aware of the "after-acquired" party in interest relationship that might occur while the transaction is continuing. As previously noted, the Department believes that in such a situation the bank is considered to "cause" the transaction to occur so long as the transaction continues. However, whether a fiduciary "knows or should know" that a transaction is prohibited is a question of fact that must be determined in each particular case.[13]

O. Management of Real Property

Although section I(b)(3) was proposed in substance as requested by the Applicant, the Applicant expressed concern in a comment letter that the terms of that section, relating to the management of real property, may suggest that the management of real property by a trustee is a service which can be provided only under the provisions of the exemption. The Applicant asserted that management of real property held in trust has been traditionally a basic function of a trustee, and, therefore, that it is a duty for which a trustee would be entitled to reasonable compensation which may include an element of profit. Further, it was asserted that such management services may also constitute a necessary service under section 408(b)(2)[14] of the Act or an ancillary service under section 408(b)(6)[15] of the Act.

The Department's inclusion of the exemption for the management of real property is not intended to suggest that the management of real property by a trustee is a service which can be provided only under the terms of the exemption. Section I(b)(3) is designed to afford exemptive relief in situations where a bank's management of real property owned by a bank collective investment fund would constitute a prohibited transaction for which a statutory or administrative exemption is not available. Since the Department is not prepared to conclude that the provision of real property management services in the situation described above would, in all cases, be exempt in the absence of the relief in section I(b)(3), and since the Department believes it can make the required finding for granting this relief, the Department has decided to retain this section in the exemption.

P. Access to Records

Section III(c)(1) of the exemption requires bank collective investment funds to maintain records of transactions covered by the provisions of section I and II and to make these records "unconditionally" available to certain specified persons upon request.

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[11] This view—that transactions may become prohibited while the transaction is continuing—is also consistent with the effective date provisions of the Act which provide transitional relief for, among other things, certain transactions involving leases and extensions of credit. *See*, section 414(c) of the Act. Transitional relief is provided for such transactions in order to prevent undue hardship where employee benefit plans were in relationships which did not violate prior law, but would be prohibited transactions under the Act. *See*, H. Rpt. No. 93-1280, 93d Cong., 2d Sess. (1974), at 325.

[12] Section 406(a)(1) of the Act provides that a fiduciary with respect to a plan shall not cause the plan to engage in certain specified prohibited transactions if he knows or should know the transaction constitutes a direct or indirect prohibited transaction.

[13] The Department notes that, in any event, such a transaction would be a prohibited transaction under section 4975(c) of the Code regardless of whether the fiduciary knows or should know that the transaction is prohibited, and that the disqualified person who engages in the transaction will be liable for any excise taxes imposed by section 4975(a) and (b).

[14] Section 408(b)(2) of the Act and the regulation thereunder, 29 CFR § 2550.408b-2, provide exemptive relief from the prohibitions of section 406(a) for contracting or making reasonable arrangements with a party in interest for the provision of services necessary for the establishment or operation of the plan, if no more than reasonable compensation is paid therefor.

[15] Section 408(b)(6) of the Act and the regulation thereunder, 29 CFR § 2550.408b-6, provide exemptive relief from the prohibitions of section 406(a) and (b)(1) and (2) of the Act for the provision of any ancillary service by a bank or similar financial institution.

A commentator suggested that the term "unconditionally" should be changed to "reasonably" since a bank does not have the facilities to make these records unconditionally available to those individuals. Further, it was argued that because of the confidentiality of many trust department records and auditors' requirements relating to the maintenance of confidential records, it would be unduly burdensome and expensive to make these records unconditionally available at their customary location.

The purpose of the requirement contained in the proposal, which has been included in other exemptions that contain recordkeeping requirements, is to prevent the imposition of conditions on the availability of the records that would work to preclude an interested person from examining such records. The Department does not interpret that condition as necessarily requiring that all such records be instantaneously available upon demand. The Department has, however, modified this condition to provide that the examination rights do not extend (other than in the case of a duly authorized representative of the Department or the Internal Revenue Service) to a bank's trade secrets or commercial or financial information which is privileged or confidential. A similar limitation was contained in the insurance company pooled separate account exemption (PTE 78–19).[16]

I. Investment of Assets of Bank Collective Investment Funds in Other Bank Collective Investment Funds

Section I(a)(1) of the exemption does not exempt a transaction between a collective investment fund that is maintained by a bank and a party in interest where the party in interest is an affiliate of the bank or "any other collective investment fund maintained by the bank." A number of commentators stated that they read the proposed exemption to restrict the movement of assets from one collective investment fund to another since the language in section I(a)(1) suggests that a collective investment fund maintained by a bank is a party in interest with respect to any plan administered by a bank. This exemption is not intended to deal with transactions between collective funds unless one fund is a party in interest with respect to the plans participating in the other fund. Section I(a)(1) does not state that a bank collective investment fund is a party in interest with respect to any plan administered by a bank. Rather, it provides that the exemption is not available for a transaction with a party in interest if the party in interest is another collective investment fund maintained by the same bank or affiliate thereof.

R. Acquisition, Sales or Holding of Employer Securities or Employer Real Property

Section I(a)(3)(B) of the proposed exemption (relating to the acquisition, sale or holding of employer securities or employer real property) would not apply in the case of a plan that is not an eligible individual account plan if that plan owns, in the aggregate, employer securities and employer real property in excess of 10 percent of the assets of such plan. A commentator suggested that this requirement does not take into account the fact that the bank, as trustee of a collective investment fund, does not control and may not even be aware of the assets held by other fiduciaries on the behalf of the plan. It was urged, therefore, that this requirement be stated in terms of the assets of the plan over which the bank has investment discretion. The Department has determined to adopt this suggestion, and has, accordingly, modified section I(a)(3)(B) to provide that this part of the exemption is not available in the case of a plan that is not an eligible individual account plan if the aggregate fair market value of employer securities or employer real property held by the bank as a fiduciary for the plan exceeds 10 percent of the fair market value of the assets of the plan that are held by the bank in such capacity.

S. Miscellaneous

(1) One commentator noted that section I(a)(2)(B)(ii) of the proposed exemption referred to the "assets" of the multiple employer plan in the collective investment fund, but that section I(a)(2)(B)(i) referred to the "interest" of the plan. Such differences in language were unintended. For purposes of consistency, I(a)(2)(B)(ii) has been amended to refer to the "interest" of the multiple employer plan in the collective investment fund.

(2) In response to the suggestion of one commentator, section IV(j) has been added to the exemption in order to clarify the attribution of ownership when a collective investment fund in which a plan participates invests in another collective investment fund.

(3) In response to another comment, the Department has amended section I(a)(3) of the exemption to provide that for the purposes of determining whether 50 percent of an issue is held by persons independent of the issuer, the bank, its affiliates, and any collective investment funds maintained by the bank are to be considered independent persons if the bank is not an affiliate of the issuer. A similar provision is contained in the analogous section of PTE 78–19.

(4) One commentator suggested that the exemption for service providers contained in section I(b)(1) of this exemption may differ from the corresponding exemption in PTE 78–19 because section I(b)(1) specifically requires that the party in interest status must arise "solely" by reason of providing services to a plan or by reason of certain relationships to service providers. Since the corresponding exemption in PTE 78–19 is designed to provide relief for transactions with service providers and certain related persons similar to the relief provided in section I(b)(1) (as indicated in the caption to that section), the inclusion of the term "solely" in section I(b)(1) merely clarifies the meaning of that section.

(5) The term "obligation" was defined in section IV(g) of the proposed exemption to include stock. A few commentators suggested that if the term "obligation" is defined to include stock, then the percentage limitations contained in section I(a)(3)(A)(ii)(bb)(1) and (2) of the exemption (relating to timing and concentration of ownership of employer securities) would be more restrictive than the analogous provision of PTE 78–19. It was argued, therefore, that the definition of "obligation" in section IV(g) of the exemption be amended to delete the term "stock." Upon consideration of this comment, the Department has determined to delete the term "stock" from the definition of the term "obligation."

(6) In the interest of clarity, certain non-substantive changes have been made in the final exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion in

[16] See footnote 6, *supra*.

accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of participants and beneficiaries.

(2) This exemption is supplemental to, and not in derogation of, any other provision of the Act and the Code, including statutory exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The class exemption is applicable to a particular transaction only if the transaction satisfies the conditions specified in the class exemption.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code, and based upon the entire record including the written comments submitted in response to the notice of July 27, 1979, and the testimony given at the public hearing of December 3, 1979, the Department makes the following determinations:

(a) The class exemption set forth herein is administratively feasible;

(b) It is in the interests of plans and of their participants and beneficiaries; and

(c) It is protective of the rights of participants and beneficiaries of plans.

Accordingly, the following exemption is hereby granted under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1.

Section I Exemption for Certain Transactions Involving Bank Collective Investment Funds

(a) Effective January 1, 1975, the restrictions of section 406(a), 406(b)(2) and 407(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1) (A), (B), (C) or (D) of the Code, shall not apply to the transactions described below if the applicable conditions set forth in Section III are met.

(1) *Transactions Between Parties in Interest and Bank Collective Investment Funds: General.*

Any transaction between a party in interest with respect to a plan and a collective investment fund that is maintained by a bank and in which the plan has an interest, or any acquisition or holding by the collective investment fund of employer securities or employer real property, if the party in interest is not the bank that maintains the collective investment fund, any other collective investment fund maintained by the bank or any affiliate of the bank, and if, at the time of the transaction, acquisition or holding, either

(A) The interest of the plan, together with the interests of any other plans maintained by the same employer or employee organization in the collective investment fund does not exceed—

(i) 10 percent of the total of all assets in the collective investment fund, if the transaction occurs prior to October 23, 1980; or

(ii) 5 percent of the total of all assets in the collective investment fund if the transaction occurs on or after [date, 90 days after the publication in the **Federal Register** of the grant of this exemption], or

(B) The collective investment fund is a specialized fund that has a policy of investing, and invests, substantially all of its assets in short term obligations, including but not necessarily limited to—

(i) Corporate or governmental obligations or related repurchase agreements;

(ii) Certificates of deposit;

(iii) Bankers' acceptances; or

(iv) Variable amount notes of borrowers of prime credit having a stated maturity date of one year or less or having a maturity date of one year or less from the date of purchase by such specialized fund.

(2) *Special Transactions Not Meeting the Criteria of Section I(a)(1)(A) Between Employers of Employees Covered by a Multiple Employer Plan and Collective Investment Funds.*

Any transaction between an employer (or an affiliate of an employer) of employees covered by a multiple employer plan and a collective investment fund maintained by a bank in which the plan has an interest, or any acquisition or holding by the collective investment fund of employer securities or employer real property, if at the time of the transaction, acquisition or holding—

(A) In the case of a transaction occurring prior to October 23, 1980, the employer is not a "substantial employer" with respect to the plan (within the meaning of section 4001(a)(2) of the Act); or

(B) In the case of a transaction occurring on or after October 23, 1980:

(i) The interest of the multiple employer plan in the collective investment fund does not exceed 10 percent of the total assets in the collective investment fund, and the employer is not a "substantial employer" with respect to the plan (within the meaning of section 4001(a)(2) of the Act), or

(ii) The interest of the multiple employer plan in the collective investment fund exceeds 10 percent of the total assets in the collective investment fund, but the employer is not a "substantial employer" with respect to the plan and would not be a "substantial employer" within the meaning of section 4001(a)(2) of the Act if "5 percent" were substituted for "10 percent" in that definition.

(3) *Acquisition, Sales or Holdings of Employer Securities and Employer Real Property.*

(A) Except as provided in subsection (B) of this section (3), any acquisition, sale or holding of employer securities and any acquisition, sale or holding of employer real property by a collective investment fund in which a plan has an interest and which does not meet the requirements of paragraphs (a)(1) and (a)(2) of this section, if no commission is paid to the bank or to the employer or any affiliate of the bank or the employer in connection with the acquisition or sale of employer securities or the acquisition, sale or lease of employer real property; and

(i) In the case of employer real property—

(aa) Each parcel of employer real property and the improvements thereon held by the collective investment fund are suitable (or adaptable without excessive cost) for use by different tenants, and

(bb) The property of the collective investment fund that is leased or held for lease to others, in the aggregate, is dispersed geographically.

(ii) In the case of employer securities—

(aa) The bank in whose collective investment fund the security held is not an affiliate of the issuer of the security, and

(bb) If the security is an obligation of the issuer, either

1. The collective investment fund owns the obligation at the time the plan acquires an interest in the collective investment fund, and interests in the collective fund are offered and redeemed in accordance with valuation procedures of the collective investment fund applied on a uniform or consistent basis, or

2. Immediately after acquisition of the obligation: (a) Not more than 25 percent of the aggregate amount of obligations issued in the issue and outstanding at the time of acquisition is held by such plan, and (b) in the case of an obligation that is a restricted security within the meaning of Rule 144 under the Securities Act of 1933, at least 50 percent of the aggregate amount of obligations issued in the issue and outstanding at the time

of acquisition is held by persons independent of the issuer. The bank, its affiliates and any collective investment fund maintained by the bank shall be considered to be persons independent of the issuer if the bank is not an affiliate of the issuer.

(B) In the case of a plan that is not an eligible individual account plan (as defined in section 407(d)(3) of the Act), the exemption provided in subsection (A) of this paragraph (3) shall be available only if, immediately after the acquisition of the securities or real property, the aggregate fair market value of employer securities and employer real property with respect to which the bank has investment discretion does not exceed 10 percent of the fair market value of all the assets of the plan with respect to which the bank has such investment discretion.

(C) For the purposes of the exemption contained in subsection (A) of this section (3), the term "employer securities" shall include securities issued by, and the term "employer real property" shall include real property leased to, a person who is a party in interest with respect to a plan (participating in the collective investment fund) by reason of a relationship to the employer described in section 3(14)(E), (G), (H) or (I) of the Act.

(b) Effective January 1, 1975, the restrictions of section 406(a)(1)(A), (B), (C) and (D) and section 406(b)(1) and (2) of the Act and the taxes imposed by section 4975(a) and (b) of the Code by reason of section 4975(c)(1)(A), (B), (C), (D) or (E) of the Code, shall not apply to the transactions described below, if the conditions of Section III are met.

(1) *Transactions with Persons Who Are Parties in Interest With Respect to the Plan Solely by Virtue of Being Certain Service Providers or Certain Affiliates of Service Providers.*

Any transaction between a collective investment fund and a person who is a party in interest with respect to a plan that has an interest in the collective investment fund, if—

(A) The person is a party in interest (including a fiduciary) solely by reason of providing services to the plan, or solely by reason of a relationship to a service provider described in section 3(14)(F), (G), (H) or (I) of the Act, or both, and the person neither exercised nor has any discretionary authority, control, responsibility or influence with respect to the investment of plan assets in, or held by, the collective investment fund, and

(B) The person is not an affiliate of the bank maintaining the collective investment fund.

(2) *Certain Leases and Goods.* The furnishing of goods to a collective investment fund by a party in interest with respect to a plan participating in the collective investment fund, or the leasing of real property owned by the collective investment fund to such party in interest and the incidental furnishing of goods to such party in interest by the collective investment fund, if—

(A) In the case of goods, they are furnished to or by the collective investment fund in connection with real property owned by the collective investment fund;

(B) The party in interest is not the bank maintaining the collective investment fund, or any affiliate of the bank, or any other collective investment fund maintained by the bank; and

(C) The amount involved in the furnishing of goods or leasing of real property in any calendar year (including the amount under any other lease or arrangement for the furnishing of goods in connection with the real property investments of the collective investment fund with the same party in interest, or any affiliate thereof) does not exceed the greater of $25,000 or 0.5 percent of the fair market value of the assets of the collective investment fund on the most recent valuation date of the fund prior to the transaction.

(3) *Management of Real Property.* Any services provided to a collective investment fund in which a plan has an interest by the bank maintaining that fund or by an affiliate of that bank in connection with the management of the real property owned by the collective investment fund, if the compensation paid to the bank or its affiliate does not exceed the cost of the services to the bank or its affiliate.

(4) *Transactions Involving Places of Public Accommodation.* The furnishing of services, facilities and any goods incidental to such services and facilities by a place of public accommodation owned by a bank collective investment fund, to a party in interest with respect to a plan, which plan has an interest in the collective investment fund, if the services, facilities and incidental goods are furnished on a comparable basis to the general public.

Section II Excess Holdings Exemption for Employee Benefit Plans

(a) Effective January 1, 1975, the restrictions of section 406(a), 406(b)(2) and 407(a) of the Act and the taxes imposed by section 4975(a) and (b) of the Code by reason of section 4975(c)(1)(A), (B), (C) or (D) of the Code shall not apply to any acquisition or holding of qualifying employer securities or qualifying employer real property (other than through a collective investment fund), if—

(1) The acquisition or holding contravenes the restrictions of sections 406(a)(1)(E), 406(a)(2) and 407(a) of the Act solely by reason of being aggregated with employer securities or employer real property held by a collective investment fund in which the plan has an interest;

(2) The requirements of either paragraph (a)(1) or paragraph (a)(2) of Section I of this exemption are met; and

(3) The applicable conditions set forth in Section III of this exemption are met.

Section III General Conditions

(a) At the time the transaction is entered into, and at the time of any subsequent renewal thereof that requires the consent of the bank, the terms of the transaction are not less favorable to the collective investment fund than the terms generally available in arm's-length transactions between unrelated parties.

(b) The bank maintains for a period of six years from the date of the transaction, the records necessary to enable the persons described in paragraph (c) of this section to determine whether the conditions of this exemption have been met, except that (1) a prohibited transaction will not be considered to have occurred if, due to circumstances beyond the bank's control, the records are lost or destroyed prior to the end of the six-year period, and (2) no party in interest shall be subject to the civil penalty that may be assessed under 502(i) of the Act, or to the taxes imposed by section 4975(a) and (b) of the Code, if the records are not maintained, or are not available for examination as required by paragraph (c) below.

(c)(1) Except as provided in subsection 2 of this paragraph and notwithstanding any provisions of subsections (a)(2) and (b) of section 504 of the Act, the records referred to in paragraph (b) of this section are unconditionally available at their customary location for examination during normal business hours by:

(A) Any duly authorized employee or representative of the Department of Labor or the Internal Revenue Service,

(B) Any fiduciary of a plan who has authority to acquire or dispose of the interests of the plan in the collective investment fund, or any duly authorized employee or representative of such fiduciary,

(C) Any contributing employer to any plan that has an interest in the collective investment fund or any duly authorized employee or representative of such employer,

(D) Any participant or beneficiary of any plan that has an interest in the collective investment fund, or any duly authorized employee or representative of such participant or beneficiary.

(2) None of the persons described in subparagraphs (B) through (D) of this paragraph shall be authorized to examine a bank's trade secrets or commercial or financial information which is privileged or confidential.

Section IV Definitions and General Rules

For the purposes of this exemption,

(a) An "affiliate" of a person includes—

(1) Any person directly or indirectly through one or more intermediaries, controlling, controlled by, or under common control with the person;

(2) Any officer, director, employee, relative of, or partner in any such person; and

(3) Any corporation or partnership of which such person is an officer, director, partner or employee.

(b) The term "control" means the power to exercise a controlling influence over the management or policies of a person other than an individual.

(c) The term "party in interest" includes a "disqualified person" as defined in section 4975(e)(2) of the Code.

(d) The term "relative" means a "relative" as that term is defined in section 3(15) of the Act (or a "member of the family" as that term is defined in section 4975(e)(6) of the Code), or a brother, a sister, or a spouse of a brother or sister.

(e)(1) Except as provided in subparagraph (2) of this paragraph, the term "collective investment fund" means a common or collective trust fund or pooled investment fund maintained by a bank or a trust company.

(2) In the case of a common or collective trust fund or pooled investment fund maintained by a bank or trust company that consists of separate investment accounts, each separate investment account of that fund, rather than the entire fund, shall be considered to be a separate "collective investment fund" for purposes of this exemption.

(f) The term "multiple employer plan" means an employee benefit plan that satisfies at least the requirements of section 3(37)(A)(i), (ii) and (v) of the Act and section 414(f)(1)(A), (B) and (E) of the Code.

(g) The term "obligation" means a bond, debenture, note, certificate, or other evidence of indebtedness.

(h) The time as of which any transaction, acquisition or holding occurs is the date upon which the transaction is entered into, the acquisition is made or the holding commences. In addition, in the case of a transaction that is continuing, the transaction shall be deemed to occur until it is terminated. If any transaction is entered into, or an acquisition is made, on or after January 1, 1975, or a renewal that requires the consent of the bank occurs on or after January 1, 1975, and the requirements of this exemption are satisfied at the time the transaction is entered into or renewed, respectively, or at the time the acquisition is made, the requirements will continue to be satisfied thereafter with respect to the transaction or acquisition and the exemption shall apply thereafter to the continued holding of the securities or property so acquired. This exemption also applies to any transaction or acquisition entered into, or holding commencing prior to January 1, 1975, if either the requirements of this exemption would have been satisfied on the date the transaction was entered into or acquisition was made (or on which the holding commenced), or the requirements would have been satisfied on January 1, 1975 if the transaction had been entered into, the acquisition was made, or the holding had commenced, on January 1, 1975. Notwithstanding the foregoing, this exemption shall cease to apply to a holding exempt by virtue of section I(a)(1) at such time as the interest of the plan in the collective investment fund exceeds the percentage interest limitation of section I(a)(1), unless no portion of such excess results from an increase in the assets allocated to the collective investment fund by the plan. For this purpose, assets allocated do not include the reinvestment of fund earnings. Nothing in this paragraph shall be construed as exempting a transaction entered into by a collective investment fund which becomes a transaction described in section 406 of the Act or section 4975 of the Code while the transaction is continuing, unless the conditions of the exemption were met either at the time the transaction was entered into or at the time the transaction would have become prohibited but for this exemption.

(i) Each plan participating in a collective investment fund shall be considered to own the same proportionate undivided interest in each asset of the collective investment fund as its proportionate interest in the total assets of the collective investment fund as calculated on the most recent preceding valuation date of the fund.

(j) Where any of the assets of a collective investment fund are invested in another collective investment fund, the interest of the plan in the second fund arising from its investment in the first fund shall be established by multiplying the percentage interest of the plan in the first fund by the percentage interest of the first fund in the second fund, such computation to be continued similarly in the event that further investments are made by the second investment fund in one or more other collective investment funds.

Signed at Washington, D.C. this 21st day of July 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 80-22289 Filed 7-24-80; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 80-48]

Exemption From the Prohibitions for Certain Transactions Involving the Supra Products, Inc., Employees Profit Sharing Retirement Trust Located in Salem, Oreg. (Exemption Application No. D-993)

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the past sale by the Supra Products, Inc. Employees Retirement Trust (the Plan) of certain real property to a partnership which is a party in interest with respect to the Plan.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On June 6, 1980, notice was published in the **Federal Register** (45 FR 38174) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975(a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the past sale of certain real property by the Plan to a partnership which is a party in interest with respect to the Plan. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has

been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition, the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicants have represented that they have complied with the requirements of the notification to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things, require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the cash sale in July, 1976 of a three and one-third acre parcel of real property located in Salem, Oregon by the Plan to a partnership, which is a party in interest with respect to the Plan.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 21st day of July, 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 80-22348 Filed 7-24-80; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 80-50]

Exemption From the Prohibitions for Certain Transactions Involving the Rodey, Dickason, Sloan, Akin & Robb, P.A. Profit Sharing Plan and Trust Located in Albuquerque, N. Mex. (Exemption Application No. D-1623)

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits a loan of $650,000.00 from the Rodey, Dickason, Sloan, Akin & Robb, P.A. Profit Sharing Plan and Trust (the Plan) to Rodey, Dickason, Sloan, Akin & Robb, P.A. (the Employer).

FOR FURTHER INFORMATION CONTACT: Mr. Elliot Arditti of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On May 23, 1980, notice was published in the **Federal Register** (45 FR 35036) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975(a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the transactions described in an application filed by the Employer. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the requirements of notification to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties

respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to a loan of $650,000.00 from the Plan to the Employer for the purpose of purchasing furniture, fixtures, equipment and leasehold improvements needed for expansion of the Employer's office space.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 21st day of July, 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 80-22349 Filed 7-24-80; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 80–49]

Exemption From the Prohibitions for Certain Transactions Involving the Industrial Wire Products Co., Inc., Profit Sharing Plan and Trust Located in Westbury, N.Y. (Exemption Application No. D–1641)

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption enables the Industrial Wire Products Co., Inc. Profit Sharing Plan and Trust (the Trust) to sell a mortgage for cash to Mr. John F. Helenck and Mr. Emil S. Helenck, officers and shareholders of Industrial Wire Products Co., Inc. and trustees of the Trust.

FOR FURTHER INFORMATION CONTACT: Charles S. Edelstein of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On May 30, 1980, notice was published in the **Federal Register** (45 FR 36565) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a) and 406(b) (1) and (2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for a transaction described in an application filed by the trustees of the Trust. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. Since the only persons affected by the transaction are the sole participants and trustees of the Trust, it has been determined that there was no need to distribute the notice of pendency to interested persons. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471,

April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Trust and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Trust.

Accordingly, the restrictions of section 406(a) and 406(b) (1) and (2) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the sale of a mortgage for cash by the Trust to Mr. John F. Helenck and Mr. Emil S. Helenck, the trustees and sole participants of the trust, provided the price paid is the fair market value as of the date of sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 21st day of July, 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 80-22350 Filed 7-24-80; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 80-47]

Employee Benefit Plans; Exemption From the Prohibitions for Certain Transactions Involving the Profit Sharing Plan for Employees of Petrolane Incorporated and Subsidiary Companies Located in Long Beach, Calif. (Exemption Application No. D-846)

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the cash sale of an unimproved parcel of real property and certain secured and unsecured promissory notes to Valley Industrial Services, Inc. (the Valley, Inc.) a wholly-owned subsidiary of Petrolane Incorporated (the Employer), by the Profit Sharing Plan for Employees of Valley Industrial Services, Inc. (the Valley Plan) in order to dispose of marginal assets of the Valley Plan.

FOR FURTHER INFORMATION CONTACT: C. E. Beaver of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, (202) 523-7901. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On June 10, 1980, notice was published in the **Federal Register** (45 FR 39356) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975(a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for transactions described in an application for exemption filed by the administrative committee of the Plan. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice of proposed exemption as published in the **Federal Register** on June 10, 1980, has been posted on employee bulletin boards of the Employer and delivered to each participant and beneficiary of the Valley Plan and to the Trustee within 15 days of its publication in the **Federal Register.** No public comments and no requests for a hearing were received by the Department. The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interest of the plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the plan.

Accordingly, the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the taxes imposed by section 4975(a) and (b) of the Code by reason of section 4975(a)(1)(A) through (E) of the Code shall not apply to the cash sale of the unimproved parcel of real property, the thirty-one (31) secured promissory notes, and the three (3) unsecured promissory notes to Valley, Inc. by the Valley Plan in accordance with the terms and conditions as set forth in the application for exemption; provided, however, that the sale prices were not less than the fair market values of the unimproved parcel of real property and the secured and unsecured

promissory notes at the time of the consummation of the sales.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 21st day of July, 1980.

Ian D. Lanoff,

Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 80-22351 Filed 7-24-80; 8:45 am]

BILLING CODE 4510-29-M

Wage and Hour Division

Mid-Hudson Legal Services, Inc., Petitioner; Proceedings To Determine Fair Value or Reasonable Cost of Facilities Furnished to Employees

Pursuant to authority in section 3(m) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(m)), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), Secretary's Order 16–75 (40 FR 55913),

Employment Standards Administration Order 78–11 (43 FR 51469) and 29 CFR 531.5, the Deputy Administrator of the Wage and Hour Division, on the petition of Mid-Hudson Legal Services, Inc., proposes to determine the "fair value" or "reasonable cost" of the lodging or other facilities customarily furnished to their employees by the following employers:

G & U, Inc., R.D. No. 2, Goshen, N.Y.
Charles Gratz Farms, Pine Island, N.Y.
Bierstine Farms, Inc., Mission Land Road, Pine Island, N.Y.
Sobiech Farms, Pine Island Turnpike, Pine Island, N.Y.
Shuback Farms, Inc., R.D. No. 2, Mt. Eve Road, Goshen, N.Y.
Peat-Gro Farms, Inc., R.D. No. 2, Goshen, N.Y. (Sleepy Hollow Camp)
Peat-Gro Farms, Inc., R.D. No. 2, Goshen, N.Y. (Three G's Camp).

Investigations of this question were begun by the Wage and Hour Division in July, 1978 in response to the petition for a determination by the Department. These investigations have continued until very recently, by reason of extensive efforts by the Wage and Hour Division to obtain the necessary data upon which to base a determination of the "fair value" or "reasonable cost" of the facilities in question. The particular circumstances in this case necessitated independent efforts by the Division to obtain the needed information.

After ascertaining that no comparable facilities existed in the general area of the employer's operations which could be utilized to determine the "fair value" of the employee housing, the Wage and Hour Division sought the assistance of another federal agency with expertise in this field. Unfortunately, no response has as yet been forthcoming.

Although, after considerable delays, data was obtained from the various subject employers with respect to the cost of the facilities in question, the Division has concluded that this data, standing alone, is insufficient for a determination of the "fair value" or "reasonable cost" of these facilities. The Division has therefore decided that such determination should await the conclusion of a hearing at which all interested parties will have the opportunity to present pertinent information.

Interested persons may submit written data, views, or arguments pertinent to this question by mail to Mr. Henry T. White, Jr., Deputy Administrator, Wage and Hour Division, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Such materials must be received not later than August 29, 1980.

Opportunity will be provided for interested persons to make oral presentations of data, views, or arguments before an Administrative Law Judge appointed under 5 U.S.C. 3105, at the Orange County Government Center, Goshen, N.Y. at 9:30 A.M., September 8, 1980. Participants should report to the office of the Chief Court Clerk, Room 824, for a specific room assignment.

Notice of intention to appear should be filed with Mr. Henry T. White, Jr., Deputy Administrator, Wage and Hour Division, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210 not later than August 29, 1980.

All persons making oral presentations shall be subject to cross examination by counsel for Mid-Hudson Legal Services, Inc., counsel for the above-named employers, and counsel for the Secretary of Labor. The Administrative Law Judge shall govern the course of the proceeding, hold presentations to relevant matters, govern the content of the record, have disciplinary power to exclude persons from the room where oral presentations are made, see that the proceedings are stenographically reported and oral transcripts made available to persons participating on payment of fees therefor. The Administrative Law Judge shall certify the record, together with his recommended findings, to the Deputy Administrator for consideration of all relevant matters presented and resolution of the issues.

Upon the publication of this notice the above-named employers shall notify their employees of the place, date, and purpose of the hearing hereby announced by posting copies of this notice in conspicuous places on their premises.

Signed at Washington, D.C., this 18th day of July, 1980.

Henry T. White, Jr.,

Deputy Administrator.

[FR Doc. 80-22436 Filed 7-24-80; 8:45 am]

BILLING CODE 4510-27-M

LIBRARY OF CONGRESS

Copyright Office

Policy Decision Regarding Mandatory Deposit of Books and Other Printed Works

AGENCY: Library of Congress, Copyright Office.

ACTION: Notice of policy decision.

Mandatory Deposit of Books and Other Printed Works Published With Notice of Copyright in the United States After First Publication Abroad

1. Background

Under section 407 of the Copyright Act of 1976, title 17 of the United States Code, as amended by Pub. L. 94–553 (90 Stat. 2541) (hereafter, the current Act), the owner of copyright or of the exclusive right of publication in a work published with notice of copyright in the United States must deposit two copies of the work (or, in the case of sound recordings, two phonorecords) in the Copyright Office (hereafter sometimes, the Office) for the use or disposition of the Library of Congress. The regulations of the Copyright Office may exempt certain categories of material from the mandatory deposit requirements or may require the deposit of only one copy or phonorecord with respect to particular categories. 17 U.S.C. 407(c). Regulations implementing the mandatory deposit requirements of 17 U.S.C. 407 were published in the **Federal Register** on September 19, 1978 (43 FR 41975) and appear as 37 CFR 202.19.

The required deposit shall be made within three months after publication with notice in the United States. Failure to deposit does not affect the copyright in the work but may subject the owner of copyright or owner of the right of publication to fines and other monetary liability if deposit is not made after a written demand for the required deposit

has been issued by the Register of Copyrights.

The mandatory deposit requirement applies to works published with notice of copyright in the United States after first publication in a foreign country (hereafter referred to as "foreign works"). This seems clear from the language of section 407 of the current Act, which refers to a "work published with notice of copyright in the United States" without limiting the application of the section to works *first* published in the United States. The relevant congressional Reports explicitly confirm this interpretation of the Act:

> Although the basic deposit requirements are limited to works "published with notice of copyright in the United States," they would become applicable as soon as a work first published abroad is published in this country through the distribution of copies or phonorecords that are either imported or are part of an American edition. (S. REP. NO. 94–473, 94th Cong., 1st Ses. (1975) at 134 and H. REP. NO. 94–1476, 94th Cong., 2d Sess. (1976) at 151.)

Deposit of copies under the authority of the copyright statutes for the enrichment of the collections of the Library of Congress has been a significant method of acquisitions for the Library since 1870. Under former statutes, the deposit requirement was linked to copyright registration. The current Act separates mandatory deposit for the use of the Library of Congress (17 U.S.C. 407) from copyright registration (17 U.S.C. 408), although it is possible to satisfy the mandatory deposit requirement at the time of registration.

With the coming into force of the current Act (effective January 1, 1978), the Register of Copyrights instituted a policy of comprehensive enforcement of the mandatory deposit requirements. This policy led to the issuance of written demands to deposit certain books and other printed works that appeared to have been published with notice of copyright in the United States. Many owners of copyright responded favorably to these demands and complied promptly. Occasionally, owners of copyright responded that the work had not been published in the United States. Other persons upon whom the demands were served stated that they were neither the owner of copyright nor of the right of publication; they asserted that the owners were foreign corporations or individuals. (Sometimes, these assertions were made even though the alleged foreign copyright owner appeared to be a subsidiary of an American corporation.) A few foreign copyright owners protested the application of the mandatory deposit provisions to their works, especialy where periodicals were distributed through subscriptions rather than through publication of an "American edition." Some American publishers voiced concern that enforcement of the deposit requirements against foreign publishers could lead to retaliatory measures by foreign countries.

The legal questions that arose regarding the meaning of "publication" for purposes of 17 U.S.C. 407, identification of the proper owner of copyright or of the right of publication, or the difficulties of obtaining personal jurisdiction over foreigners, could have been resolved on a case-by-case basis depending upon the particular facts. However, in order to assess the overall policy issue regarding deposit of foreign works, the Office in the latter part of 1978 undertook a review of its mandatory deposit-demand policies. Pending this review, the Office decided to refrain from issuing written demands to require the deposit of books and other printed works published with notice of copyright in the United States, notwithstanding the clear statutory authority to demand deposit. The Office did not, however, either explicitly or by implication, exempt foreign works published with notice of copyright in the United States from mandatory deposit except where registration was made under 17 U.S.C. 408. The statutory obligation has not been altered by regulation or otherwise for unregistered foreign works as a category. The Office merely decided to take no steps to enforce the obligation through written demands or by court action.

2. Policy Decision

The Office has now completed a review of the legal and policy issues that arose in the course of enforcement of the deposit requirements against foreign works in 1978. This review has included, among other points: an analysis of the legal deposit laws of representative foreign countries; an analysis of problems associated with obtaining personal jurisdiction of foreigners; consideration of our international copyright obligations under the Universal Copyright Convention; consideration of possible retaliatory actions by foreign governments; and consideration of the benefits to the Library of Congress and the United States public at large if the collections of the Library are enriched by acquisitions of foreign works under the mandatory deposit requirements.

The Copyright Office has decided to resume a policy of enforcing the deposit requirements against foreign books and other printed works published in the United States with notice of copyright since the statutory policy is clear, and the potential benefits to the Library of Congress of enforcing the mandatory deposit provisions against foreign works are large.

3. Legal Deposit Abroad

Legal deposit laws are common in foreign countries, but are usually restricted to books or similar printed publications. Usually, the deposit requirement forms a part of the copyright statute, or part of statutes governing libraries or education. Review of a representative sample of these statutes suggests that prima facie many could be applied to works of United States origin when they are published in the foreign country. Apparently, the deposit laws are loosely enforced against foreigners or are interpreted narrowly. *See*, English Copyright Act of 1911, Sec. 15 *Copinger and Skone James on Copyright* (11th ed., 1971), para. 637, page 268, regarding the United Kingdom; the National Library Act of 1968–69, c. 47, s15 and SOR/69–400, *Canada Gazette*, Part II, Vol. 103, No. 16, August 27, 1969, regarding Canada; and *Copyright Law Revision Study No. 20*, "Deposit of Copyrighted Works," (House Committee print, 1960), pages 5–7, regarding France and Italy.

4. Impact on International Copyright Obligations and Relationships

The legal deposit requirement of section 407 of the current Act is consistent with our international copyright obligations under the Universal Copyright Convention since mandatory deposit is not a condition of copyright protection under the Act. Article III of the Convention specifies that certain formalities, including deposit, must be considered satisfied by use of the Convention copyright notice *if* the requirement is a condition of copyright. Paragraph 3 of Article III specifically provides that deposit with a court or administrative office or both may be required as a condition of seeking judicial relief, although failure to comply with the deposit requirement must not affect the validity of the copyright.

We intend to adopt a cautious approach in issuing written demands for deposit of foreign works, and will, in due course, review the results and experience under the policy here announced.

Dated: July 11, 1980.
David Ladd
Register of Copyrights.
Approved:
Daniel J. Boorstin
The Librarian of Congress
[FR Doc. 80-22369 Filed 7-24-80; 8:45 am]
BILLING CODE 1410-03-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (80-55)]

NASA Advisory Council; Meeting

The NASA Advisory Council (NAC) will meet on August 13, 14, and 15, 1980, in Room 101, Building 180 (Central Engineering Building), Jet Propulsion Laboratory, 4800 Oak Grove Drive, Pasadena, CA 91103. Except as noted below, the meeting will be open to the public up to the seating capacity of the room (approximately 80 persons, including Council members and other participants). Visitors will be requested to sign a visitor's register.

The meeting will be closed to the public from 8:30 a.m. to 9:30 a.m. on August 15, 1980, for a discussion of the qualifications of candidates for membership on the Council. 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 NASA Advisory Council was established as an interdisciplinary group to advise NASA senior management on NASA's aeronautics and space programs. The Council is concerned with providing advice in the substantive areas of aeronautics, life sciences, space and terrestrial applications, space science, space systems and technology, and history as they relate to aeronautics and space programs. The Council is chaired by Dr. William A. Nierenberg and is composed of a total of twenty-one members. Standing committees containing additional members report to the Council.

The following list sets forth the approved schedule for the meeting. For further information, contact the Executive Secretary, Mr. Nathaniel B. Cohen, Area Code 202 755-8383, NASA Headquarters, Washington, DC 20546.

Agenda

August 13, 1980

10:00 a.m. Introduction.
10:15 a.m. Report on New Directions Symposium.
1:15 p.m. NASA Long Range Planning.
3:15 p.m. NAC Committee Reports on NASA Planning (Aeronautics); Discussion.
5:00 p.m. Adjourn.

August 14, 1980

8:30 a.m. NAC Committee Reports on NASA Planning (Space); Discussion.
2:30 p.m. Briefing—Planetary Program/ Operations.
5:00 p.m. Adjourn.

August 15, 1980

8:30 a.m. Closed Session (NAC Membership).
9:30 a.m. Old Business.
10:30 a.m. New Business.
12:00 Noon Adjourn.

Gerald D. Griffin,
Acting Associate Administator for External Relations.
July 21, 1980.
[FR Doc. 80-22316 Filed 7-24-80; 8:45 am]
BILLING CODE 7510-01-M

[Notice (80-56)]

Space and Terrestrial Applications Steering Committee (STASC), Proposal Evaluation Advisory Subcommittee; Meeting

The Geodynamics Panel of the STASC, Proposal Evaluation Advisory Subcommittee will meet on August 12, 13 and 14, 1980, from 8:30 a.m. to 5:00 p.m. each day at the Goddard Space Flight Center, Building 26, Room 200, Greenbelt, Maryland 20771. The Subcommittee will discuss, evaluate and categorize the proposals submitted to NASA in response to an Applications Notice for the Research and Data Analysis portion of the Geodynamics Program.

Public discussion of the professional qualifications of the proposers and their potential scientific contributions to the Geodynamics programs would invade the privacy of the proposers and the other individuals involved. Since the Subcommittee sessions will be concerned throughout with matters listed in 5 U.S.C. 552b(c), (6), as described above, it has been determined that the sessions should be closed to the public.

For further information, please contact Mr. James P. Murphy, NASA Headquarters, Washington, D.C. (202) 755-3848.

Gerald D. Griffin,
Acting Associate Administrator for External Relations.
July 21, 1980.
[FR Doc. 80-22315 Filed 7-24-80; 8:45 am]
BILLING CODE 7510-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed meetings of the ACRS Subcommittees and Working Groups, and of the full Committee, the following preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published June 20, 1980 (45 FR 41737). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. Those Subcommittee and Working Group meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full committee meetings begin at 8:30 a.m. and Subcommittee and Working Group meetings usually begin at 8:30 a.m. The exact time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee and Working Group meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the August 1980 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634-3267, ATTN: Mary E. Vanderholt) between 8:15 a.m. and 5:00 p.m. EDT.

ACRS Subcommittee Meetings

**Reactor Operations,* August 4, 1980, Washington, DC. The Subcommittee will review the Omaha Public Power District request for a STRETCH power increase for the Ft. Calhoun Nuclear Station, Unit No. 1 from 1420 MWt to 1500 MWt. As time permits, the Subcommittee will hear presentations on the role-responsibilities of the NRC resident inspector. A discussion with representatives of the NRC Staff of special low-power test programs is planned. Recent NRC Staff changes to Standard Technical Specifications may be discussed. Notice of this meeting was published July 18.

**Three Mile Island Nuclear Power Plant, Unit No. 1,* August 5–6, 1980, Washington, DC. The Subcommittee will consider the Metropolitan Edison Company request for permission to restart TMI–1. Specifically, it will consider the licensee's compliance with the short- and long-term items of Section II of the NRC Order dated August 9, 1979, in which the Commission stated the basis for its concern about the restart of TMI–1 and the procedures governing further proceedings in the matter, and additional items being considered by the NRC Staff in preparation for the TMI–1 restart. Notice of this meeting was published July 21.

**Regulatory Activities,* August 6, 1980, Washington, DC. The Subcommittee will review Regulatory Guides: 1.97, Rev. 2, "Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant and Environs Conditions During and Following an Accident;" 1.8, Rev. 2, "Personnel Selection and Training;" 1.33, Rev. 3, "Quality Assurance Program Requirements (Operation)." The Subcommittee will also review a Proposed Amendment to 10 CFR 50, Appendix A to Reference 10 CFR 50, Appendix B, and a Proposed Revision to 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities" to Increase Staffing and Provide for Control of Working Hours at Nuclear Power Plants. Notice of this meeting was published July 22.

**Safety Philosophy and Criteria,* August 6, 1980 (afternoon), Washington, DC. The Subcommittee will review the progress made in setting requirements for Near-Term Construction Permit (NTCP) Plants. The Notice of this meeting was published July 22.

**Procedures and Administration,* August 6, 1980 (afternoon), Washington, DC. The Subcommittee will discuss incorporation of the ACRS Generic Items List with the NRC Staff Action Plan items; procedures for more effective use of Committee member's time; proposed rules for ACRS Participation in NRC rule making proceedings; and miscellaneous procedures for conduct of ACRS and ACRS Staff activities. Notice of this meeting was published July 22.

**Fluid Dynamics,* August 19–20, 1980, San Jose, CA. The Subcommittee will review the control rod drive (CRD) insertion failure at the Browns Ferry Nuclear Power Plant and scram discharge volume instrumentation failures at the Brunswick and Hatch Nuclear Power Plants.

**Reactor Fuel,* August 21, 1980, Idaho Falls, ID. The Subcommittee will continue its review of the NRC Fuel Behavior Research Branch (FBRB) Programs for the annual ACRS reports to NRC and Congress. Notice of this meeting was published June 20.

**Class 9 Accidents,* August 28, 1980, Washington, DC. The Subcommittee will discuss hydrogen generation and control methods and degraded core coolability.

**Reactor Fuel,* September 3, 1980, Washington, DC. The Subcommittee is scheduled to complete its review of NUREG–0630, "Cladding Swelling and Rupture Models for LOCA Analysis." Notice of this meeting was published June 20.

**Regulatory Activities,* September 3, 1980, Washington, DC. The Subcommittee will review Regulatory Guide (Task No. RS 705–4), "Lighting Protecion for Nuclear Power Plant"; Regulatory Guide (Task No. SC 704–5), "Functional Specification for Safety-Related Valve Assemblies in Nuclear Power Plants"; and Regulatory Guide (Task No. RS 809–5), "Qualification Tests for Cable Penetration Fire Stops for Use in Nuclear Power Plants."

**Ad Hoc ACRS Subcommittee,* September 18–19, 1980, Pasadena, CA (Rescheduled from Washington, DC). The Subcommittee will meet with representatives of the Reactor Safety Committee (RSK) of the Federal Republic of Germany to discuss the design of B&W designed nuclear steam supply systems and proposed changes in NRC siting criteria. Notice of this meeting was published June 20.

**Combination of Dynamic Loads,* September 18–19, Washington, DC. The Subcommittee will continue its review of the use of dynamic load combinations as a design basis for nuclear power plants.

**Crystal River Nuclear Power Plant, Unit No. 3,* September 26, 1980, Washington, DC. The Subcommittee will review a transient that caused flooding of the Crystal River 3 containment and will review the NRC Staff recommendation on the Crystal River 3 fix.

**Safety Philosophy and Criteria,* October 8, 1980, Washington, DC. The Subcommittee will discuss the Pacific Gas and Electric Company's study regarding seismic-related systems interactions at the Diablo Canyon Nuclear Power Plant.

**Emergency Core Cooling Systems,* October, 1980 (exact date to be determined), Idaho Falls, ID. The Subcommittee will review new data on Reactor Coolant Pump (RCP) Trip and the Semiscale Program.

**Improved Safety Systems,* October, 1980 (exact date to be determined), Washington, DC. The Subcommittee will discuss with representatives of NRC and the Department of Energy (DOE) their plans for research programs to improve reactor safety.

**Waste Management,* (exact dates to be determined), Washington, DC. Meetings are being planned at which the Subcommittee will review the Waste Disposal Feasibility Rule and proposed geological disposal criteria.

ACRS Full Committee Meetings

August 7–9, 1980

A. **Three Mile Island Power Plant, Unit No. 1*—Proposed restart and operation levels up to full power.

B. **Regulatory Guide 1.97, Rev. 2, "Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant and Environs Conditions During and Following an Accident."*

C. **North Anna Nuclear Power Plant, Unit No. 2*—Safety related activities including low-power test program results and risk assessment.

D. **Trojan Nuclear Power Plant*—Modification of Masonry walls.

E. **Quantitative Risk Criteria*—Development of quantitative risk criteria for use in the nuclear regulatory process.

F. **Degraded Core Conditions*—Consideration of degraded core conditions in the licensing process.

September 4–6, 1980: Agenda to be announced.

October 9–11, 1980: Agenda to be announced.

Dated: July 18, 1980.

John C. Hoyle,

Advisory Committee, Management Officer.

[FR Doc. 80-22381 Filed 7-24-80; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Meeting

In accordance with the purposes of Sections 29 and 182b. of the atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on August 7–9, 1980, in Room 1046, 1717 H Street NW, Washington, D.C. Notice of this meeting was published in the **Federal Register** on June 20, 1980.

The agenda for the subject meeting will be as follows:

Thursday, August 7, 1980

8:30 A.M.–9:15 A.M.: Opening Session (Open)—The Committee will hear and discuss the report of the ACRS Chairman regarding matters to be considered during the meeting with the NRC Commissioners* and miscellaneous matters relating to ACRS activities.

The Committee will also hear and discuss the reports of its Regulatory Activities Subcommittee and

consultants who may be present regarding proposed changes in NRC Regulatory Guides and the Code of Federal Regulations (10 CFR Part 50).

9:15 A.M.–12:15 P.M.: Regulatory Guide 1.97, Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plan and Environs Conditions During and Following an Accident (Open)—The Committee will hear and discuss reports from members of the NRC Staff, and representatives of the nuclear industry who may be present regarding proposed provisions of Regulatory Guide 1.97.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to this matter.

1:15 P.M.–5:15 P.M.: Three Mile Island Nuclear Station, Unit 1 (Open)—The Committee will hear and discuss the report of its subcommittee and consultants who may be present, members of the NRC Staff, and representatives of the applicant regarding proposed restart and operation up to full power of the Three Mile Island Nuclear Station, Unit 1.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to this project.

5:15 P.M.–6:30 P.M.: Meeting with NRC Staff (Open)—The Committee will hear and discuss reports from members of the NRC Staff regarding recent reactor operating experience and plant modifications including strengthening of masonry walls at the Trojan Nuclear Plant.

The schedule for future Committee activities will also be discussed.

Friday, August 8, 1980

8:30 A.M.–12:30 P.M.: Quantitative Risk Criteria (Open)—The Committee will hear and discuss reports from its Subcommittee and consultants who may be present, members of the NRC Staff, and invited experts regarding the development of quantitative risk criteria for use in the nuclear regulatory process.

1:30 P.M.–2:15 P.M.: Meeting with NRC Chairman and Commissioners Who May Be Present (Open)—The Committee will meet with the NRC Chairman and other Commissioners who may be present to discuss aspects of the NRC regulatory process, tentatively.

2:15 P.M.–3:15 P.M.: Consideration of Nuclear Power Plant Degraded Cores (Open)—The Committee will hear and discuss reports from its Subcommittee Chairman and from consultants, members of the NRC Staff, and the nuclear industry who may be present regarding consideration of degraded core conditions in the NRC regulatory process.

3:15 P.M.–6:30 P.M.: Unresolved Safety Issues Relating to Nuclear Power Plants (Open)—The Committee will hear a report from and discuss with members of the NRC Staff and those representatives of the nuclear industry who may be present, the basis for and priorities for resolution of unresolved safety issues applicable to nuclear power plants.

Saturday, August 9, 1980

8:30 A.M.–4:00 P.M.: Closing Session (Open)—The Committee will prepare its reports to the NRC regarding items discussed during this meeting including proposed operation of the Three Mile Island Nuclear Station, Unit 1 and Regulatory Guide 1.97. The Committee will also consider a clarification of its report of April 16, 1980 regarding resolution of ATWS.

The Committee will hear and discuss a report from its Reactor Operations Subcommittee regarding a proposed power level increase for the Ft. Calhoun Station, Unit 1.

The Committee will hear and discuss reports and comments from members regarding a number of safety related and procedural items including the potential for cascade failures in nuclear power plants, application of TMI Lessons Learned to near-term construction permits, and ACRS procedures.

The Committee will discuss candidates proposed as nominees for appointment to the ACRS.

Portions of this session will be closed as necessary to discuss Proprietary Information and to protect information the release of which would represent an unwarranted invasion of personal privacy.

Procedures for the conduct of and participation in ACRS meetings were published in the Federal Register on October 1, 1979 (44 FR 56408). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a telephone call to the ACRS Executive Director (R. F. Fraley) prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with Subsection 10(d) Pub. L. 92–463 that it is necessary to close portions of this meeting as noted above to protect Proprietary Information (5 U.S.C. 552b(c)(4)) and to protect information the release of which would constitute a clearly unwarrated invasion of personal privacy (5 U.S.C. 552b(c)(6)).

Further information regarding topics to be discussed, whether the meeting has been cancelled to rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley, or in his absence the ACRS Deputy Director, Mr. Marvin C. Gaske, (telephone 202/634-3265), between 8:15 A.M. and 5:00 P.M. EDT.

Dated: July 21, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80-22382 Filed 7-24-80; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-498A, 50-499A, 50-445A, and 50-446A]

Houston Lighting & Power Co. et al. (South Texas Project, Units 1 and 2) and Texas Utilities Generating Co. et al. (Comanche Peak Steam Electric Station, Units 1 and 2); Prehearing Conference Order, and Notice of Final Prehearing Conference

July 17, 1980.

Pursuant to Notice, a prehearing conference to consider status reports on pending settlement negotiations was held July 14, 1980 at Bethesda, Maryland. Written reports by counsel for all parties were filed with the Licensing Board on July 11, 1980.

Central and South West Companies (CSW) reported that at a prehearing conference held June 13, 1980 in FERC Docket No. EL 79–8, its counsel distributed copies of the June 9, 1980 Settlement Agreement between CSW, Houston Lighting & Power Company (HL&P) and the Texas Utilities Companies (TU). This agreement was previously reported to us by letter of June 10, 1980. CSW also stated to FERC that it intended to file an amendment to

its application in that proceeding, requesting FERC to order the interconnections, wheeling and other relief as provided in the Settlement Agreement. CSW also stated that it intended to file an Offer of Settlement under FERC's rules of practice, embodying the terms of the Settlement Agreement. The time to file the Offer of Settlement was extended by request to July 25, and comments to be filed by other parties would then be due by August 24, 1980. On July 3, 1980, staff counsel for FERC and NRC served a joint Transmission Service Settlement Agreement, which constituted their response to the wheeling provisions of the June 9, 1980 Settlement Agreement. This response is now being studied by the parties. There have also been some negotiations and discussion between CSW and the City of Brownsville, Texas. Additional time was requested to pursue negotiations (Tr. 903–06).

HL&P reported that it had conducted negotiations with the Staff to consider the impact of the June 9 Settlement Agreement on this proceeding. The Staff agreed to present a set of proposed license conditions, and HL&P was hopeful that it could resolve its differences with the Staff. However, it reported that the Department of Justice (Justice) had refused to submit proposals in writing, and that it had indicated that there was no change in its policy position since June 10. This rendered settlement possibilities very doubtful (Tr. 900–01).

Texas Utilities Generating Company (TUGCO) reported that it had resolved most of its issues with the Staff, and that the results were embodied in proposed license conditions on June 23, 1980. A revised set of license conditions was completed July 23, and both sets were immediately sent to Justice for review and comment. Further negotiations with the Staff resolved all remaining issues except two (wheeling rates, and access to any futute asynchronous ties). However, Justice's position had not changed and there was no basis for optimism regarding agreement with it (Tr. 901–03).

South Texas Electric Cooperative, Inc. and Medina Electric Cooperative, Inc. (STEC/MEC) reported continued negotiations which were proceeding well, and suggested that they be allowed to proceed apace with settlement efforts in the FERC proceeding (Tr. 907).

Tex-La Electric Cooperative of Texas, Inc. (Tex-La) reported that it and Texas Power and Light Company (TPOL) have exchanged drafts of the Modification of the Joint Ownership Agreement regarding the Comanche Peak project, as well as the Entitlement Assignment Contract between those entities. Drafts of the Power Supply Agreement and Transmission Agreement will be exchanged within the next two weeks (Tr. 907).

Brownsville reported discussions with CSW on June 12, and stated that it had provided its comments on the June 9 Settlement Agreement to the parties. It also participated in the FERC prehearing conference. Brownsville did not discern any major steps toward settlement of the issues it had raised, but did not object to further extension of time for negotiations (Tr. 908–09, 957–58).

The Staff described numerous meetings with all the parties, and continued to report positive movement towards settlement. The Staff has made a proposal on transmission to TU, HL&P and CSW. Although agreement has not been reached, discussions are continuing and could be fruitful. Agreement was reached with TU regarding proposed Comanche Peak license conditions except for the two issues described *supra*. More definitive proposals to the South Texas applicants will be presented by the Staff in 7 to 10 days. A 30-day extension of time was suggested (Tr. 896–98, 940–48).

Justice reported that it had held a number of meetings with the Staff of NRC and FERC, and one meeting on July 9 with TU and HL&P. It stated that while it will continue to pursue a settlement of disputed issues, it "does not presently believe that such a settlement will be reached, at least as between the Department and Applicants" (Settlement Status Report dated July 11, 1980, p. 3). On July 14, Justice filed a motion to renew its motion to establish a trial date and other procedural dates. At the prehearing conference on July 14, 1980, counsel for Justice indicated that it had not submitted written proposed license conditions to any of the parties (Tr. 909–916, 918–20). There has been no change of position by Justice from "* * * the last two or three pretrial conferences" (Tr. 914). Justice now anticipates being able to provide proposed license conditions to some of the parties "in the coming weeks" (Tr. 926), or "the near future" (Tr. 948, 952).

It is apparent that the continuing settlement negotiations have significantly reduced the number and extent of issues which would be controverted at an evidentiary hearing (TR. 946). There is also a reaonable possibility that continued good-faith negotiations will further reduce or eliminate the necessity of holding trial-type adjudicatory proceedings. The parties are therefore directed to exert maximum efforts to settle their remaining disputes. The Department of Justice is directed to serve written proposed license conditions in draft form upon the parties as soon as reasonably possible, and direct negotiations thereon shall be undertaken promptly by all parties.

The Board recognizes that there is no absolute assurance that all issues can be settled. Accordingly, it is suggested that upon an impasse being reached on any particular issue, all parties to that dispute should immediately turn their attention to the evidence required to sustain their respective positions. It is expected that the September status reports will describe fully the evidence to be adduced on all unresolved issues. This will include the appropriate summaries of testimony, proposed exhibits and studies, and trial briefs on such disputed issues. All issues shall be identified in writing, including both ultimate issues as well as controverted issues of law or fact. The parties shall cooperate to simplify issues and proof, and shall stipulate wherever possible on non-substantive matters such as authenticity of documents and foundation proof of exhibits. All documents studies or reports which may be offered in evidence or used in cross-examination shall be displayed to opposing counsel as soon as possible. The Board considers discovery to have been essentially completed, and a strict showing of necessity and good cause will be required for any further discovery requests.

Written status reports shall be in the hands of the Board by 12:30 p.m. on September 12, 1980.

Please take notice that on Monday, September 15, 1980 at 10:00 a.m. a prehearing conference will be held at the Nuclear Regulatory Commission's Hearing Room, 4350 East-West Highway, 5th Floor, Bethesda, Maryland.

It is so ordered.

Dated at Bethesda, Maryland this 17th day of July 1980.

For the Atomic Safety and Licensing Board.

Marshall E. Miller,

Chairman.

[FR Doc. 80-22388 Filed 7-24-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-331]

Iowa Electric Light & Power Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 61 to Facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Company.

Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revises the Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment was effective from June 28, 1980 to July 2, 1980.

The amendment modifies the Technical Specifications to permit interim operation with one recirculation loop out of service from June 28, 1980 to July 2, 1980.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated June 28, 1980, (2) Amendment No. 61 to License No. DPR-49, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue, S.E., Cedar Rapids, Iowa 52401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 17th day of July, 1980.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch #2, Division of Licensing.

[FR Doc. 80-22392 Filed 7-24-80; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-277 and 50-278]

Philadelphia Electric Co., et al.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 71 and 69 to Facility Operating Licenses Nos. DPR-44 and DPR-56, issued to Phildelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station, Units Nos. 2 and 3 (the facility) located in York County, Pennsylvania. The amendments are effective as of the date of issuance.

The amendents revise the Technical Specifications and involve: (1) clarification of the definition Operable, (2) addition of general Limiting Conditions for Operation, and (3) addition of action statements for certain specifications.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations, in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated May 20, 1980, (2) Amendments Nos. 71 and 69 to Licenses Nos. DPR-44 and DPR-56, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, DC and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 15th day of July 1980.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 80-22391 Filed 7-24-80; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-514 CP, 50-515 CP]

Portland General Electric Co. (Pebble Springs Nuclear Plant, Units 1 and 2); Order Canceling the Prehearing Conference

Following the Applicant's announcement of defferal of Pebble Springs and request for a hearing on site suitability issues, the NRC Staff supported the Applicant's request. The Intervenors took the position that consideration of these issues at this time would be premature. On May 1, 1980, the Staff suggested it would be appropriate to schedule a prehearing conference.

Following a conference call, on June 23, 1980 the Board issued an order scheduling the prehearing conference on July 23, 1980. On July 15, 1980 the Staff moved for the postponement of the prehearing conference on the basis that it had other priority proceedings and could not be prepared to present its position on the site suitability issues on July 23, 1980.

The motion was discussed in a conference call on July 18, 1980 and the Board determined the prehearing conference would be postponed. This order confirms that determination. The Staff was directed by the Board to file a status report by August 18, 1980.

It is so ordered.

Bethesda, Maryland,
July 21, 1980.

For the Atomic Safety and Licensing Board.

Elizabeth S. Bowers,

Chairman.

[FR Doc. 80-22386 Filed 7-24-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-333]

Power Authority of the State of New York; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 49 to Facility Operating License No. DPR-59, issued to Power Authority of the State of New York, which revised Technical Specifications for operation of the James A. FitzPatrick Nuclear Power Plant (the facility) located in Oswego County, New York. The amendment is effective as of its date of issuance.

The amendment is associated with the third refueling of FitzPatrick and changes the Technical Specifications to (1) include prepressurized 8 x 8 retrofit fuel, (2) revise operating limit minimum critical power ratios, and (3) incorporate administrative improvements.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 4, 1980, (2) amendment No. 49 to License No. DPR-59, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, N.W., Washington, D.C. and at the State University College at Oswego, Penfield Library—Documents, Oswego, New York 13126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 11th day of July, 1980.

For the Nuclear Regulatory Commission.

Philip J. Polk,

Acting Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 80-22387 Filed 7-24-80; 8:45 am]

BILLING CODE 7590-01-M

Proposed Availability of Fiscal Year 1981 Funds for Financial Assistance To Enhance Technology Transfer and Dissemination of Nuclear Energy Process and Safety Information

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC), Office of Nuclear Regulatory Research announces proposed availability of fiscal year 1981 funds to support professional meetings, symposia, conferences, national and international commissions and publications for the expansion, exchange and transfer of knowledge, ideas and concepts directed toward the research necessary to provide a technology base to assess the safety of nuclear power.

Projects will be funded through grants.

EFFECTIVE DATE: Proposals will be accepted throughout fiscal year 1981.

ADDRESS: U.S. Nuclear Regulatory Commission, Division of Contracts, Washington, D.C. 20555.

FOR FURTHER INFORMATION CONTACT: The cognizant NRC program official for this program is Dr. John Larkins, telephone (301) 427-4344. The cognizant NRC grant official is Mr. Kellogg Morton, telephone (301) 427-4365.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of This Announcement

Pursuant to Section 31.a. and 141.b. of the Atomic Energy Act of 1954, as amended, the NRC, Office of Nuclear Regulatory Research proposes to support educational institutions, nonprofit institutions, state and local governments, and professional societies through providing funds for expansion, exchange and transfer of knowledge, ideas and concepts directed toward the research necessary to provide a technology base to assess the safety of nuclear power. The program includes, but is not limited to, support of professional meetings, symposia, conferences, national and international commissions, and publications (hereinafter called project). The primary purpose of this will be to stimulate research to provide a technological base for the safety assessment of systems and subsystem technologies used in nuclear power applications. The results of this program will be to increase public understanding relating to nuclear safety, to enlarge the fund of theoretical and practical knowledge and technical information, and ultimately to enhance the protection of the public health and safety.

B. Eligible Applicants

Educational institutions, nonprofit entities, state and local governments and professional societies are eligible to apply for a grant under this announcement.

C. Research Proposals

A research proposal should describe (i) the objectives and scientific significance of the proposed research, (ii) the methodology proposed and its suitability, (iii) the qualifications of the participants and the proposing organization, and (iv) the level of financial support required to perform the proposed effort.

Proposals should be as brief and concise as is consistent with communication to the reviewers. Neither unduly elaborate applications nor voluminous supporting documentation is desired.

State and local Governments shall submit proposals utilizing the standard forms specified in OMB Circular A-102, Attachment M. Nonprofit organizations, universities and shall submit proposals utilizing the standard forms stipulated in OMB Circular A-110, Attachment M.

The Format used for project proposals should give a clear presentation of the proposed project and its relation to the specific objectives contained in this notice. Each proposal should follow the format outlined below unless the NRC specifically authorizes exceptions.

1. Cover Page. The Cover Page should be typed according to the following format (submit separate cover pages if the proposal is multi-institutional):

Title of Proposal—To include the term "conference," "symposium," "workshop," or other similar designation to assist in the identification of the project.
Location and Dates of Conference, Symposium, Workshop, etc.
Name of Principal Participants:
Total Cost of Proposal
Period of Proposal
Organization or Institution and Department
Required Signatures
Principal Participants

Name _____
Date _____
Address _____
Telephone Number _____

Required Organization Approval:

Name _____
Date _____
Address _____
Telephone Number _____

Organization Financial Officer:

Name _____
Date _____
Address _____
Telephone Number _____

2. Project Description. Each proposal shall provide, in ten pages or less, a complete and accurate description of the proposed project. This section should provide the basic information to be used in evaluating the proposal to determine its priority for funding.

Applicants must identify other proposed sources of financial support for a particular project.

The information provided in this section must be brief and specific. Detailed background information may

be included as supporting documentation to the proposal.

The following format shall be used for the project description:

(a) Project Goals and Objectives—The project's objectives must be clearly and unambiguously stated. The proposal should justify the project including the problems it intends to clarify and the developments it may stimulate.

(b) Project Outline—The proposal should show the project format and agenda, including a list of principal areas or topics to be addressed.

(c) Project Benefits—The proposal should indicate the direct and indirect benefits that the project seeks to achieve and to whom these benefits will accrue.

(d) Project Management—The proposal should describe the physical facilities required for the conduct of the project. Further, the proposal should include brief biographical sketches of individuals responsible for planning the project.

(e) Project Costs—Nonprofit organizations shall adhere to the cost principles set forth in OMB Circular A-122; Educational Institutions shall adhere to the cost principles set forth in OMB Circular A-21; and state and local Governments shall adhere to the cost principles set forth in Federal Management Circular 74-4.

The proposal must provide a detailed schedule of project costs, identifying in particular:

(1) Salaries—in proportion to the time or effort directly related to the project.

(2) Equipment (rental only)

(3) Travel and Per Diem/subsistence in relation to the project.

(4) Publication Costs

(5) Other Direct Costs (specify)—e.g.supplies or registration fees.

Note.—Dues to organizations, federations or societies, exclusive of registration fees are not allowed as a charge.

(6) Indirect Costs (attach negotiated agreement/cost allocation plan)

(7) Total Costs.

3. Supporting Documentation. The supporting documentation should contain any additional information that will strengthen the proposal.

D. Proposal Submission and Deadline

This program announcement is valid for the entire period of fiscal year 1981 (from 10-1-80 to 9-30-81). Proposal submissions shall be in 1 signed original and 6 copies.

E. Funds

For fiscal year 1981, the U.S. Nuclear Regulatory Commission, Office of Nuclear Regulatory Research anticipates making $100,000 to $200,000 available for funding the project(s) mentioned herein.

The NRC anticipates that approximately 5 to 15 projects will be funded. Further, the NRC anticipates that its average support will be a $15,000-$20,000 per project.

F. Evaluation Process

All proposals received as a result of this announcement will be evaluated by an NRC review panel.

G. Evaluation Criteria

The award of NRC grants is discretionary. Generally, projects are supported in order of merit to the extent permitted by available funds.

Evaluation of proposals will employ the following criteria.

1. Potential usefulness of the proposed project for the advancement of scientific knowledge.

2. Clarity of statement of objectives, methods, and anticipated results.

3. Range of issues covered by the meeting agenda.

4. Qualifications and experience of project speakers.

5. Reasonableness of estimated cost in relation to anticipated results.

H. Disposition of Proposals

Notification of awards will be made by the Grants Officer. Organizations whose proposals are unsuccessful will be so advised by the Grants Officer.

I. Proposal Instructions and Forms

Questions concerning the preceding information, copies of application forms, and applicable regulations shall be obtained from or submitted to: Grants Officer, U.S. Nuclear Regulatory Commission, Division of Contracts, Washington, D.C. 20555.

The address for hand-carried applications is: Grants Officer, U.S. Nuclear Regulatory Commission, 7915 Eastern Avenue, Room 392, Silver Spring, Md. 20910.

Nothing in this solicitation shall be construed as committing the NRC to dividing available funds among all qualified applicants.

Dated at Washington, D.C. this 16th day of July 1980.

For the Nuclear Regulatory Commission.

Kellogg V. Morton,

Chief, Research Contracts Branch, Division of Contracts.

[FR Doc. 80-22385 Filed 7-24-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-142-OL (Proposed Renewal of Facility License)]

Regents of the University of California (UCLA Argonaut-Type Research Reactor); Order Scheduling a Prehearing Conference

July 21, 1980.

On April 25, 1980 a notice was published by the Commission offering a hearing on the renewal of the operating license held by the Regents of the University of California (Regents) for the UCLA Research Reactor. On May 22, 1980 a petition to intervene requesting a hearing was filed by the Committee to Bridge the Gap (BTG), a group of students and faculty at UCLA and local citizens. On June 11, 1980 the NRC Staff responded to the petition. Due to inadequate service by the petitioner, the Regents requested an extension of time to July 8, 1980 to respond to the petition. This was granted by a Board order of June 18, 1980. The Regents responded on July 3, 1980.

A prehearing conference will be held in Courtroom No. 324, U.S. Courthouse, 312 No. Spring Street, Los Angeles, California at 9:30 a.m. (local time) on September 18, 1980. If BTG wishes to supplement its petition this must be served by August 18, 1980, the response, if any, by the Regents must be served by September 2, 1980, and the response, if any, by the Staff must be served by September 10, 1980. At the prehearing conference the participants will be given further opportunity to explain their positions.

The public is invited to attend. No limited appearance statements will be permitted at this conference.

It is so ordered.

For the Atomic Safety and Licensing Board.

Dated at Bethesda, Maryland this 21st day of July 1980.

Elizabeth S. Bowers,

Chairman.

[FR Doc. 80-22394 Filed 7-24-80; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued a revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the

staff in its review of applications for permits and licenses.

Revision 2 to Regulatory Guide 5.52, "Standard Format and Content of a Licensee Physical Protection Plan for Strategic Special Nuclear Material at Fixed Sites (Other than Nuclear Power Plants)," identified the information that should be included in a physical protection plan for strategic special nuclear material at fixed sites other than nuclear power plants and suggests a format for its presentation. This guide was revised to reflect recent changes to the Commission's physical protection regulations.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 16th day of July 1980.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Standards Development.

[FR Doc. 80-22384 Filed 7-24-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-147]

Rockwell International Corp.; Proposed Issuance of Order Terminating Facility License

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an Order Terminating Facility License No. CX-17, issued to Rockwell International Corporation (the licensee), for the Fast Critical Experimental Laboratory (FCEL) reactor, in accordance with the licensee's application dated July 16, 1974, as supplemented April 30, 1980.

Prior to issuance of any order, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By August 12, 1980, the licensee may file a request for a hearing with respect to issuance of the Order Terminating Facility License and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioners' right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the order under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. by the above date. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Mr. M. E. Remley, Director, Health, Safety & Radiation Services, Energy Systems Group, Rockwell International Corporation, 8900 De Soto Avenue, Canoga Park, California 91304.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application dated July 16, 1974, as supplemented April 30, 1980, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C.

Dated at Bethesda, Maryland, this 17th day of July 1980.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 80-22390 Filed 7-24-80; 8:45 am]

BILLING CODE 7590-01-M

[License No. 24-00128-05]

Southeast Missouri Hospital; Modification of May 7, 1980 Order

I

Southeast Missouri Hospital, the holder of NRC License No. 24–00128–05 which authorizes operation of a cobalt–60 teletherapy unit.

II

Recently, the NRC became aware of a number of teletherapy equipment malfunctions which include faulty shutter operation and improper indication of beam status. These types of malfunctions have the potential for causing excessive (even lethal) radiation exposures of operating personnel and patients if not promptly detected and appropriately rectified.

These malfunctions are being investigated and corrective action is being pursued with the teletherapy manufacturers and users involved. In addition to these measures, however, it was determined that a teletherapy room radiation monitor would provide the capability to promptly detect and alert teletherapy unit operators of situations where the source is not fully shielded so that appropriate emergency action can be taken to avoid excessive radiation exposure. The room radiation monitor is intended to provide the teletherapy operator with continuous information on beam status. These room radiation monitors would be an additional requirement to the required door interlock system.

III

On May 7, 1980, an Order was issued to the Licensee (and to all other teletherapy licensees) requiring installation of a permanently mounted radiation monitor which continuously monitors the teletherapy beam condition, is equipped with a back-up battery power supply and has a visual signal to make the operator continuously aware of the beam condition.

By letter dated May 21, 1980, the Licensee responded to the Order, describing its existing AC powered visible radiation monitor without battery power back-up and requesting the Commission to modify the Order to permit continued operation of its existing monitoring system until January 1, 1981, pending completion of a new teletherapy room which will be equipped with a monitor with a back-up battery power supply. Based on a review of the facts submitted by the Licensee, the teletherapy room is equipped with an A.C. operated monitor which provides continuous beam status information to the operator by means of a visible signal and licensee personnel will use a portable survey meter to monitor beam condition if the room monitor becomes inoperable. I have determined that the public health, safety and interest will not be endangered by modification of this license.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2, 30, 35, IT IS HEREBY ORDERED THAT The May 7, 1980 Order Modifying License No. 24–00128–05 be amended to add condition 3 to Section II of that Order.

(3) Notwithstanding the requirements of Condition (1) of this Order, the licensee is authorized to use the monitoring device described in his letter of May 21, 1980 from the date of this Order until January 1, 1981. Whenever this monitor is non-operational due to power failure the operator or another qualified individual shall immediately determine beam condition with an operable, calibrated survey meter.

All other conditions of the May 7, 1980 Order Modifying License remain in effect in accordance with their terms.

V

The Licensee or any person who has interest affected by this Order may within twenty (20) days of the date of this Order file a request for a hearing with respect to all or any part of the amendment. Any request for a hearing shall be filed with Mr. R. E. Cunningham, Director, Division of Fuel Cycle and Material Safety, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the Executive Legal Director at the above address. This amendment will become effective on the expiration of the period during which the Licensee may request a hearing, or in the event a hearing is requested, on the date specified in an Order made following the hearing.

VI

In the event a person who has an interest affected by this Order requests a hearing as provided above and a hearing is held, the issues to be considered at such a hearing shall be:

(1) Whether the circumstances described in Section II and III of this Order provide an adequate basis for the actions ordered; and

(2) Whether the license should be modified to require the installation of a radiation monitoring device in each teletherapy room or use of a substitute measure as set forth in Part IV of this Order.

Dated at Silver Spring, Maryland this 16th day of July, 1980.

For the Nuclear Regulatory Commission.

Richard E. Cunningham,

Director, Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 80-22389 Filed 7-24-80; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-259, 59-260, and 50-296]

Tennessee Valley Authority; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 61 to Facility Operating License No. DPR–33, Amendment No. 56 to Facility Operating License No. DPR–52, and Amendment No. 33 to Facility Operating License No. DPR–68 issued to Tennessee Valley Authority (the licensee), which revised Technical Specifications for operation of the Browns Ferry Nuclear Plant, Unit Nos. 1, 2, and 3, located in Limestone County, Alabama. The amendments are effective as of the date of issuance.

These amendments change the Technical Specifications pertaining to thermal discharge limits to be consistent with the more restrictive of the limitations imposed by the Environmental Protection Agency, or a 10° F thermal use above ambient water temperature with a maximum temperature not to exceed 93° F after reasonable mixing.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated July 14, 1980, (2) Amendment No. 61 to License No. DPR–33, Amendment No. 56 to License No. DPR–52, and Amendment No. 33 to

License No. DPR–68, and (3) the Commission's letter to the licensee dated July 15, 1980. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Athens Public Library, South and Forrest, Athens, Alabama, 34611. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 15th day of July, 1980.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 80–22393 Filed 7–24–80; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. STN 50–528/529/530]

Clarification to Arizona Public Service Co., et al., (Palo Verde Nuclear Generating Station Units 1, 2, and 3); Receipt of Application for Facility Operating Licenses; Availability of Applicant's Environmental Report; and Consideration of Issuance of Facility Operating Licenses and Notice of Opportunity for Hearing

On July 11, 1980, a notice was published in the **Federal Register** (45 FR 46941) under the heading "Arizona Public Service Co., et al. (Palo Verde Nuclear Generating Station Units 1, 2, and 3); Receipt of Application for Facility Operating Licenses; Availability of Applicant's Environmental Report; and Consideration of Issuance of Facility Operating Licenses; Availability of Applicant's Environmental Report; and Consideration of Issuance of Facility Operating Licenses and Notice of Opportunity for Hearing." The notice provided, among other things, that:

By July 31, 1980, the applicants may file a request for a hearing with respect to issuance of the facility operating licenses and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary of the Commission, or designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

The Commission has issued the following clarification to the above-mentioned paragraph:

By July 31, 1980, the applicants may file a request for a hearing with respect to issuance of the facility operating licenses. By August 11, 1980, any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date[s], the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary of the Commission, or designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

Dated at Bethesda, Maryland, this 23rd day of July, 1980.

For the Nuclear Regulatory Commission.

A. Schwencer,

Acting Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 80–22635 Filed 7–24–80; 10:16 am]

BILLING CODE 7590–01–M

OFFICE OF MANAGEMENT AND BUDGET

President's Commission for a National Agenda for the Eighties; Meeting

July 21, 1980.

AGENCY: Office of Management and Budget.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Pub. L. 92–463, notice is hereby given for a general outreach meeting of the President's Commission for a National Agenda for the Eighties, scheduled for August 4, 1980, in South Bend, Indiana.

The Commission is holding this public meeting with the Mayor and department heads to discuss the problems of medium size communities.

Available seats will be assigned on a first-come basis.

The meeting will be open to the public.

FOR FURTHER INFORMATION CONTACT: President's Commission for a National Agenda for the Eighties, Office of Administration, 744 Jackson Place, Northwest, Washington, D.C. 20006. (202) 275–0616

Brenda Mayberry,

Acting Budget and Management Officer.

[FR Doc. 80–22310 Filed 7–24–80; 8:45 am]

BILLING CODE 3110–01–M

OFFICE OF THE U.S. TRADE REPRESENTATIVE

[Docket No. 301–18]

American Institute of Marine Underwriters; Suspension of Investigation Under Section 301

Representatives of the Office of the United States Trade Representative and Representatives of the Government of Argentina have reached an agreement under the terms of which the Government of Argentina has agreed to participate in multilateral negotiations, one of the objectives of which would be to work toward an agreement to apply the principle of national treatment in the insurance sector. The Government of Argentina's undertaking is conditioned upon the willingness of a significant number of less developed countries to participate in such a negotiation. Based upon this commitment on the part of the Government of Argentina and pursuant to 19 CFR 2006.6, the United States Trade Representative is suspending the investigation under section 301 of the Trade Act of 1974 (19 U.S.C. 2411) concerning marine insurance practices of the Government of Argentina.

The investigation, initiated by the Office of the United States Trade Representative on July 2, 1979 (44 FR 32054) resulted from a petition filed by the American Institute of Marine Underwriters alleging discriminatory and unfair trade practices and policies by the Government of Argentina in the field of marine insurance. A public hearing was conducted on August 29, 1979 (44 FR 32057), to provide an opportunity for public comment.

The investigation revealed that a number of developing countries with incipient insurance industries maintain policies which are similar or identical to the Argentine practice.

In the view of the utility of involving other countries which maintain restrictive practices in the insurance sector in negotiations seeking to eliminate those practices, the United States Government sought a commitment from the Government of Argentina to participate in such negotiations. Argentina has undertaken to participate in multilateral

negotiations on this issue, and the investigation is suspended.

Jeanne S. Archibald,

Chairman, Section 301 Committee.

[FR Doc. 80-22287 Filed 7-24-80; 8:45 am]

BILLING CODE 3190-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Granting of Relief From Disabilities Incurred by Conviction

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF).

ACTION: Notice of granting of relief from disabilities incurred by conviction.

SUMMARY: The persons named in this notice have been granted relief by the Director, Bureau of Alcohol, Tobacco and Firearms, from their disabilities imposed by Federal laws. As a result, these persons may lawfully acquire, transfer, receive, ship, and possess firearms if they are in compliance with applicable laws of the jurisdiction in which they live.

FOR FURTHER INFORMATION CONTACT: Special Agent in Charge Noel A. Haera, Firearms Enforcement Branch, Investigations Division, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20026, (202-566-7457).

SUPPLEMENTARY INFORMATION: In accordance with 18 U.S.C. 925(c), the persons named in this notice have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to the Director's satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

The following persons have been granted relief:

Adamek, Albert P., 5580 175th, Farmington, Minnesota, convicted on July 12, 1961, in the Ramsey County District Court, Minnesota.

Allen, Wynward B., 2327 Maplewood Avenue, Richmond, Virginia, convicted on April 13, 1933, in the Circuit Court, Richmond, Virginia.

Altice, Henry L., Route 1, Box 266, Blue Ridge, Virginia, convicted on July 24, 1973, in the Circuit Court, Roanoke, Virginia.

Anderson, Kenneth D., 7800 DeBarr Road, Anchorage, Alaska, convicted on June 11, 1971, in the Superior Court of the State of California.

Baller, James, R. R. No. 2, Long Prairie, Minnesota, convicted on March 9, 1977, in the 7th Judicial Court, Todd County, Minnesota.

Bell, David L., 1305 North 13th Street, Waco, Texas, convicted on September 18, 1972, in Lancaster, South Carolina.

Beale, William L., 503 Alcazar Avenue, Altamonte Springs, Florida, convicted on August 18, 1975, in the United States District Court, Middle District of Florida.

Billings, Chester, Route 1, Box 249, Traphill, North Carolina, convicted March 1, 1937, in the Superior Court of Wilkes County, North Carolina; convicted May 21, 1941, May 15, 1950, April 2, 1959 and November 10, 1970, United States Middle District Court, Wilkesboro, North Carolina.

Bimatre, Louis A., Jr., 414 Pine Avenue, Altoona, Pennsylvania, convicted April 21, 1972 and February 14, 1973, in the Pennsylvania Common Please Court.

Blundell, Looney D., 13289 16th Street, Chino, California, convicted August 30, 1960, in the United States District Court, Idaho.

Bockman, James E., 3066 St. Clair, Auburn Heights, Michigan, convicted April 8, 1947, in the Oakland County Circuit Court, Pontiac, Michigan.

Brosier, Charles E., 119 E. Lord Street, Gaines, Michigan, convicted July 8, 1969, in the Circuit Court for the County of Genesee, Michigan.

Brown, John, Star Route 71190, ¼ Mile Badger Road, Fairbanks, Alaska, convicted November 17, 1972, in the Circuit Court, Lane County, Oregon.

Bucove, Michael A., P.O. Box 676, Snoqualmie, Washington, convicted on January 23, 1976, in the United States District Court for the District of Nevada at Las Vegas.

Call, Willie C., Route 3, Box 426, North Wilkesboro, North Carolina, convicted November 21, 1958, in the United States District Court, Wilkesboro, North Carolina.

Castillo, Efrain, 1218 Gulf Avenue, Wilmington, California, convicted on January 20, 1950, in the United States District Court, San Diego, California.

Celestine, Harold C., 917 Sheridan Avenue, Bronx, New York, convicted on May 17, 1968, in the United States District Court, Southern District of New York.

Choate, Dannie D., 1800 Gary Lane, Hopkinsville, Kentucky, convicted October 31, 1972, in the Caldwell County Circuit Court, Oregon.

Clements, Michael, 210 North 8th, Tumwater, Washington, convicted on July 6, 1977, in the Superior Court, Thurston County, Washington.

Cooper, Joe Jr., 1449 Charwood, Mt. Morris, Michigan, convicted in July 1963, in the Circuit Court of Genesee County, Michigan; convicted in July 1972, in the Circuit Court of Genesee County, Michigan.

Coppage, Edward A. Jr., 3031 Borge Street, Oakton, Virginia, convicted March 16, 1979, in the Eastern Judicial District of Virginia.

Curtis, Charlotte A., 240 Mowbry Road, Colesville, Maryland, convicted on January 31, 1979, in the United States District Court, Western District of Seattle, Washington.

Curtis, Richard E., 240 Mowbry Road, Colesville, Maryland, convicted on January 31, 1979, in the United States District Court, Western District of Seattle, Washington.

Davis, Adolphus, Route 1, Box 181D, Pounding Mill, Virginia, convicted on May 3, 1966, in the Circuit Court, Tazewell County, Virginia.

Detter, Ronald E., 25 Coliente Avenue, Bartonville, Illinois, convicted on November 23, 1964, in the Court of Quarter Sessions of York County, Pennsylvania.

DiBenneditto, Stephen J., 24 Mustang Lane, Destrehan, Louisiana, convicted on December 2, 1976, in the United States District Court, Eastern District of Louisiana, New Orleans.

Dixon, Burrell J., Route 1, Box 14, Whitetop, Virginia, convicted April 21, 1975, in the United States District Court, Middle District of North Carolina, Wilkesboro Division.

Dollar, Johnny Everett, Route 11, Box 119K, West Monroe, Louisiana, convicted on June 23, 1971, in the 24th Judicial District, Jefferson Parish, Louisiana.

Dolman, Dennis, Route 1, Box 344, Cashmere, Washington, convicted on June 2, 1975, in the Superior Court, Chelan County, Washington.

Donohue, Michael C., 5435 Gwenda Lea, San Antonio, Texas, convicted on January 15, 1973, in the United States District Court, Southern District of Texas, Laredo, Texas.

Draine, Sam, 963 Gorgas Street, Mobile, Alabama, convicted on May 26, 1971, in the Mobile County Circuit Court, Alabama.

Draper, Lonnie, Route 4, Bassett, Virginia, convicted on September 11, 1944, in the United States District Court, Western, Virginia; convicted on February 12, 1958, in the United States District Court, Western, Virginia.

Escalderon, Antonia Juan, 4075 Mississippi Street, San Diego, California, convicted on September 23, 1963, in the Superior Court of California, San Diego County.

Fiorella, Frank W., 10 Glor Street, Buffalo, New York, convicted in January 1972, in the Cattaraugus County Court, Little Valley, New York; convicted in April 1957, in City Court, Buffalo, New York.

Fox, Levi, 422 E. Rankin Street, Flint, Michigan, convicted on March 28, 1973, in the United States District Court Southern District of Alabama, Southern Division.

Fuller, Eli C., 1994 N. Division Street, East Troy, Wisconsin, convicted August 8, 1977, in the Circuit Court, Branch II, Walworth County, Wisconsin.

Garris, Billy J., Route 1, Box 261-A, Traphill, North Carolina, convicted October 17, 1967, in the United States District Court, Middle District of North Carolina.

Gerat, Alex, Route 66, Box 251-G, Cullowhee, North Carolina, convicted on November 1, 1968, in the United States District Court, Northern District of Illinois.

Gesslar, Frederick, 12140 S.W. 185th Terrace, Miami, Florida, convicted on January 16, 1967, in the Superior Court, Union County, New Jersey.

Green, Alfred, 2413 Radcliffe Road, Juneau, Alaska, convicted on April 17, 1974, in the

Superior Court, Whatcom County, Washington.

Gregory, Dennis, 512 Clarice Lane, Roseburg, Oregon, convicted on July 22, 1975, in the Circuit Court of the State of Oregon, Douglas County.

Grubisich, Gregory, P.O. Box 391, Hoquiam, Washington, convicted on September 8, 1978, in the Superior Court, Grays Harbor County, Washington.

Guilford, Douglas P., 1550 Surfside Boulevard, Merritt Island, Florida, convicted on July 25, 1972, in the Criminal Court of Record, Palm Beach County, Florida.

Gurkin, Robert M., 2604 Newbold Street, Raleigh, North Carolina, convicted on January 21, 1963, in the Superior Court, Montgomery County, North Carolina.

Hamby, Gregory, J., P.O. Box 17, Jersey, Georgia, convicted on April 13, 1977, in the Superior Court of Newton County, Georgia.

Hawkins, Fred H., 8423 Loveland Drive, Omaha, Nebraska, on January 14, 1976, in the United States District Court, Judicial District of Nebraska.

Holloway, James W., Route 1, Box 240, Traphill, North Carolina, on October 16, 1972, in the United States District Court, North Carolina.

Houghton, Bruce R., Route 1 Box 192, Elkhorn, Wisconsin, on May 30, 1973, in the 18th Judicial Circuit, DuPage County, Wheaton, Illinois.

Hubble, Glen Dean, 150 Saddlebow Road, Canoga Park, California, convicted on May 14, 1954, in the Circuit Court of Manatee County, Florida; convicted in February 1956, in the Municipal Court of the Oakland-Piedmont Judicial District of California.

Hurley, Joan V., 631 Alabama Avenue, Bremen, Georgia, convicted on December 19, 1956, in the Criminal Court of Baltimore, Maryland.

Jones, Charles M., Sr., 7238 Douglas Road, Toledo, Ohio, convicted on January 7, 1966, in the Monroe County Circuit Court, Michigan.

Judkins, Barbara Jean, 329 Thompson Lane, Nashville, Tennessee, convicted on January 21, 1966, in the United States District Court for the Middle District of Tennessee.

Klaren, Charles William, Jr., 215 N. Poplar Street, Walhalla, South Carolina, on September 17, 1975, in the United States District Court for the District of South Carolina at Anderson, South Carolina.

Lane, Francis A., 1318 Oak Street, Syracuse, New York, convicted May 9, 1961, in the Onondaga County Court, Syracuse, New York.

Ledoux, Leonard John, 195 Murry Hill Drive, Destrehan, Louisiana, convicted on December 2, 1975, in the Eastern District of Louisiana, New Orleans, Louisiana.

Lemaster, Verlon, Sr., Route 3, Grant, Alabama, convicted on December 3, 1962, in the Northern District of Alabama in Birmingham; convicted on November 27, 1967, in the Circuit Court of Marshall County, Alabama.

Lewis, Elbert D., 2310 North 9th Street, Arlington, Virginia, convicted on October 17, 1975, in the United States District Court for the District of Columbia.

Lewis, Rick P., 2917 North Perry, Spokane, Washington, convicted on March 20, 1974, in the Spokane County Superior Court, Washington.

Lingsweiler, Alan D., 11530 Fernald, Dallas, Texas, convicted on February 23, 1974, in the 204th Judicial District Court of Dallas, Texas.

Maldonado, Jose, 2881 Randall Avenue, Bronx, New York, convicted on September 12, 1968, in the New York Supreme Court, New York.

Manlick, Wayne J., 4356 South 14th Street, Milwaukee, Wisconsin, convicted on June 12, 1975, in the Circuit Court for the County of Milwaukee, Wisconsin.

Manuel, John W., 2514 Masi Street, Norfolk, Virginia, convicted on July 29, 1968, in the Corporation Court of the City of Norfolk, Virginia.

Medansky, Melvyn L., 7638 West Church Street, Morton Grove, Illinois, convicted on June 20, 1972, in the United States District Court, Northern District of Illinois, Eastern Division, Chicago, Illinois.

Merchant, Joseph C., 401 Calhoun Street, Laurens, South Carolina, convicted on June 15, 1965, in the Court of General Sessions, County of Laurens, South Carolina.

Miller, James F., Route 3, Box 205A, Opp, Alabama, convicted on April 18, 1974, in the United States District Court, Montgomery, Alabama.

Montgomery, Newman L., 631 Tecumseh Street, Indianapolis, Indiana, convicted on April 10, 1931, in the Bullitt County Circuit Court, Bullitt County, Kentucky.

Moore, Jack W., P.O. Box 24, Lytle, Texas, convicted on September 10, 1962, in the 2nd 38th Judicial Court, Bandera, Texas.

Mulhall, Dennis A., Route 1, Box 76B, Malaga, Washington, convicted on August 27, 1973, in the Chelan County Superior Court, Wenatchee, Washington.

Neal, James Edward, 625 Seminar Boulevard, Houston, Texas, convicted on April 12, 1968, in the 11th Judicial Circuit Court, Dade County, Miami, Florida.

Palori, Peter A., 5131 San Jose, Tampa, Florida, convicted on May 24, 1974, in the United States District Court, Middle District of Florida, Tampa, Florida.

Peters, Edward H., Netherwood Road, Salt Point, New York, convicted on October 5, 1971, in the Chemung County Court, Elmira, New York.

Prevatt, Clarence E., 4924 Bayway Place, Tampa, Florida, convicted on December 20, 1974, in the Tampa Division of Middle District of Florida.

Rich, Larry, Route 4, Box 989, High Point, North Carolina, convicted on August 24, 1961, in Davidson County, North Carolina; convicted on October 30, 1961, in Guilford County, North Carolina.

Richards, Ruben Eugene, 109 East Central, Blountstown, Florida, convicted on october 16, 1973, in the United States District Court, Northern District of Florida, Tallahassee, Florida.

Ricksgers, Dennis, 409 South Ivy, Canby, Oregon, convicted on April 13, 1971, in the Circuit Court Multnomah County, Oregon.

Rindels, Loren, 1100 14th Street, N.W., Austin, Minnesota, convicted on September 21, 1949, in the Hamlin County Court, Hayti, South Dakota.

Rosencrons, Stanley J., 20936 3rd Street West, Alderwood Manor, Washington, convicted on June 9, 1965, in the Superior Court, McDonald County, Missouri.

Royston, Joseph Earl, P.O. Box 36, Valley Loe, Maryland, convicted on August 11, 1955, in the Circuit Court of St. Mary's County, Maryland.

Ruth, Issac W., Jr., Route 2, Calhoun City, Mississippi, convicted on November 8, 1974, in the United States District Court for the Northern District of Mississippi.

Sammons, Roger Dale, Route 2, Raccoon Valley Road, Maynardsville, Tennessee, convicted on January 26, 1976, in the Knox County Criminal Court, Knoxville, Tennessee.

Sasser, Henry W., Star Route, Box 134, Centerpoint, Louisiana, convicted on March 10, 1953, in the 12th Judicial District of Louisiana.

Saunders, Edward A., Jr., 19 Taylor Avenue, Poughkeepsie, New York, convicted on April 24, 1974, in the United States District Court for Southern District of New York.

Sharkey, James J., 3116 Walpole, Memphis, Tennessee, convicted on April 18, 1977, in the Madison County Court, Wampsville, New York.

Shrew, Hubert, Route 2, Box 356, Wilkesboro, North Carolina, convicted on November 15, 1948, May 25, 1957 and May 22, 1962, in the United States District Court, North Carolina.

Smith, Harold M., 3624 Mirtinique Drive, Kenner, Louisiana, convicted on July 30, 1975, in the United States District Court, Eastern District of Louisiana.

Strohl, Franklin R., Jr., RD #1, box 51, New Tripoli, Pennsylvania, convicted March 21, 1955, in the Court of Common Pleas, Carbon County, Pennsylvania; convicted on August, 1955, in the Court of Common Pleas, Easton, Pennsylvania; and on September 6, 1955, in the Court of Common Pleas, Carbon County, Pennsylvania.

Stroop, Linden W., Route 1, Box 72, New Market, Virginia, convicted on September 14, 1977, in the Virginia Circuit Court of Shenandoah County, Virginia.

Swaney, Tommy R., P.O. Box 64, Pendleton, South Carolina, convicted on May 19, 1977, in the United States District Court for District of South Carolina, Anderson, Division.

Tate, Allen C., Jr., Route 1, Box 88K, Colonial Beach, Virginia, convicted on January 29, 1973, in the Circuit Court, Westmoreland County, Virginia.

Tharpe, Jerry, P.O. Box 36, Drakes Branch, Virginia, convicted on July 12, 1977, in the Circuit Court, Charlotte County, Virginia.

Turman, Marvin, Route 1, Box 106, Harrah, Oklahoma, convicted on May 8, 1973, in the District Court, 15th Judicial District of the State of Oklahoma.

Turner, Gary D., 8300 Garland Road, Dallas, Texas, convicted on December 16, 1976, in the Dallas County Criminal District Court, Texas.

Underhill, Charles E., 2699 Lowell Avenue, Jacksonville, Florida, convicted on August 7, 1970, in the United States District Court of the Middle District of Florida.

Velleca, Carl P., 249 Killian Road, Akron, Ohio, convicted on March 13, 1952, in the Court of Common Pleas, Summit County, Ohio.

Vessels, William, P.O. Box 15260, South Lake Tahoe, California, convicted on November 3, 1972, in the Superior Court, Los Angeles County, California.
Wages, Darrel L., 2nd Avenue, Colbert, Georgia, convicted on January 20, 1975, in the Clarke County Superior Court, Georgia.
Walker, Erven, P.O. Box 1, North, South Carolina, convicted on November 9, 1959, in the United States District Court, 11th District of South Carolina.
Wallace, Richard M., 70 Old Main Street, Sandwich, Massachusetts, convicted on June 15, 1966, in the Middlesex Superior Court, Cambridge, Massachusetts.
Watson, Linda R., P.O. Box 185, Skykomish, Washington, convicted on June 23, 1976, in the Douglas County Superior Court, Waterville, Washington.
Webster, Sheldon J., Menominee Indian Reservation, Highway 47, Neopit, Wisconsin, convicted on May 12, 1970, Shawano-Menominee Court, Branch 2, Menominee County, Wisconsin.
Widmer, Charles F., 221 North Elm, Warden, Washington, convicted on October 15, 1964, in the Yakima County Superior Court, Washington.
Willits, William, 4323 Evelyn Drive, Marysville, California, convicted on January 18, 1973, in the Superior Court, Butte County, California.
York, Harry T., R.R. #5, Box 446, Covington, Kentucky, convicted on February 5, 1965, in the Campbell Circuit Court, Kentucky.
Young, James L., 108 West 17th Street, Columbia, Tennessee, convicted on May 9, 1955, in the United States District Court for the Middle District of Tennessee.

Compliance With Executive Order 12044

This notice of granting of relief does not meet the Department's criteria for significant regulations as set forth in the Federal Register of November 8, 1978.

Signed: July 18, 1980.

G. R. Dickerson,

Director.

[FR Doc. 80-22445 Filed 7-24-80; 8:45 am]

BILLING CODE 9810-31-M

Internal Revenue Service

[Delegation Order No. 16, Rev. 2]

Delegation of Authority To Approve Confidential Expenditures

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of authority.

SUMMARY: The authority of the Commissioner of the Internal Revenue to approve confidential expenditures pertaining to violations of Federal statutes administered and enforced by the Internal Revenue Service is delegated to certain officials with dollar limitations, where appropriate. The text of the delegation order appears below.

EFFECTIVE DATE: July 23, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Donald B. Iverson, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, CP:CI:P, Room 2141, 202-566-4554 (Not Toll Free).

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury directive appearing in the Federal Register for Wednesday, November 8, 1978.

Thomas J. Clancy,

Director, Criminal Investigation Division.

[Order No. 16 (Rev. 2)]

Date of issue: July 23, 1980.
Effective Date: July 23, 1980.

Authorization To Approve Confidential Expenditures

Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Department Order 150-37, authority to approve payments for confidential expenditures pertaining to violations of Federal statutes arising from the administration and enforcement of the internal revenue laws is hereby delegated to the following officials, as well as the dollar limitation, where appropriate, that each official may approve:

A. Assistant Commissioner (Compliance) for information from informants or payments on behalf of informants exceeding $2,000 in each single assigned case or project; all confidential expenditures for undercover operations exceeding $2,000 in each single assigned case or project; and all other confidential expenditures exceeding $2,000 in each single assigned case or project. With respect to the Office of International Operations, the Assistant Commissioner (Compliance) is authorized to approve all confidential expenditures for information from informants or payments on behalf of informants; all other confidential expenditures; and all confidential expenditures for undercover operations. The authority to approve confidential expenditures for $1,000 or less in each single assigned case or project for information from informants or payments on behalf of informants and other confidential expenditures for $1,000 or less in each single assigned case or project may be redelegated to the Director of International Operations. With respect to the protection of informants or witnesses, the Assistant Commissioner (Compliance) is authorized to approve all confidential expenditures exceeding $5,000, if there is an immediate danger or an emergency, for temporary protection of an informant/witness or a witness until a determination by the Department of Justice that the person qualifies for Title V protection under Justice's Witness Security Program; and authority to approve all confidential expenditures for other protective arrangements undertaken by the Service for a witness who does not qualify for or is refused protection under Justice's Witness Security Program, in a case which is not under the jurisdiction of the United States Attorney's Office.

B. Assistant Commissioner (Inspection) for all Internal Security Activity confidential expenditures for information from informants or payments on behalf of informants; undercover operations; and other confidential expenditures. With respect to the protection of informants or witnesses, the Assistant Commissioner (Inspection) is authorized to approve all confidential expenditures exceeding $5,000, if there is an immediate danger or an emergency, for temporary protection of and informant/witness or a witness until a determination by the Department of Justice that the person qualifies for Title V protection under Justice's Witness Security Program; and authority to approve all confidential expenditures for other protective arrangements undertaken by the Service for a witness who does not qualify for or is refused protection under Justice's Witness Security Program, in a case which is not under the jurisdiction of the United States Attorney's Office.

C. Regional Commissioners for all confidential expenditures for information from informants or payments on behalf of informants for $2,000 or less in each single assigned case or project; all confidential expenditures for undercover operations for $2,000 or less in each single assigned case or project; and all other confidential expenditures for $2,000 or less in each single assigned case or project. The authority to approve confidential expenditures for information from informants or payments on behalf of informants and other confidential expenditures may be redelegated to the District Directors for $1,000 or less in each single assigned case or project for each type of confidential expenditure. Regional Commissioners are authorized to approve all confidential expenditures for $5,000 or less, if there is an immediate danger or an emergency, for temporary protection of an informant/witness or a witness until a determination by the Department of Justice that the person qualifies for Title V protection under Justice's Witness Security Program. However this

authority may be redelegated to District Directors for $2,500 or less.

D. Regional Inspectors for all Internal Security Activity confidential expenditures up to a limit of $2,000 for each single assigned case or project, for information from informants or payments on behalf of informants; undercover operations; and other confidential expenditures. With respect to the protection of informants or witnesses, Regional Inspectors are authorized to approve all confidential expenditures for $5,000 or less, if there is an immediate danger or an emergency, for temporary protection of an informant/witness or a witness until a determination by the Department of Justice that the person qualifies for Title V protection under Justice's Witness Security Program.

E. District Directors and the Director of International Operations in emergency situations may approve expenditures up to $1,000 for payments to informants for information leading to the apprehension of fugitives named in Wanted Circulars issued by the Internal Revenue Service.

F. Director, Internal Security Division for all Internal Security Activity confidential expenditures involving National Office cases or projects, up to a limit of $2,000 for each single assigned case or project, for information from informants or payments on behalf of informants; undercover operations; and other confidential expenditures. With respect to the protection of informants or witnesses, the Director, Internal Security Division, is authorized to approve all confidential expenditures for $5,000 or less, if there is an immediate danger or an emergency, for temporary protection of an informant/witness or a witness until a determination by the Department of Justice that the person qualifies for Title V protection under Justice's Witness Security Program.

This authority delegated herein may not be redelegated.

This order supersedes Commissioner Delegation Order No. 16 (Rev. 1) issued August 18, 1977.

Jerome Kurtz,

Commissioner.

[FR Doc. 80-22370 Filed 7-24-80; 8:45 am]

BILLING CODE 4830-01-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 145
Friday, July 25, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Equal Employment Opportunity Commission	1
Federal Communications Commission	2
Federal Home Loan Bank Board	3, 4
Federal Reserve System	5
Interstate Commerce Commission	6
Nuclear Regulatory Commission	7
Chrysler Corporation Loan Guarantee Board	8

1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, July 29, 1980.

PLACE: Commission Conference Room, No. 5240, fifth floor, Columbia, Plaza Office Building, 2401 E Street, N.W., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Freedom of Information Act Appeal No. 80-4-FOIA-217, concerning a request by a charging party for all materials in her file.
2. Amendment to EEOC Semi-Annual Regulatory Agenda.
3. Amendments to several sections of Volume I of the Compliance Manual.
4. State and Local Program: Modifications to fiscal year 1979 and fiscal year 1980 Backlog and fiscal year 1980 New Charge Resolution Contracts.
5. Revision of Regulations relative to the Exemption for Tenured Faculty under ADEA.
6. Report on Commission Operations by the Executive Director.

Closed to the public:

Litigation authorization; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Acting Executive Officer, Executive Secretariat, at (202) 634-6748.

This Notice Issued July 22, 1980.

[S-1411-80 Filed 7-23-80; 12:20 pm]

BILLING CODE 6570-06-M

2

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, July 24, 1980.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special closed Commission meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item number, and Subject

Hearing—1—Appeal from interlocutory ruling of the Presiding Judge in the Palm Springs, California, construction permit proceeding for a new FM station (Docket Nos. 78-104, 78-105 and 78-106).

Hearing—2—Certification by the Review Board of exceptions filed by Midwest St. Louis, Inc. (Midwest) to a Partial Summary Decision denying Midwest's application in the St. Louis, Missouri, comparative UHF television station proceeding (Docket Nos. 20820 and 20821).

Hearing—3—A Motion to Dismiss certified to the Commission by the Presiding Judge in the Morehead City, North Carolina, comparative FM proceeding (Docket Nos. 78-29, 78-30 and 78-31).

Hearing—4—Draft Decision in the West Coast Media, Inc. renewal hearing for Station KDIG (FM), San Diego, California (Docket No. 20971).

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: July 17, 1980.

[S-1410-80 Filed 7-23-80; 9:09 am]

BILLING CODE 6712-01-M

3

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: VOL. 45, FR, P. 48765, JULY 21, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., July 24, 1980.

PLACE: 1700 G Street, NW., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6677).

CHANGES IN THE MEETING: The following items have been added to the agenda for the open meeting:

Regulation on Amendment to Part 590—Mobile Home Loan Consumer Protection Provisions.

Announcement is being made at the earliest practicable time.

No. 368, July 23, 1980.

[S-1414-80 Filed 7-23-80; 2:58 pm]

BILLING CODE 6720-01-M

4

FEDERAL HOME LOAN BANK BOARD MEETING.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUCEMENT: Vol. 45, FR, p. 48765, July 21, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., July 24, 1980.

PLACE: 1700 G Street NW., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6677).

CHANGES IN THE MEETING: The following item has been withdrawn from the agenda for the open meeting:

Application for Bank Membership—Ware Savings Bank, Ware, Massachusetts.

Announcement is being made at the earliest practicable time.

No. 369, July 23, 1980.

[S-1415-80 Filed 7-23-80; 2:59 pm]

BILLING CODE 6720-01-M

5

FEDERAL RESERVE SYSTEM.

(Board of Governors)

TIME AND DATE: 10 a.m., Wednesday, July 30, 1980.

PLACE: Board Building, C Street entrance between 20th and 21st Streets, N.W. Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED: Summary Agenda:

Because of its routine nature, no substantive discussion of the following item is anticipated. This matter will be voted on without discussion unless a member of the Board requests that the item be moved to the discussion agenda.

1(a). Proposed standards for assessing civil money penalties.

NOTE.—Anyone planning to attend specifically for Item 1(a) should contact the office below on Tuesday, July 29, 1980, to assure that it has not been postponed to a future meeting.

Discussion Agenda:

1. Proposed interpretations of Regulation B (Equal Credit Opportunity) relating to credit scoring. (Proposed earlier for public comment; docket No. R–0203).

2. Proposed Federal Reserve System Objectives for 1981.

3. Any agenda items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: July 22, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[S–1409–80 Filed 7–22–80; 4:26 pm]

BILLING CODE 6210–01–M

6

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, July 30, 1980.

PLACE: Hearing Room A, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C. 20423.

STATUS: Open special conference.

MATTERS TO BE DISCUSSED: Division assignments and fiscal year 1982 budget.

CONTACT PERSON FOR MORE INFORMATION: Douglas Baldwin, Director, Office of Communications, telephone: (202) 275–7252.

[S–1412–80 Filed 6–23–80; 12:43 pm]

BILLING CODE 7035–01–M

7

NUCLEAR REGULATORY COMMISSION.

DATE: Monday, July 28 and Tuesday, July 29, 1980.

PLACE: Commissioners conference room, 1717 H Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: *Monday, July 28:*

9:30 a.m.

Budget Markup Session (closed—Exemption 9).

2 p.m.

Budget Markup Session (closed—Exemption 9).

Tuesday, July 29:

2 p.m.

Budget Markup Session—(closed—Exemption 9).

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.

July 21, 1980.

Walter Magee,

Office of the Secretary.

[S–1413–80 Filed 7–23–80; 2:17 p.m.]

BILLING CODE 7590–01–M

8

CHRYSLER CORPORATION LOAN.

(Guarantee Board)

TIME AND DATE: 11 a.m., July 31, 1980.

PLACE: Room 4121, Treasury Department, 15th and Pennsylvania Avenue NW., Washington, D.C. 20220.

MATTERS TO DISCUSSED: The Board has received an application from the Chrysler Corporation for the issuance of guarantees under the Chrysler Corporation Loan Guarantee Act (Pub. L. 96–185) (the "Act"). The Board will consider whether the Chrysler Corporation has satisfied the conditions and requirements for such Federal Assistance, as set forth in the Board's Resolutions of July 15, 1980 and the Act.

STATUS: Open.

CONTACT PERSON FOR MORE INFORMATION: Brian M. Freeman, Secretary of the Board (202) 566–5888.

This notice is given as a result of Court Order. The position of the Board is that it is not subject to the Government in the Sunshine Act.

Dated: July 23, 1980.

Brian M. Freeman,

Secretary of the Board.

[S–1417–80 Filed 7–24–80; 8:45 am]

BILLING CODE 4810–27–M

federal register

Friday
July 25, 1980

Part II

Department of Labor

Employment Standards Administration

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Construction Wage Determination, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

None.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Colorado:	
CO79–5117	June 15, 1979.
Florida:	
FL79–1087	May 25, 1979.
FL80–1072	May 16, 1980.
Maryland:	
MD77–3085	July 1, 1977.
Minnesota:	
MN80–2031	May 23, 1980.
MN80–2035	June 13, 1980.
Missouri:	
MO79–4094	Nov. 9, 1979.
Montana:	
MT80–5120	June 27, 1980.
MT80–5121	June 27, 1980.
MT80–5122	June 27, 1980.
New Hampshire:	
NH80–2008	Mar. 7, 1980.
Pennsylvania:	
PA78–3037	Apr. 21, 1978.
PA80–3043	July 7, 1980.
PA79–3006	Mar. 30, 1979.
PA80–3025	Apr. 11, 1980.
PA80–3012	Feb. 15, 1980.
PA80–3026	Apr. 11, 1980.
PA80–3029	Apr. 25, 1980.
PA80–3032	May 30, 1980.
PA80–3037	May 2, 1980.
Texas:	
TX80–4001	Jan. 4, 1980.
TX80–4003	Jan. 4, 1980.
TX80–4004	Jan. 4, 1980.
TX80–4019	Mar. 14, 1980.
TX80–4028	Apr. 25, 1980.
TX80–4032	June 6, 1980.
TX80–4033	May 16, 1980.
TX80–4034	June 6, 1980.
TX80–4035	June 20, 1980.
TX80–4036	June 20, 1980.
TX80–4037	May 16, 1980.
Virginia:	
VA79–3051	Nov. 9, 1979.
Washington:	
WA80–5107	Mar. 7, 1980.
Wisconsin:	
WI78–2108	Oct. 20, 1978.
WI80–2037	May 23, 1980.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses

following the numbers of the decisions being superseded.

Indiana:	
IN80-2016(IN80-2058)	May 23, 1980.
Iowa:	
IA78-4112(IA80-4053)	Nov. 24, 1978.
Mississippi:	
MS80-1032(MS80-1084)	Jan. 11, 1980.
New York:	
NY79-3017(NY80-3045)	July 6, 1979.
NY80-3007(NY80-3046)	Feb. 15, 1980.
NY80-3006(NY80-3048)	Mar. 7, 1980.
Oklahoma:	
OK78-4059(OK80-4065)	June 16, 1978.
OK79-4067(OK80-4067)	Aug. 7, 1979.
OK79-4100(OK80-4066)	Nov. 23, 1979.
Pennsylvania:	
PA79-3004(PA80-3044)	Mar. 16, 1979.

Cancellation of General Wage Determination Decisions

None.

Signed at Washington, D.C. this 18th day of July 1980.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

Modification Page 1

DECISION NO. CO79-5117 - Mod. #7
44 FR 43719 June 15, 1979
Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Morgan, Park, Summit, and Weld Counties, Colorado

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Asbestos Workers	$13.84	.55	1.37		
Carpenters					
Area (a) Denver Metropolitan Area including Louisville, Golden, Boulder and Longmont, Basing points					
ZONE 3	13.83	1.00	1.00	.95	.09
Morgan and Weld Counties:					
Area (b) Denver Northeastern Area of Colorado including Greeley, Loveland and Fort Morgan basing points					
ZONE 3	13.83	1.00	1.00	.95	.09
Painters					
Remaining counties including N½ of Park County*					
Brush and Roller					
Hardwood Finisher	13.31	.95	1.15		.08
Drywall Finisher (Hand)	13.56	.95	1.15		.08
Drywall Finisher (Tool) Spray; Swing Stage & Chair; Sandblast (Exterior); Paperhanger	13.91	.95	1.15		.08
Sandblast (Interior); Steeplejack	15.23	.95	1.15		.08
Plumbers; Steamfitters					
Boulder County	13.25	.90	1.25	.75	.15

Modification Page 2

Decision #FL79-1087-Mod.#1
(44 FR-30569-May 25, 1979)
Clay, Duval, Flagler, Nassau, Putnam & St. Johns Counties, Florida

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADD:					
CEMENT MASONS	$5.17				

Decision #FL80-1072-Mod.#2
(45 FR 32535 May 16, 1980)
Cape Canaveral Air Force Station, Patrick Air Force Base, Kennedy Space Flight Center & Melabar Radar Site, Florida

Change

PAINTERS:					
Brush	8.95	.50	.45		.06
Spray; Paperhanging; & Sandblasting	9.45	.50	.45		.06
BOILERMAKERS	12.75	1.275	1.10		.04

DECISION NO. MD. 77-3085-Mod. #1
(42 FR 34195 - July 1, 1977)
Frederick and Washington Counties, Maryland.

Omit:
Frederick County

DECISION NO. MN80-2031 - MOD. #1
(45 FR 35139 - May 23, 1980)
Blue Earth, Fairbault, Freeborn, & Mower, Minnesota

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS:					
Blue Earth County					
Bricklayers, Stonemasons, & Blocklayers	$11.505	.74	.76	.61	
CARPENTERS:					
Building:					
Blue Earth County					
Remainder of County	12.32	.50			
LABORERS:					
General Laborers & Carp. Tender	9.85	.50	.15		
Mason Tender & Vibrator Opr.	9.95	.50	.15		
Mortar Mixers	10.00	.50	.15		
SPRINKLER FITTERS	14.10	.85	1.20		
TRUCK DRIVERS	9.85				

DECISION NO. MN80-2035 - MOD.#1
(45 FR 40456 - June 13, 1980)
Carlton, Cook, Itasca, Koochiching, Lake, & St. Louis Counties, Minnesota

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Koochiching County, Itasca County (except that section South of a line extending East and West of the South line of Grand Rapids & Trout Lake Township), Northern part of St. Louis County bounded by the South Line of Ellsburg Township extended East and West	$13.12	5%	6% + 1.00	11%	¼%
IRONWORKERS	12.30	.50	.90	1.00	.02
LABORERS: BUILDING CONSTRUCTION					
Carlton, Cook, Lake, St. Louis Co. South of T-55-N, including the City of Duluth:					
Mortar Mixer, Carpenters & Mason Tenders, Jackhammer & Vibrator Operator	9.95	.50	.45	.50	
Itasca & Koochiching Counties and North of T-55-N, including Cities of Hibbing, Chisolm, & Buhl in St Louis County:					
Common Laborer	10.40	.50	.15		
Carpenter & Mason Tenders, Mortar Mixer, Bricklayer Tender & Jackhammer	10.50	.50	.15		
Pipelayer (non-metallic)	10.75	.50	.15		
LATHERS:					
St. Louis & Lake Counties	12.85	.40			
ROOFERS:					
Cook, Lake, Carlton Counties & Southern half of St. Louis County:					
Roofers	13.63	.40	.35		
2nd Roofers	13.38	.40	.35		
Kettlemen	13.18	.40	.35		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #MO79-4094 - Mod. #2 (44 FR 65310 - November 9, 1979) Franklin, Jefferson, Lincoln, St. Charles, Warren Counties & City & County of St. Louis, Missouri					
Change:					
Glaziers:					
Franklin, Jefferson, Lincoln, St. Charles and Warren Counties	$12.58	$1.02	$1.78	13.2%	.01
Add:					
Glaziers (St. Louis County):					
Glaziers(installing of art glass; repairing, cleaning, cementing & waterproofing in connection with the restoration of stained and leaded glass windows)					
Inside	8.17	50% of premium	1.00	a+b	
Outside	8.86	50% of premium	1.00	a+b	
Glaziers, other work	12.58	1.02	1.78	13.2%	.01

Footnote:

a-Paid Holidays: New Years Day; Memorial Day; Independence Day; Labor Day; Veteran's Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day.

b-Employee with (1) year of service, the employer pays 2% of all hours worked at straight time, the negotiated inside wage rate; employee with (3) years or more of service, the employer pays 4% of all hours worked at straight time the negotiated inside wage rate; employee with (12) years or more, the employer pays 6% of all hours worked at straight time the negotiated inside wage rate; employee with (15) years or more of service, the employer pays 8% of all hours worked at straight time the negotiated inside wage rate.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. MT80-5120 - Mod. #2 (45 FR 43598 - June 27, 1980) Statewide, Montana					
Change:					
Ironworkers:					
Area 1	$13.21	.90	$1.45		.15
Area 3	13.21	.90	1.45		.15
Plumbers, Pipefitters, and Steamfitters:					
Area 1	15.78	.75	.70		.15
Area 2	15.10	1.05	1.10		.17
Area 3	15.35	.70	.85		.10
Add:					
Boilermakers	13.87	1.375	1.10		.05
DECISION #MT80-5121-Mod. #2 (45 FR 43608 - June 27, 1980) Statewide, Montana					
Change:					
Bricklayers:					
Area 3	$14.70		.55		
Carpenters:					
Area 3					
Millwrights	12.13	.85	1.00		.04
Piledrivermen	11.38	.85	1.00		.04
Cement Masons:					
Area 2	10.95	.85	.40		
Ironworkers:					
Area 1	13.21	.90	1.45		.15
Area 3	13.21	.90	1.45		.15
Marble Masons:					
Area 9	14.70		.55		
Plasterers:					
Area 3	10.95	.85	.40		
Plumbers, Pipefitters, and Steamfitters:					
Area 1	15.78	.75	.70		.15
Area 2	15.10	1.05	1.10		.17
Area 3	15.35	.70	.85		.10
Roofers:					
Area 2	11.45				

DECISION NO. MT80-5121 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Tile Setters:					
Area 1	$14.70		.55		
DECISION #MT80-5122-Mod. #2 (45 FR 43624 - June 27, 1980) Cascade, Deer Lodge, Gallatin, Glacier, Hill, Missoula, Silver Bow, and Valley Cos.,Montana					
Change:					
Painters in Modification #1 should be grouped as AREA 1					
Plumbers, Pipefitters and Steamfitters:					
Area 1	15.10	1.05	$1.10		.17
Area 2	15.78	.75	.70		.15
Area 3	15.35	.70	.85		.10
Roofers:					
Area 1	11.45				
Add:					
Carpenters:					
Area 8:					
Carpenters	10.69	.85	1.00		.04
Millwrights	10.94	.85	1.00		.04
Piledrivermen	11.69	.85	1.00		.04

DECISION NO. NH80-2008 - MOD. #1
(44 FR 15029 - March 7, 1980)
Statewide, New Hampshire

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
ASPHALT PAVER:					
Belknap County	8.35				
Carroll County	9.20	1.10	1.00	a	.03
Cheshire County	5.15				
Coos County	8.70	.85	.75	a	.05
Grafton County	7.50	.45	.60	a	.05
Hillsboro County	8.30	.80	.75	a	.05
Merrimack County	8.70	.85	.75	a	.05
Rockingham County	7.00				
Strafford COunty	8.53	.75	.60	a	
Sullivan County	5.11				
ASPHALT ROLLER:					
Belknap County	8.19				
Carroll County	9.20	1.10	1.00	a	.03
Cheshire County	5.79				
Coos County	8.53	.75	.60	a	
Hillsboro County	8.30	.85	.75	a	.05
Merrimack County	8.70	.85	.75	a	.05
Rockingham County	8.49				
Strafford County	8.81	1.10	.80	a	.03
Sullivan County	5.33				
BACKHOE					
Belknap and Strafford Counties	8.93	1.10	1.00	a	.03
Grafton County	8.64				
Hillsboro County	9.15	.80	.75	a	.05
Rockingham County	8.30	.55	.60	a	.03
Sullivan County	8.36				
BULLDOZER:					
Belknap County	8.70	.85	.75	a	.05
Cheshire & Hillsboro Cos.	8.30	.80	.75	a	.05
Coos County	7.99				
Grafton County	7.90	.45	.60	a	.05
Rockingham County	9.20	1.10	1.00	a	.03
Strafford County	8.81	1.10	1.00	a	.03
CRANE:					
Belknap, Cheshire, Hillsboro and Merrimack Cos.	8.75	.80	.75	a	.05
Carroll County	8.82				
Rockingham County	9.32	1.10	1.00	a	.03

DECISION NO. NH80-2008 cont.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
FRONT END LOADER UNDER 3/4 YARDS:					
Belknap & Merrimack Cos.	8.15	.85	.75	a	.05
Hillsboro County	7.60	.85	.75	a	.05
Grafton County	7.35	.45	.60	a	.05
Sullivan County	7.36				
FRONT END LOADER 3/4 YARDS:					
Belknap County	8.10	.45	.60	a	.05
FRONT END LOADER 3/4 - 4 YARDS:					
Cheshire County	8.11	.45	.60	a	.05
Grafton County	8.10	.45	.60	a	.05
Hillsboro County	8.90	.85	.75	a	.05
Rockingham County	8.93	1.10	1.00	a	.03
FRONT END LOADER 4 YARDS AND OVER:					
Belknap, Grafton and Strafford Counties	8.93	1.10	.80	a	.03
Cheshire County	8.30	.45	.60	a	.05
Coos County	8.92				
Merrimack County	8.90	.85	.75	a	.05
Rockingham County	8.93	1.10	1.00	a	.03
GRADALL:					
Belknap County	8.50				
Cheshire County	7.91				
Hillsboro County	8.75	.80	.75	a	.05
Rockingham County	9.32	1.10	1.00	a	.03
GRADER:					
Belknap & Grafton Cos.	8.10	.45	.60	a	.05
Coos County	7.78				
Hillsboro County	8.50	.80	.75	a	.05
Merrimack County	8.90	.85	.75	a	.05
Rockingham County	9.20	1.10	1.00	a	.03
Strafford County	8.36				
Sullivan County	5.60				
MECHANIC:					
Belknap County	8.37				
Cheshire County	8.44				
Coos County	8.70	.85	.75	a	.03
Grafton County	7.90	.45	.60	a	.05
Merrimack County	8.30	.80	.75	a	.05
Rockingham County	9.25	1.10	1.00	a	.03

DECISION NO. NH80-2008 cont.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
OILER:					
Hillsboro County	7.30	.85	.75	a	.05
OILER-GREASER:					
Cheshire County	6.90	.80	.75	a	.05
ROLLER, SELF-POWERED:					
Belknap & Rockingham Cos.	9.25	1.10	1.00	a	.03
Carroll County	9.20	1.10	1.00	a	.03
Coos County	8.53	.75	.60	a	
Grafton County	7.35	.45	.60	a	.05
Marrimack County	8.30	.80	.75	a	.05
Strafford County	8.81	1.10	.80	a	.03
Sullivan County	7.91				
SCRAPER:					
Cheshire County	8.50	.80	.75	a	.05
Hillsboro County	8.50	.85	.75	a	.05
SHOVEL:					
Cheshire County	8.75	.80	.75	a	.05
Hillsboro County	9.15	.85	.75	a	.05

FOOTNOTE:

a. Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Fourth of July; Labor Day; Columbus Day; Veterans Day; Thanksgiving Day; Christmas Day

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5(a)(1)(ii)).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. PA78-3037					
MOD. #7					
(43 FR 17239 - April 21, 1978)					
Blair County, Pennsylvania					
CHANGE:					
Bricklayers	$11.35	.75	1.00		.01
Carpenters & Soft Floor Layers	11.50	6%	8%	10%	1½%
Cement Masons	11.95	9%	7%		
Electricians	13.35	.55	3%+.50	.60	.10
DECISION NO. PA80-3043					
MOD. #1					
(45 FR 45849 - July 7, 1980)					
Cumberland, Dauphin, Perry, Juniata, New Cumberland Depot in York County, Pennsylvania					
CHANGE:					
Ironworkers:					
Structural	$12.905	1.34	1.36		.03
Ornamental	12.905	1.34	1.36		.03
Reinforcing	12.905	1.34	1.36		.03
Piledrivermen	11.97	2.63	1.40	f	.13

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. PA79-3006					
MOD. #6					
(44 FR 19099 - March 30, 1979)					
Franklin County, Pennsylvania					
CHANGE:					
Ironworkers	$12.905	1.34	1.36		.03
Carpenters	11.50	6%	8%	10%	1½%
DECISION NO. PA80-3025					
MOD. #3					
(45 FR 25015 - April 11, 1980)					
Adams & York Counties, Pennsylvania					
CHANGE:					
Piledrivermen	$11.97	2.63	1.40	c	.13
Ironworkers	12.905	1.34	1.36		.03
Roofers:					
Composition, damp, and waterproof	10.50	.61	.30	.25	
Slate and Tile	11.10	.61	.30	.25	

DECISION NO. PA80-3012 - Mod. No. 2
(45 FR - 10595 - February 15, 1980)

Armstrong, Allegheny, Beaver, Butler, Fayette, Indiana, Washington, Westmoreland Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Bricklayers					
Zone 1	$12.97	.90	2.00		.01
Zone 2	13.85	.90	2.00		
Zone 3	12.84	1.10	1.75		
Zone 4	12.10	.75	.95		.02
Zone 5	13.97	1.00	1.26		.04
Boilermakers	13.88	5%	7%+.95		.02
Carpenters					
Zone 1	12.80	6%	8%	10%	
Zone 2	11.50	6%	8%	10%	1½%
Cement masons					
Zone 1	13.26	.93	2.13		
Zone 2	15.88				
Electricians					
Zone 1	13.35	.55	3%+.50	.60	.10
Zone 3	14.20	3%	3%+1.00		½%
Ironworkers:					
Structural, Ornamental & Reinforcing	13.11	.975	2.575		.07
Laborers:					
Zone 1					
Class 1	11.10	9%	9%		
Class 2	11.23	9%	9%		
Class 3	11.36	9%	9%		
Class 4	11.62	9%	9%		
Class 5	11.80	9%	9%		
Zone 2					
Class 1	11.06	9%	9%		
Class 2	11.18	9%	9%		
Class 3	11.31	9%	9%		
Class 4	11.56	9%	9%		
Class 5	11.75	9%	9%		
Zone 3					
Class 1	10.97	9%	9%		
Class 2	11.10	9%	9%		
Class 3	11.23	9%	9%		
Class 4	11.48	9%	9%		
Class 5	11.65	9%	9%		

DECISION NO. PA80-3012 - MOD. NO. 2 (CONT'D) PAGE 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LANDSCAPING:					
Landscape laborer to include general landscaping work and driving of trucks for the distributing of materials on the job site but not to include dump trucks used to transport supplies to the job	7.79	12%	10%		
Landscape Tractor Operator to operate small industrial rubber tire tractor equipped with front end loader and back hoe attachment used for the sole purpose of landscape work including soil spreading, but not for heavy and highway construction work	8.21	12%	10%		
LINE CONSTRUCTION:					
Zone 1					
Lineman	15.40	.45	3%		3/8%
Winch truck operator	10.78	.45	3%		3/8%
Groundman	9.24	.45	3%		3/8%
Zone 2					
Lineman, dynamite man, heavy equipment operator	12.37	.55	3%		3/8%
Winch truck operator	8.68	.55	3%		3/8%
Groundman	8.30	.55	3%		3/8%
Millwrights	12.14	6.5%	6%	25%	½%
Marble Setters					
Zone 1	12.42	.90	1.90		.01
Painters: (Zone 5)					
COMMERCIAL - shall include stores, schools, warehouses not in plant showrooms, churches, apartment buildings, commercial garage, office buildings:					
Brush	10.75	.95	1.00	1.00	2%

DECISION NO. PA80-3012 - MOD. NO. 2 (CONT'D) PAGE 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
ZONE 5 (CONT'D)					
INDUSTRIAL - shall include sewage treatment plants, water works or authorities, and power plants, all skelton steel, railroad and highway bridges, towers, tanks, storage tanks, furnances, machinery corrugated ceiling and sidewalks, sheeting steel sash and all steel surfaces, offices & hospital, both interior and exterior					
Brush	12.40	.95	1.00	1.50	2%
Plasterets					
Zone 1	12.19	.85	1.55		
Zone 3	13.10				.01
Piledrivermen	14.05	6%	10%		.5%
POWER EQUIPMENT OPERATORS:					
CLASS I	14.424	1.05	1.00		.09
CLASS I-A	14.675	1.05	1.00		.09
CLASS I-B	14.925	1.05	1.00		.09
CLASS I-C	15.175	1.05	1.00		.09
CLASS II	14.225	1.05	1.00		.09
CLASS III	12.66	1.05	1.00		.09
CLASS III-A	13.16	1.05	1.00		.09
CLASS IV	11.77	1.05	1.00		.09
CLASS V	11.48	1.05	1.00		.09
CLASS V-A	11.58	1.05	1.00		.09
CLASS V-B	11.73	1.05	1.00		.09
CLASS V-C	12.48	1.05	1.00		.09
Plumbers:					
Zone 1	14.48	1.21	1.26		.05
Zone 2	14.26	.70	1.30		.08
Zone 3	13.98	1.00	1.60		.07
Zone 4	12.78	.83	1.18	.75	.25
Roofers	14.76	.77	1.50		.16
Stonemasons:					
Zone 1	12.43	.90	3.10		.01
Zone 5	12.10	.75	.95		.02
Zone 6	12.86	.95	1.03		.04

DECISION NO. PA80-3012 - MOD. NO. 2 a (CONT'D) PAGE 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Steamfitters:					
Zone 1	$14.60	.85	1.19		.10
Sprinkler Fitters					
Zone 1	14.70	.85	1.20		.04
Zone 2	14.53	.85	1.20		.08
Soft Floor Layers					
Zone 1	12.30	.80	.98	.68	.06
TRUCK DRIVERS:					
Class 1	10.86	9.6%	6.9%	a	
Class 2	10.91	9.6%	6.9%	a	
Class 3	10.93	9.6%	6.9%	a	
Class 4	11.01	9.6%	6.9%	a	
Class 5	11.20	9.6%	6.9%	a	
Class 6	11.03	9.6%	6.9%	a	
Class 7	11.19	9.6%	6.9%	a	
Tile Setters					
Zone 1	12.37	.90	2.30		.01
Terrazzo Workers					
Zone 1	13.30	.90	1.65		.01

DECISION NO. PA80-3026
MOD. #2
(45 FR 25017 - April 11, 1980)
Lehigh County, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Bricklayers Stonemasons	$11.40	1.00	1.15		.01
Laborers:					
Laborers & window cleaners	8.69	.62	.59		
Operator of jackhammer, paving, breaking, and other pneumatic and mechanical tools coming under the jurisdiction of laborers, laying of all clay terra cotta, ironstone, vitrified concrete or non metallic pipe and the making of joints for same and cofferdams (below 10')	8.94	.62	.59		
Wagon drills and men handling burning torches in the wrecking of buildings	9.44	.62	.59		
Plaster and mason tenders, scaffold builders and handling of all material to be used by plasterers and masons, brick and block loaded on pallets, cement finisher tenders, gunniting and moldeo-D and sandblaster helpers, power buggies, all floor hardner and "cure" application shall be work of the mason tender, all pumps such as the concrete, plaster, mortar and water, installing plastic or other non-solid rafractory materials in connection with the boiler work	9.19	.62	.59		
Barko Tamper Operator	9.71	.62	.59		

DECISION NO. PA80-3026
MOD. #2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Line Construction:					
Linemen & Cable Splicers	13.30	.45	3%		3/8 of 1%
Groundman	7.98	.45	3%		3/8 of 1%
Winch Truck Operator	9.31	.45	3%		3/8 of 1%
Painters:					
Brush	11.45	1.28	.80		.05
Structural Steel	12.65	1.28	.80		.05
Spray	12.45	1.28	.80		.05
Piledrivermen	11.97	2.63	1.40	d	.13
Roofers:					
Composition & Slate	12.28		1.55		
Sprinkler Fitters	14.53	.85	1.20		.08
Sheet Metal Workers	11.66	1.44	1.18		.14

DECISION NO. PA80-3029
MOD. # 2
(45 FR 28069 - April 25, 1980)
Lebanon County, Pennsylvania

CHANGE:					
Piledrivermen	$11.97	2.63	1.40	d	.13
Lathers	11.78		.25		.01
Ironworkers	12.905	1.34	1.36		.03

DECISION NO. PA80-3032
MOD. #2
(45 FR 36767 - May 30, 1980)
Columbia, Montour, & Snyder Counties Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Cement Masons:					
Zone 1	$11.70				.01
Electricians:					
Zone 1	12.80	.55	3%+.30		.05
Ironworkers:					
Zone 1	12.905	1.34	1.36		.03
Zone 2					
Structural and Ornamental	13.35	b			.10
Reinforcing	13.25	b			.10
Plasterers					
Zone 2	10.69				
Piledrivermen	11.97	2.63	1.40	d	.13
Glaziers					
Zone 3	11.00	.65	.85		

FOOTNOTE:

a. Employer contributes $2.70 to a combined Health and Welfare and Pension Fund.

DECISION NO. PA80-3037
MOD. #2
(45 FR 29522 - May 2, 1980)
Sullivan County, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Electricians:					
Western part of County	$10.58	.65	3%+.95	.75	.02
Glaziers	11.00	.65	.85		
Ironworkers:					
Structural	13.35	a			.10
Reinforcing	13.25	a			.10
Plasterers	10.69				
Piledrivermen	11.97	2.63	1.40	b	.13
Plumbers	12.01	.84	.80	1.00	.05
Steamfitters	12.01	.84	.80	1.00	.05
Sprinkler Fitters	14.43	.85	1.20		.08
Soft Floor Layers	10.35	.60	.70		.05

FOOTNOTE:

a. Employer conttibutes $2.70 per hour to a combined Health and Welfare and Pension Fund.

DECISION No. TX80-4001- Mod. #6 (45 FR 1376 - January 4, 1980)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Armstrong, Carson. Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Cos. Texas					
Change:					
Carpenters:					
Zone 2					
Carpenters	11.85	.48	.60		.10
Millwrights	12.35	.48	.60		.10
Ironworkers:					
Zone 2	10.825	.55	1.40		.10

DECISION No. TX80-4003 - Mod. #6 (45 FR 1380 - January 4, 1980)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Jefferson & Orange Cos., Texas					
Change:					
Bricklayers & Stone masons	13.65	.89	.80		.04
Tile setters	12.14	.89	.80		.04

DECISION No. TX80-4004 - Mod. #7 (45 FR 1383 - January 4, 1980) Wichita County, Texas	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Change:					
Carpenters:					
Carpenters	$11.85	.48	.60		.10
Millwrights	12.35	.48	.60		.10
Ironworkers:					
Structural; Ornamental; Reinforcing	10.70	.55	1.40		.10
Ironworkers on jobs 30 miles or more from the city of Wichita Falls	10.825	.55	1.40		.10

DECISION No. TX80-4019 - Mod. #1 (45 FR 16828 - March 14, 1980) Howard County, Texas	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Change:					
Ironworkers, structural & Ornamental	10.70	.55	1.40		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION No. TX80-4028 - Mod. #4 (45 FR 28013 -April 25,1980) Galveston & Harris Cos., Texas					
Change					
Line Construction:					
Zone 1::					
Lineman & Cable Splicer	$14.65	.60	3%		½%
Groundman	8.50	.60	3%		½%
Zone 2:					
Lineman & Cable splicer	14.25	.60	3%		½%
Groundman	8.27	.60	3%		½%
DECISION No. TX80-4032 - Mod. #2 (45 FR 38254 - June 6, 1980) Bexar County, Texas					
Change:					
Plumbers & pipefitters	14.80	.60	.55		.10
DECISION No. TX80-4033 - Mod. #3 (45 FR 32544 - May 16, 1980) Bowie County, Texas					
Change:					
Carpenters:					
Carpenters	10.50				.05
Millwrights	13.10				.05
Piledrivermen	11.50				.05
Electricians	12.02	.60	3%+.35		1/4%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. TX80-4034 - MOD. #2 (45 FR 38255 - June 6, 1980) Brazos County, Texas					
CHANGE:					
Line construction:					
Lineman & cable splicer	$13.15	.60	3%		1/2%
Groundman	7.63	.60	3%		1/2%
DECISION NO. TX80-4035 - MOD. #2 (45 FR 41832 - June 20, 1980) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos., Texas					
CHANGE:					
Carpenters:					
ZONE 1 - Carpenters	11.52	.70	.55		.005
Millwrights	11.92	.70	.55		.005
Piledrivermen	12.02	.70	.55		.005
Sheet metal workers:					
Zone 1	11.555	.60	.84		.14
DECISION NO. TX80-4036 - MOD. #2 (45 FR 41836 - June 20,1980) Ector & Midland Cos., Texas					
CHANGE:					
Ironworkers:					
Structural, ornamental & reinforcing	10.70	.55	1.40		.10
All ironworkers on jobs 30 miles or more from Terminal (midway Odessa-Midland)	10.825	.55	1.40		.10

DECISION No. TX80-4037 - Mod. #2
(45 F 32545 - May 16, 1980)
Lubbock County, Texas

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Carpenters	$10.70	.48	.60		.01
Ironworkers:					
Structural; Ornamental; Reinforcing	10.70	.55	1.40		.10
All ironworkers on jobs 30 miles or more from the city of Lubbock	10.825	.55	1.40		.10
Plumbers & steamfitters	11.55	.50	.55		.04

DECISION NO. 79-VA-3051-Mod. #2
(44 FR 65315-November 9,1979
Counties of Caroline, Essex, Gloucester, King George, King & Queen, King William, Lancaster, Mathews, Middlesex, Northumberland, Richmond, Spotsylvania, Stafford Westmoreland and the Independent City of Fredericksburg, Virginia

CHANGE:					
Ironworker, Reinforcing	$5.00				
Ironworker, Structural	8.00				

DECISION NO. WA80-5107 - Mod. #2
(45 FR 15037 - March 7, 1980)
Statewide, Washington

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Cement Masons:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas (except for Western portion lying one mile west of the City of Easton), Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties:					
Cement Masons:					
Zone 1	$13.23	.95	$1.50		.15
Zone 2	14.28	.95	1.50		.15
Zone 3	14.68	.95	1.50		.15
Zone 4	15.33	.95	1.50		.15
Zone 5	16.08	.95	1.50		.15
Power Troweling Machine Gunnite Operator:					
Zone 1	13.73	.95	1.50		.15
Zone 2	14.78	.95	1.50		.15
Zone 3	15.18	.95	1.50		.15
Zone 4	15.83	.95	1.50		.15
Zone 5	16.58	.95	1.50		.15
Power Tool Operator (grinding, bushing or toxic material):					
Zone 1	14.23	.95	1.50		.15
Zone 2	15.28	.95	1.50		.15
Zone 3	15.68	.95	1.50		.15
Zone 4	16.33	.95	1.50		.15
Zone 5	17.08	.95	1.50		.15

DECISION NO. WA80-5107 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Clallam, Grays Harbor, Jefferson, King (southern portion), Kittitas (western portion lying one mile westof the City of Easton), Lewis, Mason, Pacific (northern portion), Pierce and Thurston Counties:					
Cement Masons	$11.94	.85	$1.25	$1.00	.09
Laborers: (Area 1)					
Building Construction:					
All Counties and portions of Counties East of the 120th Meridian:					
Group 1	11.80	.97	1.10		.10
Group 2	12.05	.97	1.10		.10
Group 3	12.30	.97	1.10		.10
Group 4	12.55	.97	1.10		.10

LABORERS (Area 1)*

Counties and portions of Counties East of the 120th Meridian

Heavy and Highway Construction

Groups Nos.	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5
1	$11.80	$12.85	$13.25	$13.90	$14.65
2	12.05	13.10	13.50	14.15	14.90
3	12.30	13.35	13.75	14.40	15.15
4	12.55	13.60	14.00	14.65	15.40

FRINGE BENEFITS:

Health and Welfare	$.97
Pension	1.10
Apprenticeship Training	.10

Classifications for Area 1:
Building Construction and Heavy and Highway Contruction (See attached)

DECISION NO. WA80-5107 (Cont'd)

Group 1: Brush Hog Feeder; Carpenter Tender; Concrete Crewman (to inlcude: Stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, Pumpcrete Machine, Signaling, handling the nozzle of Squeeze-crete or similar machine - 6 in. and smaller); Crusher Feeder; Demolition (to include: clean-up, burning, loading, wrecking and salvage of all materials); Dumpman; Fence Erector (to include: Guard Rail, Guide and Reference Post, Sign Posts, and Right-of-way Markers); Flagman; General Laborer; Grout Machine Header Tender; Nipper; Riprap Man; Scaffold Erector, wood or steel; Scaleman; Stake Jumper; Structural Mover (to include: separating foundation, preparation, cribbing, shoring, jacking and unloading of structures); Railhoseman (water nozzle); Timber Bucker and Faller (by hand); Truck Loader; Well-point Man; Window Cleaner; Miner Class "A" - Bull Gang, Pump Crete Crewman including Distribution Pipe, Assembling and Dismantle and Nipper

Group 2: Asphalt Raker; Asphalt Roller, walking; Cement Finisher Tender; Cement Handler; Concrete Saw, walking; Demolition Torch; Dope Pot Fireman, non-mechanical; Driller Tender (when required to move and position machine); Form Cleaning Machine Feeder; Stacker; Form Setter, paving; Grade Checker using level; Jackhammer Operator; Nozzleman (to include: Squeeze and Flow-crete Nozzle); Nozzleman, water, air or steam; Pavement Breaker; Pipelayer, corrugated metal culvert; Pipelayer, multi-section; Pot Tender; Powderman Tender; Power Buggy Operator; Power Tool Operator, gas, electric, pneumatic; Railroad Equipment, power driven, except dual mobile power Spiker or Puller; Railroad power Spiker or Puller, dual mobile; Rodder and Spreader; Sandblast Tailhoseman; Tamper (to include: operation of Barco, Essex and similar Tampers, and Pavement Breakers); Trencher, Shawnee; Tugger Operator; Vibrator, under 4 inches; Wagon Drills; Water Pipe Liner; Wheelbarrow, power driven; Miner Class "B" - Brakeman, Finisher, Vibrator and Form Setter

Group 3: Air Track Drill; Brush Machine (to include: Horizontal Construction Joint Clean-up Brush Machine, power propelled); Caisson Worker, free air, Chain Saw Operator and Faller; Concrete Stack (to include: Laborers when 40 ft. high); Gunnite (to include: operation of machine and nozzle); High Scaler; Hod Carrier; Laser Beam Operator (to include: Grade Checkers and Elevation control); Monitor Operator (track or similar mounting); Mortar Mixer; Nozzleman (to include: Jet Blasting Nozzleman, over 1,200 lbs., Jet Blast Machine, power propelled, Sandblast Nozzle); Pipelayer (to include: working Topman, Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker, Shorer, Valve or Meter Installer); Pipewrapper; Vibrator, 4 inches and over; Miner Class "C" - Miner and Nozzleman for concrete and Laser Beam Operator in Tunnels

Group 4: Drills with dual masts; Powderman; Miner Class "D" - Raise and Shaft Miner and Laser Beam Operator on Raises and Shafts

DECISION NO. WA80-5107 (Cont'd)

POWER EQUIPMENT OPERATORS (Area 1)*

All Counties and portions of Counties East of the 120th Meridian

GROUP NOs.	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5
1	$12.05	$13.10	$13.50	$14.15	$14.90
2	12.35	13.40	13.80	14.45	15.20
3	12.90	13.95	14.35	15.00	15.75
4	13.05	14.10	14.50	15.15	15.90
5	13.20	14.25	14.65	15.30	16.05
6	13.45	14.50	14.90	15.55	16.30
7	13.70	14.75	15.15	15.80	16.55
8	14.70	15.75	16.15	16.80	17.55

FRINGE BENEFITS:

Health and Welfare	$1.20
Pension	1.55
Apprenticeship Training	.08

Classificaitons for Area 1:
See attached

DECISION NO. WA80-5107 (Cont'd)

Group 1: Bit Grinders; Bolt Threading Machine; Compressor, under 2,000 cu. ft. per minute, gas, diesel or electric power; Crusher Feeder (mechanical); Deckhand; Driller's Tender; Fireman and Heater Tender; Grade Checker; Tender (Mechanic, H.D.); Oiler, Oiler and Cable Tender, Mucking Machine; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar - or Compacting or Vibrator) except when pulled by Dozer with operable blade; Steam Cleaner; Welding Machine; Hydro-seeder

Group 2: A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1,000 tons); Assistant Plant Operator; Fireman or Pugmixer (aspahlt); Bagley or Stationary Scraper; Belt Finishing Machine; Blower Operator (cement)1 Cement Hog; Compressor (2,000 cu. ft. or over, 2 or more, gas, diesel or electric power); Concrete Saw (multiple cut); Distributor Leverman; Elevator hoisting materials; Dope Pots (power agitated); Fork Lift or Lumber Stacker; Hydra-lift and similar; Gin Trucks (Pipeline); Hoist, single drum; Loader (Bucker, Elevator and Conveyors); Longitudinal Float; Mixer (portable - concrete); Pavement Breaker; Hydra Hammer and similar; Power Broom; Railroad Ballast Regulation Operator (self-propelled); Railroad Power Tamper Operator (self-propelled); Railroad Power Tamper Jack Operator (self-propelled); Spray Curing Machine (concrete); Spreader Box (self-propelled); Straddle Buggy (Ross and similar on construction job site); Tractor (farm type R/T with attachments except Backhoe); Tugger Operator; Ditch Witch or similar

Group 3: A-Frame Truck (2 or more drums); Assistant Refrigeration Plant and Chiller Operator (over 1,000 tons); Backfillers (Cleveland and similar); Beltcrete Conveyors with power pack or similar; Belt Loader (Kocal or similar); Batch Plant and Wet Mix Operator, single unit (concrete); Bending Machine; Boring Machine (earth); Boring Machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginaw or similar); Canal Lining Machine (concrete); Chipper (without crane); Cleaning and Doping Machine (Pipeline); Elevating Belt-type Loader (Euclid, Barber Green or similar); Elevating Grader-type Loader (Dumor, Adams or similar); Generator Plant Engineers (diesel, electric); Gunite Combination Mixer and Compressor; Locomotive Engineer; Mixermobile; Mucking Machines; Soil Stabilizer (P&H or similar); Spreader Machine; Pump; Tractor to D-6 or equivalent and Traxcavator; Transverse Finish Machine, Turnhead Operator

DECISION NO. WA80-5107 (Cont'd)

Group 4: Blade Operator (Motor Patrol and attachments); Concrete Pump (Squeeze-crete, Flow-crete, Pump-crete, Whitman and similar); Drills (Churn, Core, Calyx, or Diamond); Equipment Serviceman, Greaser and Oiler; Hoist (2 or more drums or Tower Hoist); Loaders (Overhead and Front-end, under 4 yards R/T); Pave or Curb Extruders (asphalt or concrete); Refrigeration Plant Engineers (under 1,000 tons); Rubber-tired Skidders (R/T with or without attachments); Screed Operator; Surface Heater and planer Machine; Trenching Machines (under 7 feet depth capacity); Turnhead (with re-screening); Vacuum Drill (Reverse Circulation Drill, under 5" bit)

Group 5: Backhoe (under 1 yard); Crane (25 tons and under); Derrick and Stifflegs (under 65 tons); Drilling Equipment (8" bit and over) (Robbins, Reverse Circulation and similar); Hoe Ram; Piledriving Engineers; Paving (dual drum); Railroad Track Liner Operator (self-propelled); Refrigeration Plant Engineer (1,000 tons and over); Signalman (Whirleys, Highline, Hammerheads or similar)

Group 6: Aspahlt Plant Operator; Automatic Subgrader (Ditches and Trimmers (Autograde, ABC, R.A. Hansen and similar on grade wire); Backhoes (1 yard to 3 yards); Batch Plant (over 4 units); Batch and Wet Mix Operator (multiple units, 2 and including 4); Blade (finish and bluetop) (Automatic, CMI, ABC and similar when used as automatic); Boat Operator; Boom Cats (side); Cableway Controller (Dispatcher); Clamshell Operator (under 3 yards); Concrete Slip Form Paver; Cranes (over 25 tons including 45 tons); Crusher, Grizzle and Screening Plant Operator; Draglines (under 3 yards); Drill Doctor; H.D. Mechanic; H.D. Welder; Loader Operator (Front-end and Overhead, 4 yards including 8 yards); Multiple Dozer Units with single blade; Quad-track or similar equipment; Rollerman (finishing pavement); Rubber-tired Scrapers (one motor with one scraper, under 40 yards); Rubber-tired Scrapers, Multi-engine power with one scraper (Euclid, TS 24 and similar); Rubber-tired Scrapers, one motor with one scraper (40 yards and over); Rubber-tired Scraper, multiple engines with two scrapers; Shovels (under 3 yards); Tractors (D-6 and equivalent and over); Trenching Machines (7 feet depth and over)

Group 7: Backhoe (3 yards and over); Cableway Operators; Clamshell Operator (3 yards and over); Cranes (over 45 tons to 85 tons); Derricks and Stifflegs (65 tons and over); Draglines (3 yards and over); Elevating Blet (Holland type); Loader 360 degrees revolving Koehring Scooper or similar); Loaders (Overhead and Front-end, over 8 yards to 10 yards); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yards and over); Whirleys and Hammerheads, all

Group 8: Cranes (85 tons and over, and all climbing, rail and tower); Loaders (Overhead and Front-end, 10 yards and over); Helicopter Pilot

DECISION NO. WA80-5107 (Cont'd)

TRUCK DRIVERS (Area 1)*
All Counties and portions of Counties East of the 120th Meridian

GROUP NOs.	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5
1	$13.19	$14.24	$14.64	$15.29	$16.04
2	13.23	14.28	14.68	15.33	16.08
3	13.29	14.34	14.74	15.39	16.14
4	13.38	14.43	14.83	15.48	16.23
5	13.59	14.64	15.04	15.69	16.44
6	13.63	14.68	15.08	15.73	16.48
7	13.69	14.74	15.14	15.79	16.54
8	13.73	14.78	15.18	15.83	16.58
9	13.84	14.89	15.29	15.94	16.69
10	13.88	14.93	15.33	15.98	16.73
11	14.19	15.24	15.64	16.29	17.04
12	14.33	15.38	15.78	16.43	17.18
13	14.49	15.54	15.94	16.59	17.34
14	14.63	15.68	16.08	16.73	17.48

FRINGE BENEFITS:

Health and Welfare	$1.24
Pension	1.33
Apprenticeship Training	.09

Classifications for Area 1: (See attached):

DECISION NO. WA80-5107 (Cont'd)

Group 1: Flat Bed Truck, single rear axle; Fork Lift, 3,000 lbs. and under; Tender and Swamper; Leverperson loading Trucks at Bunkers; Pick-up hauling material; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Tractor (small rubber tried pulling trailer or similar equipment); Water Tank Truck, 1,800 gallons

Group 2: Bus Driver or Employeehaul Driver; Flat Bed Truck, dual rear axle; Power Boat hauling employees or material); Tireperson No. 1

Group 3: Buggy Mobile and similar; Bulk Cement Tanker; Oil Tank Driver; Power operated Sweeper; Straddle Carrier (Ross Hyster and similar); Transit Mixers and Trucks hauling concrete (3 yards and under); Trucks, side, end, and bottom dump (under 6 yards); Water Tank Truck, 1,801 - 4,000 gallons

Group 4: Auto Crane, 2,000 lbs. capacity; Bulk Cement Spreader; Dumptor (6 yards and under); Flat Bed Truck (with hydraulic system); Fork Lift (3,001 to 16,00 lbs.); Rubber-tired Tunnel Jumbo; Scissor Truck; Slurry Truck Driver; Transit Mixers and Trucks, 4,001 to 6,000 gallons; Wrecker and Tow Trucks; Fuel Truck Driver; Steam Cleaner and Washer

Group 5: Service Greaser; Tireperson No. 2; Truck, side, end, and bottom dump (over 6 yards to 12 yards)

Group 6: A-Frame; Water Tank Truck, 6,001 - 8,000 gallons

Group 7: Dumptor (over 6 yards); Transit Mixers and Trucks hauling concrete (6 yards to 10 yards); Trucks, side, end, and bottom dump (over 12 yards including 20 yards); Semi Truck and Trailer 50 tons and under; Lowboy

Group 8: Low Boy (over 50 tons); Water Tank Trucks, 8,001 - 10,000 gallons; Tractor with Steer Trailer; Truck mounted Crane with lead bearing surface, either mounted or pulled

Group 9: Transit Mixer and Trucks hauling concrete (10 yards to 15 yards); Trucks, side, end, and bottom dump (over 20 yards including 30 yards); Water Tank Truck (10,001 - 12,000 gallons); Fork Lift, over 1,600 lbs.; Flaherty Spreader Box Driver; Flow Boys; Semi-end Dumps

DECISION NO. WA80-5107 (Cont'd)

Group 10: Mechanic, Field

Group 11: Tournarocker, D.W.'s and similar, with 2 or 4 wheel power tractor with trailer, gallonage or yardage scale, which is greater; Transit Mixers and Trucks hauling concrete (15 yards to 20 yards); Trucks, side, end, and bottom dump (over 30 yards to 40 yards); Water Tank Truck, 12,001 - 14,000 gallons

Group 12: Transit Mixers and Trucks hauling concrete (over 20 yards); Trucks, side, end, and bottom dump (over 40 yards to 50 yards)

Group 13: Trucks, side, end, and bottom dumps (over 50 yards to 100 yards)

Group 14: Helicopter Pilot hauling employees or material; Trucks, side, end, and bottom dump (over 100 yards)

DECISION No. WI-78-2108-Mod. #3 (43 Fr 49215 - October 20, 1978) Statewide Wisconsin	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change: Carpenters & Piledrivermen Zone 7 - Crawford, Columbia Dane, Dodge, Grant, Iowa, Lafayette, Richland and Sauk Counties and the remainder of Adams, Jefferson and Juneau Counties					
Carpenters:	$11.67	.60	.80		.05
Piledrivermen:	12.07	.60	.80		.05

DECISION No. WI80-2037 - Mod. #2 (45FR35150-May 23, 1980) Columbia, Dane, Iowa, and Sauk Counties, Wisconsin	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Carpenters:	$11.67	.60	.80		.05
Residential	7.67	.60	.50		.05
Piledrivermen & Millwrights	12.07	.60	.80		.05

STATE: INDIANA COUNTIES: *See Below
DECISION NUMBER: IN80-2058 DATE: Date of Publication
Supersedes Decision No. IN80-2016, Dated May 23, 1980, 45 FR 35121
DESCRIPTION OF WORK: Building Construction(does not include single family homes and apartments up to and including 4 stroies)

*Adams, Allen, Bartholomew, Benton, Blackford, Boone, Cass, Clinton, DeKalb, Delaware, Fountain, Fulton, Grant, Hamilton, Hancock, Hendricks, Howard, Huntington, Jay, Johnson, Madison, Marion, Miami, Monroe, Montgomery, Morgan, Noble, Shelby, Steuben, Tippecanoe, Tipton, Wabash, Warren, Wells, White & Whitley

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Adams, Allen, Blackford, Clinton, DeKalb, Grant, Huntington, Jay, Miami, Noble, Steuben, Wabash, & Wells Counties	$15.00	.55	1.25		
Cass, Fulton, & White Counties	13.44	.70	.90		
Remaining Counties	15.05	.50	1.20		
BOILERMAKERS	14.25	1.375	1.00		.03
BRICKLAYERS; Caulkers; Cleaners; Pointers; & Stonemasons:					
Adams, Allen, DeKalb, Huntington, Noble, Steuben, Wells, & Whitley Counties	13.11	.67	.80		.02
Bartholomew & Monroe Counties	13.20	.70	.30		.02
Benton, Clinton, Fountain, Tippecanoe, Warren & White Counties	12.87	.75	.85		.02
Blackford, Delaware, Hamilton, Jay, Madison, & Tipton Counties	11.85	.50	.75		.01
Boone, Hancock, Hendricks, Johnson, Marion, Montgomery, Morgan, & Shelby Counties	14.49	.60	.55		.08
Cass & Fulton Counties	11.10	1.00	.40		
Grant & Wabash Counties	12.06	.85	.75		.02
Howard & Miami Counties	12.08	.95	1.00		.05

DECISION NO. IN80-2058

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS: Millwrights; Piledrivermen & Soft Floor Layers:					
Adams, Cass, Fulton, Grant, Howard, Huntington, Miami, Tipton, Wabash, & Wells Counties					
Carpenters; Soft Floor Layers	12.23	.80	.60		.05
Millwrights	12.73	.80	.60		.05
Piledrivermen	12.43	.80	.60		.05
Allen, DeKalb, Noble, Steuben, & Whitley Counties					
Carpenters; Soft Floor Layers	11.80	.70	6%		.02
Millwrights: Piledrivermen	12.20	.70	6%		.02
Bartholomew (Camp Atterbury), Boone, Fountain, Hamilton, Hancock, Hendricks, Johnson (excl. Edinburgh), Marion, Montgomery, Morgan (excl. Twps. of Washington & Baker), Shelby (Camp Atterbury Area, Moral, & Van Buren Twps.), & Warren Counties					
Carpenters; Millwrights	13.95	.75	.95		.08
Bartholomew (Rem. of Co.) Johnson (Edinburgh), & Shelby (Rem. of Co.) Counties:					
Carpenters; Soft Floor Layers	10.49	.55	.65		.03
Millwrights	10.99	.55	.65		.03
Piledrivermen; Burners; & Welders	10.74	.55	.65		.03
Benton, Clinton, Tippecanoe, & White Counties:					
Carpenters; Soft Floor Layers	12.91	.60	.95		.02
Millwrights; Piledrivermen	13.26	.60	.95		.02

DECISION NO. IN80-2058

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Blackford, Delaware, Jay, & Madison Counties:					
Carpenters; Soft Floor Layers	12.48	.75	.60		.10
Millwrights	12.78	.75	.60		.10
Piledrivermen	12.68	.75	.60		.10
Monroe, Morgan (Twps. of Washington & Baker) Counties:					
Carpenters; Soft Floor Layers	12.10	.72	.60		.01
Piledrivermen	12.35	.72	.60		.01
Millwrights	12.85	.77	.64		.01
CEMENT MASONS:					
Adams, Allen, DeKalb, Noble, Steuben, & Whitley Counties	11.85	.75	.80		.02
Bartholomew & Shelby Counties	11.00				
Benton, Cass, Clinton, Fountain, Howard, Miami, Montgomery, Tippecanoe, Warren, & White Counties	11.60	.85	1.00		.05
Blackford, Delaware, Grant, Huntington, Jay, Wabash, & Wells Counties	11.90	.60	.80		
Boone, Hamilton (S. ½ of Cos., N. to New Rte. Indiana Hwy. #32 incl. Noblesville), Hancock (Southern & Western part of Co. N. to but not incl. Town of Wilkinson, & E. to, but not incl. Town of Fortville), Hendricks, Johnson, Marion, Morgan, (N½), & Shelby (ending at Pleasant View) Counties	12.01	.80	.75		.04
Fulton County	11.23	.85	.80		.04
Hamilton (S.), Hancock (E½), Madison, & Tipton Counties	12.71	.65	.50		.08

DECISION NO. IN80-2058

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Adams, Allen, DeKalb, Huntington, Noble, Steuben, Wells, & Whitley Counties	13.05	.55	3%+.50		.06
Bartholomew, Boone, Hamilton, Hancock, Hendricks Johnson, Madison, Marion, Montgomery, Morgan, & Shelby Counties	14.40	4%	8%		½%
Benton, Cass, Fulton, Tippecanoe, & White Counties	13.80	.55	3%+.50		½%
Blackford, Delaware, & Jay Counties	12.80	.55	3%+.30		.2%
Clinton, Grant, Howard, Miami, Tipton, & Wabash Counties	13.30	.55	3%+.50		.2%
Fountain & Warren Counties	14.52	.55	3%+.50		.25%
Monroe County	12.85	.55	3%+.70		.01
ELEVATOR CONSTRUCTORS					
Adams, Allen, Blackford, DeKalb, Grant, Huntington, Jay, Noble, Steuben, Wabash, Wells, & Whitley Counties	13.535	1.195	.95	a+b	.035
Cass & Fulton Counties	13.26	1.195	.82	a+b	.035
Remaining Counties	13.80	1.195	.82	a+b	.035
GLAZIERS:					
Adams, Allen, Blackford, Cass, DeKalb, Grant, Huntington, Jay, Miami, Noble, Steuben, Wabash, Wells, & Whitley Counties	11.39		.25	.40+c	.04
Benton (E. of Rte. #41, S. to Gravel Hill), & White (NW of Rte. #39) Cos.	12.40	.70	.50		
Remaining Counties	15.09				
IRONWORKERS:					
Adams, Allen, Blackford, DeKalb, Delaware (North-Eastern 1/3 of Co.), Grant (excl. Southwestern portion) Huntington, Jay,					

DECISION NO. IN80-2058

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Noble, Steuben, Wabash, Wells, & Whitley Counties	13.35	1.00	1.85		.02
Bartholomew, Boone (excl. (NW ¼), Clinton (E½), Delaware (S 2/3 of Co), Grant (SW portion), Hamilton, Hancock, Hendricks, Howard, Johnson, Madison, Monroe, Morgan, Shelby, & Tipton (excl. NW ¼) Counties	13.30	1.00	1.95		.05
Benton, Boone (NW ¼), Cass Clinton (Rem. of Co.), Fountain, Miami, Montgomery, Tippecanoe, Tipton, (NW ¼) Warren & White Counties	13.34	1.00	1.65		.02
Fulton County	13.00	1.00	2.13		.03
Marion County	13.30	1.00	1.95		.05
LATHERS:					
Adams, Allen, DeKalb, Huntington, Noble, Steuben, Wabash, Wells, & Whitley (except W. of #5) Counties	10.94		.50		.01
Bartholomew, Boone (SE ¼), Hamilton, Hendricks, Johnson, Madison, Marion, Monroe, Morgan, & Shelby Counties	11.04	.61	.45		.04
Benton, Cass, Clinton, Howard, Montgomery, Tippecanoe, Warren, & White Counties	11.29	.55	.35		.01
Blackford, Deleware, Grant, Hancock, & Jay Counties	11.25		.75		.01
Fountain County	11.99	.45	.50		.01
MARBLE SETTERS: Terrazzo Workers; & Tile Setters:					
Adams, Allen, DeKalb, Huntington, Noble, Steuben, Wells, & Whitley Counties					

DECISION NO. IN80-2058

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Marble Setters	12.21	.57	.50		.02
Terrazzo Workers & Tile Setters	10.80				
Bartholomew & Monroe Counties	12.05	.50	.30		.02
Benton, Clinton, Fountain, Tippecanoe, Warren, & White Counties	11.99	.48	.60		.02
Blackford, Delaware, Hamilton, Jay, Madison, & Tipton Counties:					
Tile Setters	11.60	.50	.75		.01
Boone, Hancock, Hendricks, Johnson, Marion Montgomery, & Morgan Counties:					
Marble Setters; Tile Setters	12.61	.50	.55		.04
Terrazzo Workers	12.35	.50	.55		.03
Cass & Fulton Counties	11.40	1.00	1.20	d	.02
Grant & Wabash Counties	11.33	.85	.60		
Howard & Miami Counties	11.08	.95	1.00		.05
MARBLE SETTERS' FINISHERS; Terrazzo Workers' Finishers & Tile Setters' Finishers:					
Adams, Bartholomew, Blackford, Boone, Clinton, Delaware, Fountain, Grant, Hamilton, Hancock, Hendricks, Howard, Huntington, Jay, Johnson, Madison, Marion, Monroe, Montgomery, Morgan, Tippecanoe, Tipton, Wabash, & Wells Counties:					
Marble Setters' Finishers	10.65				
Terrazzo Workers' Finishers	10.95				
PAINTERS:					
Adams, Allen, DeKalb, Grant, Huntington, Noble, Steuben, Wabash, Wells (N ½ to & incl. Bluffton) & Whitley Counties					

DECISION NO. IN80-2058

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Brush; Roller; Paperhangers; & Tapers	9.90	.60	.85		.12
Spray; Sandblasters; Steamcleaning & Pressure Water Blasting	10.90	.60	.85		.12
Bartholomew County:					
Brush; Drywall Taping & Finishing; & Rollers	9.45		.50		
Sandblasting; Spray; Swing Stage	10.45		.50		
Benton, Clinton, Fountain, Montgomery, Tippecanoe, & Warren Counties:					
Brush; Drywall Tapers, & Finishers; Roller; Wall Covering Applicators	12.40	.70			
Structural Steel	12.65	.70			
Sandblasting	13.40	.70			
Spray	15.67	.70			
Blackford, Cass, Delaware, Fulton, Howard, Jay, Madison, Miami, Tipton, & Wells (to the So. City Limits of Bluffton) Counties.:					
Brush; Taping	10.80		.80		
Pressure Cleaning Equipment; Sandblasting; Spray	11.80		.80		
Boone, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan (N ½), & Shelby Counties:					
Brush; Rollers; Drywall Tapers & Finishers	12.10	.78	.62		
Sandblasters; Spray	13.10	.78	.62		
Monroe, Morgan (to the Northern Limits of Martinsville) Counties:					
Brush; Drywall; Vinyl; Paperhanging; & Roller	10.91				
Structural Steel; Stage & Hazardous Work;					

DECISION NO. IN80-2058

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Scaffold	11.66				
Sandblasting; Spray & Epoxy Brush	11.91				
Spray Epoxy	12.91				
White County:					
Brush	11.60	.79	.60		.05
Sandblasting; Spray	12.35	.79	.60		.05
Drywall Taping	12.65	.79	.60		.05
Vinyl Paperhanging	11.85	.79	.60		.05
PLASTERERS:					
Adams, Allen, DeKalb, Noble, Steuben, & Whitley Counties	11.77	.60	.80		
Bartholomew & Shelby Counties	11.00				
Benton (Eastern 2/3 West to & incl. Boswell, Earl Parke, & Raub), Cass, Clinton, Fountain (W. to and incl. Attica, in the North & West to, but not incl. Veedersburg in the South), Howard, Miami, Montgomery, Tippecanoe, Warren (E½ West to but not incl. Judyville, So. to & incl. Kramer), & White Counties	12.32	.70			.05
Blackford, Delaware, Grant, Huntington, Jay, Wabash, & Wells Counties	11.45	.75			.01
Boone, Hamilton (So. ½ No. to New Indiana Rte. #32), Hancock (S. & Western part No. to State Rd. #234 & E. to Co. Rd. #300 - W), Hendricks, Johnson, Marion, Morgan (N½), & Shelby Counties	12.58	.80			.02

DECISION NO. IN80-2058

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Monroe County	12.05	.50	.30		.02
Hamilton (No. ½), Hancock, (No. part), Madison, & Tipton Counties	11.83	.85	.50		.01
PLUMBERS; Steamfitters:					
Adams, Allen, DeKalb Huntington, Noble, Steuben, Wells, & Whitley Counties	14.48	.85	.90		.07
Bartholomew (exclu. Camp Atterbury) Co.	15.26	.60	.60		.05
Bartholomew (Camp Atterbury), Boone, Hamilton, Hancock, Hendricks, Howard, Johnson, Marion, Miami, (So. of Rte #218), Morgan, Shelby, & Tipton Counties	13.50	.60	1.10		.04
Benton, Clinton, Fountain, Montgomery, Tippecanoe, Warren, & White Counties	14.85	.60	1.10		.10
Blackford, Grant, & Wabash Counties	13.50	.60	.95		.15
Cass, Fulton, Miami (No. of Hwy. #218), Counties	13.58	.75	.95		.10
Delaware, Jay, Madison Counties	14.85	.60	1.10	e	.15
Monroe County	13.60	.60	1.00		.15
ROOFERS:					
Adams, Allen, DeKalb, Noble, Steuben, Wells, & Whitley Counties	10.90		.10		
Bartholomew, Boone, Hancock, Hendricks, Johnson, Marion, Monroe, Morgan, & Shelby Counties:					
Composition & Waterproof	12.50	.65	.50		
Slate, Tile, Asbestos & Precast Slab	12.75	.65	.50		

DECISION NO. IN80-2058

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Benton, Cass, Clinton, Fountain, Montgomery, Tippecanoe, Warren, & White Counties:					
Composition, Damp & Waterproof	12.20	.60	.38		
Slate, Tile, & Asbestos	12.45	.60	.38		
Blackford, Delaware, Grant, Hamilton, Howard, Huntington, Jay Madison, Miami, Tipton, & Wabash Counties:					
Slate, Tile, & Asbestos; Composition Damp & Waterproof	11.25	.55	.30		
Coal Tar Pitch	12.00	.55	.30		
Fulton County:					
Composition, Damp & Waterproof	12.75	.60	.50		.03
Slate, Tile & Asbestos	13.27	.60	.50		.03
SHEET METAL WORKERS:					
Adams, Allen, Blackford, Cass, DeKalb, Grant, Howard, Huntington, Jay, Miami, Noble, Steuben, Wabash, Wells, & Whitley Counties	13.93	.72+f	.77		.14
Bartholomew, Boone, Delaware, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Monroe, Morgan, Shelby, & Tipton Counties	13.31	.65+f	.85		.12
Benton, Clinton, Fountain, Montgomery, Tippecanoe, Warren, & White Counties	12.58	.70+f	.55		.07
Fulton County	12.88	.75	.615		.07
SPRINKLER FITTERS	14.30	.85	1.20		.08

DECISION NO. IN80-2058

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr
TRUCK DRIVERS:					
Benton, Cass, Clinton Fountain, Howard, Miami, Montgomery, Tippecanoe, Tipton, Wabash, Warren, & White Counties:					
Pickups when hauling Equipment, Etc.	8.23	20.00g	34.00g	h+d	
Tenders; Greaser; Tiremen	8.33	20.00g	34.00g	h+d	
Single Axle-Straight Trucks	8.38	20.00g	34.00g	h+d	
Tandem Axle Dogleg Straight Trucks	8.38	20.00g	34.00g	h+d	
Bituminous Distributors	8.53	20.00g	34.00g	h+d	
Tri-Axles; Semis; Mechanics	8.68	20.00g	34.00g	h+d	

DECISION NO. IN80-2058

PAID HOLIDAYS
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES

a. 7 Paid Holidays: A through F, & Day after Thanksgiving Day
b. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years, and 6% for employee who has worked in business less than 5 years.
c. 6 Paid Holidays: A through F, provided such employees work the last scheduled day prior to and the next scheduled work day after the holiday unless permission for not working on such days is granted by the employer.
d. 6 Paid Holidays: A through F
e. 2 Paid Holidays: C & D
f. 3% of gross earnings to SASMI
g. Per week per employee
h. One week's paid vacation after one year's employment; Two weeks' paid vacation after three years' employment; three weeks' paid vacation after ten years employment

DECISION No. IN80-2058

TRUCK DRIVERS Bartholomew, Blackford, Delaware, Grant, Hamilton, Hancock, Jay, Madison, & Monroe Cos.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
GROUP 1	$ 9.65	35.05a	23.00a	b&c	
GROUP 2	9.70	35.50a	23.00a	b&c	
GROUP 3	9.75	35.50a	23.00a	b&c	
GROUP 4	9.80	35.50a	23.00a	b&c	
GROUP 5	9.85	35.50a	23.00a	b&c	
GROUP 6	9.90	35.50a	23.00a	b&c	
GROUP 7	10.00	35.50a	23.00a	b&c	
GROUP 8	10.05	35.50a	23.00a	b&c	
GROUP 9	10.10	35.50a	23.00a	b&c	
GROUP 10	10.15	35.50a	23.00a	b&c	
GROUP 11	10.30	35.50a	23.00a	b&c	

GROUP 1 - Air Compressors and Welding Machines, Incl. those Pulled by Cars, Pickup Trucks, Tractors, & Fork Lifts; Dumpsters; & Lowboy Tenders
GROUP 2 - Mixers 2 yds.
GROUP 3 - Mechanic Tenders and Greasers
GROUP 4 - Batch Trucks Wet or Dry 3 Batches or Under
GROUP 5 - Mixers 3 yds.; Oil Distributors; Tandem Axles, Incl. Dog legs; & Winch Trucks
GROUP 6 - Batch Truck Wet or Dry or Dry Over 3 Batches; Pavement Breackers; & Single Axle Semi Trucks
GROUP 7 - Mechanics; Mixers 4 yds.; Tandem-Axle Semi-Trucks; & Tack-o-Trucks, Euclids, Tournapull when Pulling Other than Self-Loading Equipment Up to and Incl. 10 yds.
GROUP 8 - Tri-Axles
GROUP 9 - Low Boys; Tandem - Tandem Axle Semi-Trucks
GROUP 10 - Mixers Above 4 Yds.; & Trac-O-Trucks, Euclids, Tournapulls When Pulling Other than self-Loading Equipment 11 yds. to and Incl. 16 yds.
GROUP 11 - Helicopter Pilot; Trac-o-Trucks, Euclids, Tournapulls when Pulling other than self-Loading Equipment over 16 yds.

DECISION No. IN80-2058

FOOTNOTES:

a. Per week per employee

b. 1 week's paid vacation after 1 year's service; 2 weeks' paid vacation after 3 years' service; & 3 weeks' paid vacation after 10 years' service.

c. 7 Paid Holidays; New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day after Thanksgiving Day; & Christmas Day

DECISION NO. IN80-2058

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
LABORERS:					
Benton, Boone, Cass, Clinton, Fountain, Howard, Miami, Montgomery, Tippecanoe, Tipton, & White Counties					
GROUP I	9.15	.85	.75		.09
GROUP II	9.35	.85	.75		.09
GROUP III	9.45	.85	.75		.09
GROUP IV	10.15	.85	.75		.09
Bartholomew, Fountain, Hendricks, Johnson, Monroe, Morgan, & Warren Counties:					
GROUP I	9.30	.85	.75		.09
GROUP II	9.50	.85	.75		.09
GROUP III	9.60	.85	.75		.09
GROUP IV	10.30	.85	.75		.09
Blackford, Delaware, Grant, Hamilton, Hancock, Jay & Madison Counties:					
GROUP I	8.90	.85	.75		.09
GROUP II	9.10	.85	.75		.09
GROUP III	9.20	.85	.75		.09
GROUP IV	9.90	.85	.75		.09
Marion & Shelby Counties					
GROUP I	9.50	.85	.75		.09
GROUP II	9.70	.85	.75		.09
GROUP III	9.80	.85	.75		.09
GROUP IV	10.50	.85	.75		.09

DECISION No. IN80-2053

GROUP I - Building & Construction Laborers; Scaffold Builders (other than for Masons or Plasterers); Ironworker Tenders; Mechanic Tenders; Civil Engineer Tenders & Surveyor Tenders; Rodmen & Chainmen; Window Washers & Cleaners; Roofer's Tenders; Railroad Workers; Masonry Wall Washers (interior & exterior); Cement Finisher Tenders; Carpenter Tenders; Tenders of all other Crafts not listed; Mason Tenders for Areas I, IA, IB; All Portable Water Pumps with discharge up to 3 inches.

GROUP II - Waterproofing; Handling of Creosote Lumber or Like Treated Material (excluding railroad material); Asphalt Rakers & Lutemen; Kettlemen, Air Tool Operators, Vibrator, Chipping Hammer Operators and All Pneumatic Tool Operators; Earth Compactors; Jackmen & Sheetmen Working Ditches Deeper than 6 ft. in Depth; Laborers Working Ditches 6 ft. in depth or deeper; Assembly of Unicrete Pump; Chain Saw Operators; Tile Layers (sewer or field) & Sewer Pipe Layers (metallic or non-metallic); Motor Driven Wheelbarrows & Concrete Buggies; Hyster Operator; Pump Crete Assemblers; Conveyor Assemblers; Core Drill Operators; Cement, Lime or Silica Clay Handlers (bulk or bag); Handling of Toxic Materials Damaging to clothing; Pneumatic Spikers; Deck Engine & Winch Operators; Water Main & Cable Ducking (metallic & non-metallic)

GROUP III - Plasterers' Tenders; Mason Tenders, Except for Areas I, IA, IB; Mortar Mixers; Welders (acetylene or electric); Cutting Torch or Burner; Cement Nozzle Laborers; Cement Gun Operators; Scaffold Builders when Working for Plasterers; Scaffold Builders when Working for Masons (except in Areas, I, IA, IB)

GROUP IV - Dynamite Men; Drillers - Air Track or Wagon Drilling for Explosives

DECISION No. IN80-2058

LABORERS

Adams, Allen, DeKalb, Huntington, Noble, Steuben, Wabash, Wells, & Whitley, Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$ 9.35	.85	.75		.09
GROUP II	9.55	.85	.75		.09
GROUP III	9.65	.85	.75		.09
GROUP IV	10.35	.85	.75		.09

GROUP I - Building & construction Laborers; Scaffold Builders (other than for Masons or Plasterers); Ironworker Tenders; Mechanic Tenders; Civil Engineer Tenders & Surveyor Tenders; Rodmen & Chainmen; Window Washers & Cleaners; Roofer's Tenders; Railroad Workers;Masonry Wall Washers (interior & xterior); Cement Finisher Tenders; Carpenter Tenders; Tenders of All other Crafts not Listed; Mason Tenders; All Portable Water Pumps With Discharge Up to 3 Inches

GROUP II - Waterproofing; Handling of Creosote Lumber or Like Treated Material (excluding railroad material); Asphalt Rakers & Lutemen; Kettlemen; Air Tool Operators; Vibrators; Chipping Hammer Operators and All Pneumatic Tool Operators Compactors; Jackmen & Sheetmen Working Ditches Deeper than 6 ft. in Depth; Laborers Working Ditches 6 ft. in Depth or Deeper; Assembly of Unicrete Pump; Chain Saw & Demolition Saw Operators; Tile Layers (sewer or field) & sewer Pipe Layers (metallic or non-metallic); Motor Driven Wheelbarrows & Concrete Buggies; Hyster Operators; Pump Crete Assemblers; Conveyor Assemblers; Core Drill Operators; Cement, Lime or Silica Clay Handlers (bulk or bag); Handling of Toxic Materials Damaging to Clothing; Pneumatic Spikers; Deck Engine & Winch Operators; Water Main & Cable Ducking (metallic non-metallic); Screed Man or Screw Op. on Asphalt Paver

GROUP III - Plasterers' Tenders; Mortar Mixers; Welders (acetylene or electric); Cutting Torch or Burner; Cement Nozzle Laborers; Cement Gun Operators; Scaffold Builders when Working for Plasterers

GROUP IV - Dynamite Men; Drillers - Air Track or Wagon Drilling for Explosives

DECISION NO. IN80-2058

POWER EQUIPMENT OPERATORS Adams, Allen, Benton, Blackford, Cass, Clinton, DeKalb, Delaware, Grant, Hamilton, Hancock, Howard Huntington, Jay, Johnson, Madison, Marion, Miami, Shelby, Steuben, Tippecanoe, Tipton, Wabash, Wells, White, & Whitley Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	12.50	.75	.65		.10
GROUP 2	11.55	.75	.65		.10
GROUP 3	9.45	.75	.65		.10
GROUP 4	8.35	.75	.65		.10

CLASSIFICATIONS

GROUP 1 - Air Compressor (pressurizing shafts, tunnels and divers); Air Tugger; Auto Patrol; Backfiller; Backhoe; Boom Cat; Boring Machine; Bulldozer; Caisson Drilling Machine; Cherry Picker; Compactor (w/dozer blade) Concrete Plant; Concrete Pump; Crane w/all attachments; Crane-Electric Overhead; Derrick; Ditching Machine (18" and over); Dredge; Elevator (when hoisting material or tool); Forklift (machinery); Formless Paver; Generator (power for welders or compressors); Gradall; Helicopter; Helicopter Winch Operator, Highlift-Front End Loader; Hoist; Locomotive; Machine (C.M.I. or similar tower crane); Mechanic on Job Site; Mucking Machine; Panel Board, Conrete Plant; Piledriver; Push Cat; Scoop and Tractor; Scraper-rubber-tired; Spreader-Tractor Mounted; Straddle Carrier-Ross Type; Sub Base Finish; Tractor w/Backhoe (over ½ yd.); Welder

GROUP 2 - A- Frame Truck; Batcher Plant (automatic dry batch); Bending Machine-Power Driven; Bituminous Mixer; Bituminous Paver; Bituminous Plant Engineer; Boatman; Bullfloat; Compactor or Tamper-Self-propelled; Concrete Mixer (21 cu. ft. or over); Concrete Spreader-Power Driven; Dinkey Engine; Ditching Machine (less than 18"); Drilling Machine Finish Machine and Bullfloat; Finishing Machine; Piledriving and Boilers; Forklift-Masonry and Material; Gunnite Machine; Head Greaser; Mesh Depresser-Mesh Placer; P.C.C. Concrete Belt Placer; Roller-Asphalt Stone and Sub-Base; Sheepstone Roller Self-Propelled; Spreader or Base Paver-Self-Propelled; Subgrader; Throttle Valve w/air Compressor or Boiler; Tractor w/ Backhoe (¾ yard and under); Tractor-High Lift-Farm-Type; Tractor-Industrial Type; Tractor w/Winch; Well Points; Winch Truck

DECISION No. IN80-2058

POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 3 - Air Compressor (210 cu. ft. and over); Bituminous Distributor; Chair Cart; Concrete Curing Machine; Concrete Saw; Dope Pot-Power Agitated; Flexplane; Form Grader; Hydrohammer; Jacks-Hydraulic-Power Driven; Minor Equipment Operator; Paving Joint Machine; Post Hole Digger; Roller-Earth; Throttle Valve; Track Jack-Power Driven; Tractor-Farm Type; Truck Crane Driver.

GROUP 4 - Air Compressor (less than 210 cu. ft.); Concrete Mixer (under 21 cu. ft.); Conveyor; Generator; Mechanical Heater; Oiler; Power Broom Pump; Tenders; & Welding Machines

DECISION No. IN80-2058

POWER EQUIPMENT OPERATORS:
Boone, Fountain, Henricks,
Monroe, Montgomery,
Morgan, & Warren Cos.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$ 13.15	.55	.75		.08
GROUP II	13.05	.55	.75		.08
GROUP III	12.85	.55	.75		.08
GROUP IV	8.00	.55	.75		.08

CLASSIFICATIONS

GROUP I - Master Mechanics

GROUP II - Utility Operator

GROUP III - Power Cranes; Draglines; Derricks; Electric Overhead Cranes; Shovels; Gradall; Mechanics; Repair and Maintenance of all Equipment Tractor Highlift; Fork Lifts; Tournadozer; Mixer over 14S Capacity: Tournamixer; Two Drum Machine or Two Cage Hoists; Cableways; Tower Machines; Motor Patrol; Boom Tractor; Boom or Winch Truck; Truck Crane; Tournapull; Tractor Operating Scoops; Bulldozer; Push Tractor; Finishing Machine on Asphalt Larger Rollers & Rollers on Asphalt; Gravel; Macadam and Brick Surface; Ross Carrier or Similar Machine; Gravel Processing Machine; Asphalt Plant Engineer or Pug Mill; Two Air Compressors; Hetherington Paver Operator; Farm Tractor with Half Yard Bucket and/or Back Hoe Attachment; Trench Machines Cutting 24"; Dredging Equipment; Central Mix Plant Engineer; CMI or Similar Type Machine; Concrete Spreader; Cherry Picker; Standard or Dinkey Locomotives; Scoopmobiles; Euclid Loader; Soil Cement Machines; Back Filler; Elevating Machine; Power Blade; Asphalt Plant Engineer; Well Drilling Machines; Paint Machine; Pipe Cleaning Machines; Pipe Wrapping Machines; Pipe Bending Machine; Apsco Paver; Boring Machine; Tractor Without; Head Equipment Greasers; Barber Green Loaders; Formless Paver; Well Point System Hydra Ax; Resco Concrete Saw; Marine Scoopes; Brush Mulcher; Brush Burner; Mesh Placer; Tree Mover; Helicopter Crew; (3); Pile Driver Skid or Crawler; Stump Remover; Root Rake; Tug Boat Operator; Refrigerating Machine Freezing Operator Chair Cart-Self Propelled; Hydra Seeder; Straw Blower; Concrete Mixers with Skip; all one Drum Hoists with Tower or Boom; Dredge Engineer; Dredge Operator; Rock Spreader; truck or Skid Mounted Tower Crane; Engine or Rock Crusher Plant; Boiler Operator; Concrete Plant Engineer; Loaders; Hydra Crane Caissons; Shaft or any similar Type Drilling Machine; Concrete Curb Machine Self Propelled Winch or Hydraulic Boom Truck

DECISION No. IN80-2058

POWER EQUIPMENT OPERATORS (CONT'D)

GROUP IV - Mixers 14S Capacity or less; Trench Machine Cutting 24" and Under; Farm Tractor with less than Half Yard Bucket and other Attachments Except Back Hoe; Truck Crane Oiler; Power Subgrader; Bull Float; Form Grader; Finishing Machine; Pavement Breaker; Rock Crushers; One Drum Machine; One Air Compressor; Concrete Pump; Gunite Machine; Air Tuggers; Truck Crane Drivers; House Elevators when used for Hoisting Material; Two to Four Generators or Welding Machine; Mechanized Heaters Irrespective of Motor Power when Used for, Temporary Heat; Small Rollers on Earth; Engine Tenders; Firemen; Wagon Drill; Flexplane; Conveyor Two to Four Water Pumps; Siphon and Pulsometer; Distributor Operator on Trucks; Tampers; Power Broom; Post Hole Digger; Self-propelled Concrete Saw; Striping Machine (Motor Driven); Form Tamper; Seaman Tiller; Bulk Cement Plant Equipment Greaser; Track Jack; Mud Jack; Concrete Buggies Motor Driven Oilers; Barrel Type Mixer; One Welding Machine or One Water Pump; Air Valves or Steam Valves from Plant; Concrete Mixers without Skip; Curing Machine; Concrete & Blacktop Curb Machine; Deck Hands

Cranes with Booms from 149 ft. to 199 ft. Including jib Receive Additional $.75 Per Hour
Cranes with Boom over 199 ft. Including Jib Receive Additional $1.25 Per Hour

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (25 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Woodbury
DECISION NO.: IA80-4053 DATE: Date of Publication
Supersedes Decision No. IA78-4112 dated November 24, 1978 in 43 FR 55178
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.40	.50	1.00		
BOILERMAKERS	12.30	.85	1.00		.02
BRICKLAYERS & STONEMASONS	13.98		1.00		.02
CARPENTERS:					
Carpenters and Drywall Hangers	12.86	.92	.60		.04
Millwrights and Piledrivermen	11.81	.92	.60		.04
CEMENT MASONS	11.215				
ELECTRICIANS:					
Within 15 mile radius of Sioux City and all electrical contracts over $300,000	13.76	.65	3%+.80		3/4%
All contracts $300,000 and under outside 15 mile radius of Sioux City	6.15	.65	3%+.80		3/4%
ELEVATOR CONSTRUCTORS	11.94	1.045	.82	a	.035
ELEVATOR CONSTRUCTORS HELPERS	70%JR	1.045	.82	a	.035
IRONWORKERS	11.77	.62	.50		.045
LABORERS:					
GROUP 1 - Common laborers	9.85	1.03	.80		
GROUP 2 - Mortar mixer; plasterers' mixers; air tool operators; mechanical tampers; concrete saw; gunnite nozzle; chain saw; wrecking torch; sandpot and blasting	10.00	1.03	.80		
LATHERS	11.13				.01
LINE CONSTRUCTION:					
GROUP 1 - Cable splicers; lineman; welder; technicians; all rigs setting assembled "H" fixtures and steel transmission structures	11.96	.45	7%	b	1/2%
GROUP 2 - Groundman; truck driver (without winch); experienced (not less than 6 months)	7.77	.45	7%	b	1/2%
GROUP 3 - Groundman; truck driver (with winch)	7.89	.45	7%	b	1/2%
GROUP 4 - Blaster; special equipment operations (hole digging machine, all tractors, transmission line pole hauling & setting equipment other than assembled "H" fixtures)	9.57	.45	7%	b	1/2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS	$12.31		.75		.02
PAINTERS:					
GROUP 1 - Brush and Drywall Finishers	12.31	.97	.75		
GROUP 2 - Spray; all swing work; all work higher than 40 ft.; scaffolds, jacks, ladders; pressure roller; sandblasting; structural steel over 25 ft.	12.81	.97	.75		
PLUMBERS & STEAMFITTERS	13.77	.74	.80		.10
ROOFERS:					
Roofers	9.61	.665			
Kettlemen	9.28	.665			
SHEET METAL WORKERS	10.78	.75	.66		.04
SPRINKLER FITTERS	14.10	.85	1.20		.08
TERRAZZO WORKERS	12.31	.75			.02
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

FOOTNOTE:
a - Employer contributes 8% of basic hourly rate for over 5 years' service and 6% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit; seven paid Holidays.

b - Seven Paid Holidays

PAID HOLIDAYS
New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day; Friday after Thanksgiving

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$11.61	.80	.80		.08
GROUP 2	11.385	.80	.80		.08
GROUP 3	10.17	.80	.80		.08
GROUP 4	9.455	.80	.80		.08

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Cranes including those being used as backhoe, dragline, clamshell, etc.; tower cranes; truck cranes and cherry pickers 12½ ton & over rated capacity; derricks; piledrivers and extractors; caisson rigs ;side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; welders; mechanics; locomotive; dredge (levermen)

GROUP 2 - 1 and 2 drum hoists; air and electric tuggers (on power plants or setting steel or grating); Economobiles; plant mixer; farm type tractors (with loaders, backhoes, attachments, etc.); scrapers (tournapull, etc.); endloaders; dredge (engineer); side boom and winch truck other than Group No. 1; Motor patrol; bulldozers; push cat; truck cranes and cherry pickers (under 12½ ton); concrete mixers (1 yard and over); ditching machine (8" and over); fork lifts (on steel erection and machinery moving or hoisting above one complete story); concrete pump; dewatering pump; temporary hoist cage operated; second man on locomotive; vibrating concrete spreader (gomaco, C-450 or equal)

GROUP 3 - Tractors (under 35 HP) with or without attachments; endloaders (under 35 HP) with or without attachments; air compressors (one or a combination of 250 CFM or more); pumps 3" or over; welding machines 600 amps or combination thereof; conveyors; firemen (boiler); generator (75 KW and over); fork lifts (other than above Group No. 2); gunnite machine; self-propelled rollers; stump chippers; self-propelled tampers; air and electric tuggers (other than above); Ditching machine under 8"

GROUP 4 - Oilers, mechanical heaters; truck crane drivers; permanent elevators

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Mississippi COUNTY: Hinds
DECISION NUMBER: MS80-1084 DATE: Date of Publication
Supersedeas Decision: MS80-1032 dated January 11, 1980 in 45 FR 24
DESCRIPTION OF WORK: Building Construction Projects (does not include residential construction consisting of single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$12.14	.45	.50		
Boilermakers	10.70	1.05	1.05		.02
Bricklayers:					
Bricklayers	10.20	.25	.10		.05
Stone, block, & marble masons	10.20	.25	.10		.05
Caulkers, pointer, & cleaners	10.20	.25	.10		.05
Tile & Terrazzo Setters	10.10	.25	.10		.05
Carpenters:					
Carpenters	9.20	.45	.35		.10
Soft floor layers	9.20	.45	.35		.10
Power saw operator (1 hp. or over)	9.45	.45	.35		.10
Fiber glass insulation application	9.35	.45	.35		.10
Millwrights	9.80	.45	.35		.10
Piledrivermen	9.55	.45	.35		.10
Cement masons:					
Cement masons	8.10	.35	.50		.05
Float machine operator	8.30	.35	.50		.05
Electricians:					
Electricians	11.85	.35	3%+.50		.04
Cable splicers	12.10	.35	3%+.50		.04
Elevators constructors:					
Elevator constructors	10.26	1.045	.82	a+b	.035
Glaziers	9.20				.02
Ironworkers	10.70	.45	.85		.04
Laborers:					
Laborers	6.10	.20	.20		.05
Wrecking & Demolition	6.10	.20	.20		.05
Mason Tenders	6.25	.20	.20		.05
Plasterer Tenders	6.25	.20	.20		.05
Pipelayers	6.25	.20	.20		.05
Mortar Mixer	6.35	.20	.20		.05
Mechanical Tools, Motorized (GA) Buggy Operators	6.35	.20	.20		.05
Lathers	8.65				.01
Line Construction:					
Linemen	11.63	.45	3%	c+2%	½%
Cable Splicers	11.93	.45	3%	c+2%	½%
Groundman	7.05	.45	3%	c+2%	½%

MS80-1084 (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters:					
Brush & Roller	8.35	.15	.10		
Spray	8.85	.15	.10		
Sandblast	9.35	.15	.10		
Plasterers	8.55	.35	.50		.05
Plumbers; Steamfitters; pipefitters	11.60	1.05	1.00		
Roofers:					
Roofers	10.00		.30		
Kettlemen	7.75		.30		
Paper Roller	7.75		.30		
Sheet Metal Workers	10.55	.45	.45		.07
Sprinkler Fitters	11.94	.75	1.05		.08

FOOTNOTES:

a. Paid holidays: New Year's Day; Memorial Day; Independence Day; Labor Day, Thanksgiving Day, Christmas Day.

b. Employer contributes 8% of regular hourly rate to Vacation Pay Credit for employee with more than 5 years service; 6% for employees with less than 5 years.

c. One week vacation after on year's service.

MS80-1084 (cont'd) POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$10.53	.50	.30		.05
GROUP II	9.73	.50	.30		.05
GROUP III	9.48	.50	.30		.05
GORUP IV	8.88	.50	.30		.05
GROUP V	7.23	.50	.30		.05

GROUP I - Engineer operating under air pressure.

GROUP II - Mechanic

GROUP III - Asphalt plant, backhoe, blacksmith, boom tractor, bulldozer, central mixing plant, cherry picker, clamshell, crane, derrick car, derrick, derrick boat, dragling, dredge elevating grader, end loader, excavator (power belt), fork lift (5 tons & over), hoists (2 drum in active use), locomotive engineer, marine engineer (chief), master pilot, mixer-mobile, motor patrol and similar equipment, paver (21 c.f. or larger), pile driver, recharger, scoop (skimmer), scraper, shovel, trenching machine (over 18" bucket line width), turnapull (DW-10 and similar pull type scrapers), Traxcavator and similar endloaders, welder, welding machines and pumps (operating 2 to 6 machines), well driller, well point pumps

GROUP IV - Asphalt spreader (bituminous distributor), asphalt spreader (bituminous mixer), backfilling machine, conveyor, drill (earth), finishing machine, fireman, forklift (over 2 tons and less than 5 tons), heating plant, hoist (one drum), marine engineer's assistant, mixer payloader and similar endloaders, pilot, power generating plant, pump (concrete), roller, scoopmobile, tractor (with power take-off), trenching machines (18" or smaller bucket line width), tugboat, winch truck and tractor, small rubber tired with backhoe attachment.

GROUP V - Air compressor, batch scale, deckhand, forklift (2 tons & under), form grader locomotive hostler, motorboat (in or outboard), oiler, pump, roughneck, scowman, tractor (with attachments), welding machine.

Booms including jib:
$.50 above regular rate - 100 ft. thru 200 ft.
$.75 above regular rate - 201 ft. thru 300 ft.
$1.00 above regular rate - over 300 ft.

Unlisted classifications needed for work not included witnin the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: ESSEX
DECISION NO. NY80-3045 DATE: DATE OF PUBLICATION
Supersedes Decision No. NY79-3017 dated July 6, 1979 in 44 FR 39884
DESCRIPTION OF WORK: Building (excluding single family homes and apartments up to and including 4 stories), Heavy, and Highway Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$12.67	.95	.41		.02
Boilermakers	13.50	1.175	10%		.03
Bricklayers, Cement Masons, Marble Masons, Plasterers, Stone Masons, Tile and Terrazzo Workers	11.12	.70	.70	a	.02
Carpenters:					
Carpenters and Soft Floor Layers	10.70	.55	.90	b	.005
Millwrights	10.95	.55	.90	b	.005
Piledrivermen	10.85	.55	.90	b	.005
Carpenters and Piledrivers, Heavy and Highway	11.23	.55	.90		.025
Cement Masons, Heavy & Highway	11.10	.70	.70		
Electricians:					
Portion East of State Highway 28N and South of a line following the Tahawus-Schroon River Road (County Highway 73) from State Highway 73, East on 73 to State Highway 22 near Ticonderoga, North on 22 to and including Crown Point	12.80	.70	3%+.70	c	.05
Newcomb and Minerva Twps. South and West of State Highway 28N, not including Tahawus	12.10	.70	3%+1.35		.03
Remainder of County:					
Zone 1 - 20 mile radius from Plattsburg and Saranac Lake:					
Electricians	11.65	.50	3%+.50	d	1%
Cable Splicers	11.95	.50	3%+.50	d	1%
Zone 2 - beyond 20 mile radius from Plattsburg and Saranac Lake:					
Electricians	11.85	.50	3%+.50	d	1%
Cable Splicers	12.15	.50	3%+.50	d	1%
Glaziers:					
Twps. of Ticonderoga, Crown Point, North Hudson, Schroon, Minerva, Newcomb, Tahawus, and the town of Port Henry	9.55	.50	.40		
Remainder of County	10.13		.20	e	.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Ironworkers:					
Structural, Ornamental, Reinforcing, Machinery Mover, Rodman, Rigger, Fence Erector, and Stone Derrickman	11.25	.75	1.04		.04
Sheeter	11.50	.75	1.04		.04
Sheeter, Bucker-up	11.375	.75	1.04		.04
Rehabilitation work on residential structures over 4 stories defined to include all work, including demolition, alteration and repair on any existing structure which is intended for predominantly residential use	7.58	.75	1.04		.04
Laborers, Building:					
Common laborers and self propelled equipment operators	8.50	.70	.70	f	
Concrete or plaster pump operator, all men working on building demolition and wrecking	8.65	.70	.70	f	
Sandblasters on construction clean-up, Drillers, Wagon Jack or wagon Drill operator, Metal form and curb setter, asphalt raker, tail or screw man on paving machine	8.80	.70	.70	f	
Acetylene torch operator on demolition work and cutting of pipes, blasters	8.95	.70	.70	f	
Painters:					
Twps. of Ticonderoga, Crown Point North Hudson, Schroon, Minerva, Newcomb, Tahawus, and the town of Port Henry:					
Brush	9.55	.50	.40		
Bridges, Structural Steel and Iron, Swing Scaffold, Bosun Chair, Water Towers, Tanks, Flagpoles, Window Jacks	9.95	.50	.40		
Sandblasting and Waterblasting, Spray	10.10	.50	.40		
Roller(Handle extention over 6')	9.80	.50	.40		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters:					
Remaindet of County:					
Brush	10.13		.20	e	.01
Spray Cup, Paperhanging, Taping, Structural Steel, Swing Scaffold					
Boatswain Chair, Hanging Scaffold and Sandblasting	10.68		.20	e	.01
Bridge	9.28		.20	e	.01
Seamless Floor Material	10.38		.20	e	.01
Plumbers and Steamfitters	11.15	.75	1.00		.05
Roofers:					
Roofers	12.00	1.37	.40		.04
Pitch and Asbestos	12.50	1.37	.40		.04
SheetMetal Workers	12.57	1.00	1.34	g	.07
Sprinkler Fitters	14.52	.85	1.20		.08
Welders-receive rate prescribed for craft performing operation to which welding is incidental					
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).					

Paid Holidays: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Paid Holidays: B, C, and D, provided the employee has been on the payroll 5 days prior to the holiday and he reports to work the day following the holiday.

b. Paid Holidays: B, D, and E, provided the employee is on the payroll the week before the holiday and works the day following the holiday.

c. Paid Holiday: E

d. Paid Holidays: B, C, D, E, and F

e. Paid Holidays: An employee shall have 2 consecutive hours off in which to vote on Election Day, B, C, d, and F

f. Paid Holidays: B and D, provided the employee has been employed on any day of the week before the holiday.

g. The last 2 hours off with pay on the 1st Tuesday after the 1st Monday in November provided they are working on a job beyond 50 miles from the shop.

LABORERS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	9.44	.70	.80	i	
CLASS B	9.64	.70	.80	i	
CLASS C	9.84	.70	.80	i	
CLASS D	10.04	.70	.80	i	

FOOTNOTE:
i. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, provided the employee has worked the day before and after the holiday.

CLASSIFICATION DEFINITIONS

CLASS A
Laborers, drill helpers, flagmen, outboard and hand boats.

CLASS B
Bull float, chain saw, concrete aggregate, bin concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill dactor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphram), nozzle (asphalt, gunnite, seeding and sandblasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, Wrecking laborer.

CLASS C
All rock or drill machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman

CLASS D
Blasters, form setter, stone or granite curb setters.

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electrical Overhead and Underground Distribution Work:					
Lineman and Technicians	11.00	1.40	3%+.75	k	
Cable Splicers	14.45	1.40	3%+.75	k	
Groundman Digging Machine Operator and Groundman Dynamite man	9.90	1.40	3%+.75	k	
Groundman Mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver	8.80	1.40	3%+.75	k	
Groundman Truck Driver (Tractor Trailer)	9.35	1.40	3%+.75	k	
Driver Mechanic, Groundman - Experienced	8.25	1.40	3%+.75	k	
All Overhead Transmission Line Work and Lighting for Athletic Fields:					
Lineman and Technicians	12.50	1.40	3%+.75	k	
Groundman Digging Machine Operator, Groundman, Dynamite Man	11.25	1.40	3%+.75	k	
Groundman Mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver	10.00	1.40	3%+.75	k	
Groundman Truck Driver (Tractor Trailer Unit)	10.625	1.40	3%+.75	k	
Driver Mechanic, Groundman-Experinced	9.375	1.40	3%+.75	k	
Sub-Station, Switching Structures (when not part of the line), Trafic Signal, Street Lighting, and Electrical, Telephone or CATV Commercial Work:					
Lineman and Technicians	13.15	1.40	3%+.75	k	
Cable Splicers	14.465	1.40	3%+.75	k	
Groundman Mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver	10.52	1.40	3%+.75	k	
Groundman Truck Driver (Tractor Trailer Unit)	11.1775	1.40	3%+.75	k	
Driver Mechanic, Groundman - Experienced	9.8625	1.40	3%+.75	k	

LINE CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Groundman Digging Machine Operator, Groundman Dynamite Man	11.835	1.40	3%+.75	k	
Telephone and other Communication Systems, Both overhead and Underground:					
Linemen and Installer Repairmen	8.34	.40	3%+.25	k	1%
Splicers	8.89	.40	3%+.25	k	1%
Groundman Digging Machine Operator	7.73	.40	3%+.25	k	1%
Groundman	5.72	.40	3%+.25	k	1%
Groundman Truck Driver	6.82	.40	3%+.25	k	1%
Groundman Dynamiteman	6.60	.40	3%+.25	k	1%

FOOTNOTE

k. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Good Friday, and Election Day for President of the United States and Governor of New York State, provided the employee works the day before and after the holiday.

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration, and repair on any existing structure which is intended for predominantly residential use					
GROUP 1	7.40	.95	1.05	a	.15
GROUP 2	7.45	.95	1.05	a	.15
GROUP 3	7.55	.95	1.05	a	.15
GROUP 4	7.71	.95	1.05	a	.15
GROUP 5	7.98	.95	1.05	a	.15
GROUP 6	8.10	.95	1.05	a	.15
GROUP 7	8.26	.95	1.05	a	.15
Building Construction					
GROUP 1	11.03	1.05	1.15	a	.15
GROUP 2	11.10	1.05	1.15	a	.15
GROUP 3	11.24	1.05	1.15	a	.15
GROUP 4	11.46	1.05	1.15	a	.15
GROUP 5	11.84	1.05	1.15	a	.15
GROUP 6	12.02	1.05	1.15	a	.15
GROUP 7	12.25	1.05	1.15	a	.15

GROUP 1: Oilers

GROUP 2: Firemen and heavy duty greasers, all boilers and steam generators

GROUP 3: Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines, well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over

GROUP 4: Dinkey locomotives, Barber Greene loaders, loaders and conveyors, tractors, scoopmobiles, bulldozers, road rollers, form fine graders, power brooms and sweepers

GROUP 5: Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, traxcavators, core and well drillers (one drum), economobile and similar type machines, elevators, A-L frame winches, power hoisting (single drum)

GROUP 6: LeTourneau graders or scrapers, trenching machines, push cart

GROUP 7: Tractor road pavers, cranes, power road graders, shovels, backhoes, graglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CHB Vibrotamp or similar, Murphy type diesel generator-beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all DMI equipment, concrete cent4al mix plant, automated asphalt, concrete central plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine

FOOTNOTE: Paid Holidays - New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day

POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	12.35	1.15	1.25	m	.15
GROUP II	11.94	1.15	1.25	m	.15
GROUP III	10.78	1.15	1.25	m	.15
GROUP IV	9.75	1.15	1.25	m	.15

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
m. Paid Holidays: A through F, providing the employee works the day before and the day after the holiday.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

Group I - Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated,(gradall or similar) fork lift (factor rated 15 ft. and over), front end loader 4 c.y. and over) head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is needed,he shall be an oiler), tractor drawn belt type loader, truck crane, tunnel shovel.

Group II - Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer,blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressor (4 or less) exceeding 2000 C.F.M. combined capacity, concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lbs. and over), hoist (one drum) Kolman plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be an oiler), locomotive maintenance/engineer/greaseman/welder, mixer (for stabilized base self-propelled),monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D.

Group III - A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, hammers (hydraulic-self-propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point.

Group IV - Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors) dust collectors, generator pumps, welding machines (3 or less of any type or combination), concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler parapet- (concrete or pavement grinder), power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor.

TRUCK DRIVERS: BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	9.39	.65	.85	a	
CLASS 2	9.44	.65	.85	a	
CLASS 3	9.49	.65	.85	a	
CLASS 4	9.64	.65	.85	a	
CLASS 5	9.79	.65	.85	a	

FOOTNOTE:

a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Tahnksgiving Day, Christmas Day, privided the employee has worked the working day before and after the holiday.

CLASS 1

Warehouseman, yardmen, truck helpers, pickups, panel trucks, flatboy material trucks(straight jobs), single axle dump trucks, dumpsters, material checkers and receivers, greasers, truck tiremen, mechanic helpers and parts chaser.

CLASS 2

Tandems, batch trucks, mechanics and dispatcher.

CLASS 3

Semi-trailers, low-boy trucks, asphalt distributors trucks, agitator, mixer trucks and dumpcrete type vehicles, tr8ck mechanic.

CLASS 4

Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier

CLASS 5

Off-highway tandem back-dump, twin engine equipment and double hitched equipment where not self loaded.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: CLINTON
DECIDION NO. NY80-3046 DATE: DATE OF PUBLICATION
Supersedes Decision no. NY80-3007 dated February 15, 1980 in 45 FR 10590
DESCRIPTION OF WORK: Building (does not include single family homes and apartments up to and including 4 stories), Heavy and Highway Construction Projects.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	12.67	.95	.41		.02
Boilermakers	13.50	1.175	10%		.03
Bricklayers, Cement Masons, Marble Masons, Plasterers, Tile and Terrazzo Workers	12.07	.60	.60	a	.02
Cement Masons, Heavy & Highway	11.10	.70	.70		
Carpenters and Soft Floor Layers	10.70	.55	.90	a	.005
Piledriverman	10.85	.55	.90	a	.005
Millwrights	10.95	.55	.90	a	.005
Carpenters, Heavy & Highway	11.23	.55	.90		.025
Electricians:					
Zone I - City of Plattsburg and 5 mile Radius:					
Electricians	11.45	.50	3%+.50	b	1%
Cable Splicers	11.75	.50	3%+.50	b	1%
Zone II - From Zone I to a 20 mile radius of Plattsburg:					
Electricians	11.65	.50	3%+.50	b	1%
Cable Splicers	11.95	.50	3%+.50	b	1%
Zone III - Beyond Zone II:					
Electricians	11.85	.50	3%+.50	b	1%
Cable Splicers	12.15	.50	3%+.50	b	1%
Elevator Constructors	11.17	.745	.56	c+d	.025
Glaziers	10.13		.20	e	.01
Ironworkers:					
Structural, Ornamental, Reinforcing, Rodmen, Machinery Mover, Riggers, Fence Erectors, Stone Derrickmen	11.25	.75	1.04		.04
Sheeter	11.50	.75	1.04		.04
Sheeter, Bucker-up	11.375	.75	1.04		.04
Rehabilitation work on residential structures defined to include demolition, alteration and repair on any structure intended for predominantly residential use	7.58	.75	1.04		.04
Laborers, Building:					
Common Laborers and self-propelled Equipment Operators	8.50	.70	.70	f	
Concrete or Plaster Pump Operator, All men on building demolition and wrecking	8.65	.70	.70	f	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers, Building (Cont'd)					
Sandblasters and Construction clean up, Driller, Wagon Jack or Wagon Drill Operator, Metal Form and Curb Setter, Asphalt Raker, Tail or Screw man on paving Machine	8.80	.70	.70	f	
Acetylene Torch Operator on Demolition Work and Cutting of Pipes, Blasters	8.95	.70	.70	f	
Painters:					
Brush	10.13		.20	e	.01
Spray Cup, Paperhanging, Spray Structural Steel, Swinging Scaffold, Boatswain Chair, Hanging Scaffold, Sandblasting and Taping	10.68		.20	e	.01
Bridges	10.88		.20	e	.01
Seamless Floor Material	9.28		.20	e	.01
Plumbers and Steamfitters	10.38		.20	e	.01
Roofers:	11.15	.75	1.00		.05
Roofer	12.00	1.37	.40		.02
Pitch and Asbestos	12.50	1.37	.40		.02
Sheet Metal Workers	12.57	1.00	1.34	g	.07
Truck Drivers, Building:					
Straight, winch, transit mix on job site, road oilers, dump panel, pick-up, water and fuel trucks on site (including nozzle)	9.37	1.00	.81		.12
Euclid or similar equipment	9.56	1.00	.81		.12
Lowboy or Lowboy Trailers	9.70	1.00	.81		.12
Welders - receive rate prescribed for craft performing operation to which welding is incedental					
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))					

Paid Holidays: A-New Year's Day; B-Memorial Day; C-Labor Day; D-Independence Day; E-Thanksgiving Day; F-Christmas Day

Footnotes:

a. Paid Holidays: B, C, D, provided the employee is on the payroll 5 days prior to the holiday and reports to work the day after the holiday.
b. B, C, D, E, and F (Paid Holidays)
c. A through F plus the day after Thanksgiving (Paid Holidays)
d. Employer contributes 8% of basic hourly rate for 5 years of service as Vacation Pay Credit
e. B, C, D, F, plus 2 consecutive hours to vote on Election Day (Paid Holidays)
f. B, C, provided the employee has been employed on any day of the week before the holiday (Paid Holidays)
g. The last 2 hours off with pay on the 1st Tuesday after the 1st Monday of November provided they are working on a job beyond 50 miles from the shop

LABORERS:
HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	9.44	.70	.80	h	
CLASS B	9.64	.70	.80	h	
CLASS C	9.84	.70	.80	h	
CLASS D	10.04	.70	.80	h	

Footnote:

h. Paid Holidays: New year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day provided the employee has worked the day before and after the holiday

CLASS A
Laborers, drill helpers, flagmen, outboard and hand boats

CLASS B
Bull float, chain saw, concrete aggregate, bin concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphram), nozzle (asphalt, gunnite, seeding and sandblasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer

CLASS C
All rock or drill machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman

CLASS D
Blasters, form setter, stone or granite curb setters.

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electrical Overhead and Underground Distribution Work:					
Lineman and Technicians	11.00	1.40	3%+.75	i	
Cable Splicers	14.45	1.40	3%+.75	i	
Groundman Digging Machine Operator and Groundman Dynamite man	9.90	1.40	3%+.75	i	
Groundman Mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver	8.80	1.40	3%+.75	i	
Groundman Truck Driver (Tractor Trailer)	9.35	1.40	3%+.75	i	
Driver Mechanic, Groundman-Experienced	8.25	1.40	3%+.75	i	
All Overhead Transimission Line Work and Lighting for Athletic Fields:					
Lineman and Technician	12.50	1.40	3%+.75	i	
Groundman Digging Machine Operator, Groundman Dynamite man	11.25	1.40	3%+.75	i	
Groundman Mobile Equipment Operator, Mechnic 1st Class, Groundman Truck Driver	10.00	1.40	3%+.75	i	
Groundman Truck Driver (Tractor Trailer Unit)	10.625	1.40	3%+.75	i	
Driver Mechanic, Groundman - Experinced	9.375	1.40	3%+.75	i	
Sub-Station, Switching Structures (when not part of the line), Trafic Signal, Street Lighting, and Electrical, Telephone or CATV Commercial Work:					
Lineman and Technicians	13.15	1.40	3%+.75	i	
Cable Splicers	14.465	1.40	3%+.75	i	
Groundman Mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver	10.52	1.40	3%+.75	i	
Groundman Truck Driver (Tractor Trailer Unit)	11.1775	1.40	3%+.75	i	
Driver Mechanic, Groundman - Experienced	9.8625	1.40	3%+.75	i	

LINE CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Groundman Digging Machine Operator, Groundman Dynamite man	11.835	1.40	3%+.75	i	
Telephone and other Communication Systems, both Overhead and Underground:					
Lineman and Installer Repairman	8.34	.40	3%+.25	i	1%
Splicers	8.89	.40	3%+.25	i	1%
Groundman Digging Machine Operator	7.73	.40	3%+.25	i	1%
Groundman	5.72	.40	3%+.25	i	1%
Groundman Truck Driver	6.82	.40	3%+.25	i	1%
Groundman Dynamite man	6.60	.40	3%+.25	i	1%

FOOTNOTE:

1. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Good Friday, and Election Day for President of the United States and Governor of New York State, provided the employee works the day before and after the holiday.

Power Equipment Operators: Building Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
GROUP 1	11.03	1.05	1.15	j	.15
GROUP 2	11.10	1.05	1.15	j	.15
GROUP 3	11.24	1.05	1.15	j	.15
GROUP 4	11.46	1.05	1.15	j	.15
GROUP 5	11.84	1.05	1.15	j	.15
GROUP 6	12.02	1.05	1.15	j	.15
GROUP 7	12.25	1.05	1.15	j	.15

Power Equipment Operators: Building Construction

GROUP 1 Oilers

GROUP 2 Firemen and heavy duty greasers, all boilers and steam generators

GROUP 3 Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines, well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over

GROUP 4 Dinkey locomotives, Barber Greene loaders, loaders and conveyors, tractors, scoopmobiles, bulldozers, road rollers, form fine graders, power brooms and sweepers

GROUP 5 Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, traxcavators, core and well drillers (one drum), economobile and similar type machines, elevators, A-L frame winches, power hoisting (single drum)

GROUP 6 LeTourneau graders or scrapers, trenching machines, push cart

GROUP 7 Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pole drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CHB Vibrotamp or similar, Murphy type diesel generator-beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt, concrete central plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine

PAID HOLIDAYS:
A-New year's day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
j. Holidays: A through F

Power Equipment Operators: Heavy & Highway Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	12.35	1.15	1.25	k	.15
GROUP 2	11.94	1.15	1.25	k	.15
GROUP 3	10.78	1.15	1.25	k	.15
GROUP 4	9.75	1.15	1.25	k	.15

GROUP 1 Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, (gradall or similar), fork lift (factor rated 15 ft. and over), front end loader 4 c.y. and over), head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is needed, he shall be an oiler), tractor drawn belt type loader, truck crane, tunnel shovel.

GROUP 2 Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity, concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure boiler (15 lbs. and over), hoist (one drum) Kolman plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be an oiler), locomotive maintenance/engineer/greaseman/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat.

GROUP 3 A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, hammers (hydraulic-self-propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibrator compactor, vibro tamp, well point

Power Equipment Operators: Heavy & Highway Construction (Cont'd)

GROUP 4 Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors) dust collectors, generator pumps, welding machines (3 or less of any type or combination), concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump or pavement grinder), power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D. Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
k. Paid Holidays: A through F, providing the employee works the day before and the day after the holiday

Power Equipment Operators: Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration, and repair on any existing structure which is intended for predominantly residential use

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
GROUP 1	7.40	.95	1.05	1	.15
GROUP 2	7.45	.95	1.05	1	.15
GROUP 3	7.55	.95	1.05	1	.15
GROUP 4	7.71	.95	1.05	1	.15
GROUP 5	7.98	.95	1.05	1	.15
GROUP 6	8.10	.95	1.05	1	.15
GROUP 7	8.26	.95	1.05	1	.15

GROUP 1 Oilers

GROUP 2 Firemen and heavy duty greasers, all boilers and steam generators

GROUP 3 Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over

GROUP 4 Dinkey locomotives, Barber Greene loaders, loaders and conveyors, tractors, scoopmobiles, bulldozers, road rollers, form fine graders, power brooms and sweepers

GROUP 5 Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, traxcavators, core and well drillers (one drum), economobile and similar type machines, elevators, A-L frame winches, power hoisting (single drum)

GROUP 6 LeTourneau graders or scrapers, trenching machines, puch cart

GROUP 7 Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CHB Vibrotamp or similar, Murphy type diesel generator-beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt, concrete central plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine

FOOTNOTES:
1. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION					
CLASS 1	9.78	1.11	.85	m	
CLASS 2	9.83	1.11	.85	m	
CLASS 3	9.88	1.11	.85	m	
CLASS 4	10.03	1.11	.85	m	
CLASS 5	10.18	1.11	.85	m	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
m. Paid Holidays: A through F, provided the employee has worked the working day before and after the holiday.

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS 1 - Pickups, panel trucks, flatboy material trucks (straight jobs), single axle dump trucks, dumpsters, greasers, truck tiremen, mechanic helpers

CLASS 2 - Tandems, batch trucks, mechanics

CLASS 3 - Semi-trailers, low-boy trucks, asphalt distributors trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic.

CLASS 4 - Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier.

CLASS 5 - Off-highway tandem back-dump, twin engine equipment and double hitched equipment where not self loaded.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: NIAGARA
DECISION NO. NY80-3048 DATE: DATE OF PUBLICATION
Supersedes Decision No. NY80-3006 dated March 7, 1980 in 45 FR 15031
DESCRIPTION OF WORK: Building Construction (excluding single family homes and apartments up to and including 4 stories), Heavy, and Highway Construction Projects.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Asbestos Workers	$12.85	1.32	1.40		.07
Boilermakers	13.70	1.275	1.775		.03
Bricklayers:					
North Tonawanda:					
Bricklayers & Stone Masons	13.83	.80	1.90		
Terrazzo Workers & Tile Setters	13.45	.80	1.90		
Marble Setters	13.545	.80	1.90		
Remainder of County:					
Bricklayers & Stone Masons	12.95	1.45	.57		
Marble Masons, Terrazzo Workers & Tile Setters	12.70	1.45	.57		
Carpenters:					
North Tonawanda:					
Carpenters, Millwrights and Piledrivermen	12.73	1.80	1.85		
Soft Floor Layers	11.18	1.25	1.55		
Remainder of County:					
Building Construction:					
Carpenters & Soft Floor Layers	10.80	1.69	1.65		.025
Millwrights	10.90	1.69	1.65		.025
Heavy & Highway Construction:					
Carpenters & Piledrivermen	9.34	1.69	1.65	a	.025
Cement Masons	14.11	1.00			
Electricians:					
Electricians	14.38	1.55	.90		4%
Cable Splicers	15.82	1.55	.90		4%
Elevator Constructors	14.12	1.195	.82	b+c	.03
Glaziers	12.04	1.70	1.00		.30
Ironworkers:					
Structural, Ornamental & Reinforcing	12.96	1.07	1.02		
Sheeter	14.27	1.07	1.02		
Painters:					
Twps., of Somerset, Hartland, Royalton, New Fane, Lockport, Pendleton and the eastern half of Cambria and Wilson:					
Brush	12.205	1.375	.40		.11
Cranes, Steel, Tinks, Towers, Stacks, Prisons, Flag Poles,					
Radio TV Towers	12.705	1.375	.40		.11
Sandblasting, Swing Stages, Scaffold, Epoxy, Spray, Bosun Chair	12.455	1.275	.40		.11

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters: (Cont'd)					
Bridges 35' high or in depth of 35' from road level	13.87	1.375	.40		.11
Remainder of County:					
Brush	11.09	1.27	1.65		.01
Spray, Steel, Steeple Jack, Swing Scaffold, Sandblasting	11.84	1.27	1.65		.01
Bridge-crossing the Niagra River	12.755	1.27	1.65		.01
Plumbers and Steamfitters	14.08	1.005	1.44		.25
Roofers:					
Composition, Damp Waterproofers Sprayers, Asphalt Mastic, Wood Block Floor Workers, Steen Roofers and siders	12.86	.99	1.50		.02
Slate, Tile Asbestos & Pre-cast Tile	13.01	.99	1.50		.02
Sheet Metal Workers	13.25	1.33	1.16		.10
Sprinkler Fitters	13.27	.75	1.05		.06
Truck Drivers:					
Building, Heavy & Highway:					
Euclid	10.40	.75			
Dump	10.15	.75			
Ready-mix	10.365	.75	.775		
Welders - receive rate prescribed for craft performing operation to which welding is incidental					
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).					

FOOTNOTES:

a. Paid Holidays: Memorial Day and Labor Day

b. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

c. Employer contributes 8% of the basic hourly rate for 5 years or more of service and 6% of the basic hourly rate for 6 months to 5 years of service as vacation pay credit

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS; HEAVY, HIGHWAY, BUILDING CONSTRUCTION					
NIAGARA COUNTY: EXCEPT THE CITY OF NORTH TONAWANDA					
GROUP I	9.91	2.35	1.55		
GROUP II	10.41	2.35	1.55		
GROUP III	10.11	2.35	1.55		
GROUP IV	10.91	2.35	1.55		

LABORERS: HEAVY, HIGHWAY, BUILDING CONSTRUCTION

GROUP I
Laborers

GROUP II
Form setter, wagon drill op., road finishers, gunnite nozzlemen, sandblasters, burning torch, concrete saw op.

GROUP III
Potman, pipelayers, pavement breakers or busters, jackhammer op., barco rammers, chain saw, powder monkey, black top rakers, scalers, drill tenders, mortar mixers, men working from swinging scaffold bosum chair, suspended cage or bucket, work in caissons below 8 feet, concrete motor buggy, all other operators of mechanical tools, including vibrators regardless of type of power

GROUP IV
Blasters

DECISION NO. NY80-3048

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
LABORERS; ROCK TUNNEL FREE AIR CONSTRUCTION					
NIAGARA COUNTY: EXCEPT NORTH TONAWANDA					
GROUP I	9.61	1.75	1.30		
GROUP II	9.51	1.75	1.30		
GROUP III	10.46	1.75	1.30		
GROUP IV	9.76	1.75	1.30		
GROUP V	9.86	1.75	1.30		
GROUP VI	10.26	1.75	1.30		
GROUP VII	9.76	1.75	1.30		

LABORERS: ROCK TUNNEL FREE AIR CONSTRUCTION

GROUP I
Driller, shaft driller

GROUP II
Chucker, mucking machine tender, shaft muckers

GROUP III
Nipper, car pusher (tramer), track gang, bull gang, cage man, concrete gang, powder monkey

GROUP IV
Blasters

GROUP V
Rodman

GROUP VI
Laborer & top man

GROUP VII
Burning torch on demolition work

DECISION NO. NY80-3048

Line Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Electrical Overhead and Underground Distribution Work:					
Lineman and Technicians	11.00	1.40	3%+.75	k	
Cable Splicers	14.45	1.40	3%+.75	k	
Groundman Digging Machine Operator and Groundman Dynamite man	9.90	1.40	3%+.75	k	
Groundman Mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver	8.80	1.40	3%+.75	k	
Groundman Truck Driver (Tractor Trailer)	9.35	1.40	3%+.75	k	
Driver Mechanic, Groundman - Experienced	8.25	1.40	3%+.75	k	
All Overhead Transmission Line Work and Lighting for Athletic Fields:					
Lineman and Technician	12.50	1.40	3%+.75	k	
Groundman Digging Machine Operator, Groundman Dynamite Man	11.25	1.40	3%+.75	k	
Groundman Mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver	10.00	1.40	3%+.75	k	
Groundman Truck Driver (Tractor Trailer Unit)	10.625	1.40	3%+.75	k	
Driver Mechanic, Groundman - Experinced	9.375	1.40	3%+.75	k	
Sub-Station, Switching Structures (when not part of the line), Trafic Signal, Street Lighting, and Electrical, Telephone or CATV Commercial Work:					
Lineman and Technicians	13.15	1.40	3%+.75	k	
Cable Splicers	14.465	1.40	3%+.75	k	
Groundman Mobile Equipment Operator, Mechanic 1st Class, Groundman Truck Driver	10.52	1.40	3%+.75	k	
Groundman Truck Driver (Tractor Trailer Unit)	11.1775	1.40	3%+.75	k	
Driver Mechanic, Groundman - Experienced	9.8625	1.40	3%+.75	k	

Line Construction (cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Groundman Digging Machine Operator, Groundman Dynamite Man	11.835	1.40	3%+.75	k	
Telephone and other Communication Systems, Both overhead and underground:					
Linemen and Installer Repairmen	8.34	.40	3%+.25	k	1%
Splicers	8.89	.40	3%+.25	k	1%
Groundman Digging Machine Operator	7.73	.40	3%+.25	k	1%
Groundman	5.72	.40	3%+.25	k	1%
Groundman Truck Driver	6.82	.40	3%+.25	k	1%
Groundman Dynamiteman	6.60	.40	3%+.25	k	1%

Paid Holidays: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

Footnotes:

k. Paid Holidays: A through F, Washington's Birthday, Good Friday, and Election Day for President of the United States and Governor of New York State, provided the employee works the day before and after the holiday.

DECISION NO. NY80-3048

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP I	11.16	1.10	1.35	a	.15
GROUP II	10.36	1.10	1.35	a	.15
GROUP III	7.94	1.10	1.35	a	.15
GROUP IV	8.95	1.10	1.35	a	.15
GROUP V	8.59	1.10	1.35	a	.15
GROUP VI	11.895	1.10	1.35	a	.15
GROUP VII	11.66	1.10	1.35	a	.15

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Finish blacktop rollers, crane work, shovels, derricks, steel erection, overhead or bridge cranes and clam buckets, all excavating machines, backfillers, cableways, draglines, backhoes, piledriving rigs, tunnel mucking machines, all tractors used in connection with scraper wagon, snowloader, all repair work or maintenance work under the supervison of a master mechanics, lubrication engineers, bulldozers, graders, blacktop spreaders, front and back loaders (except small types), power driver stone spreaders, portable stone crushers, crawler or rubber tire tractor with blade or bucket and crane boom or hoe boom or shovel boom attached (except farm type crawler or rubber tire tractor unless used with hydraulic backhoe), compressor with paving breaker attached, graders with bulldozer blades, multiple drum hoist with air compressor when used simultaneously for more than one purpose and single drum hoist when used to hoist steel, portable concrete batching machine, automatic batch plant op., concrete spreader op., finishing machine op., form puller, scraper (either double or single bowl), CMI grading machine, truck mounted concrete pumps, self-propelled riding vibrators, kolman loaders, mechanic, welder; euclid type belt loader, mechanical and hydraulic pipe pushing machine, scoopmobiles, forklifts and hoist which lift higher than 25 feet, trenchers when excavation over 6 feet in depth, post drivers (except truck mounted, postdrivers), concrete mixers 1 yard and over, concrete planers.

DECISION NO. NY80-3048

BUILDING CONSTSRUCTION - POWER EQUIPMENT OPERATORS (CONT'D):

GROUP II: Elevators, material hoist, road rollers except finish blacktop roller, tractors, pavement busters, pumps over 4 inches, concrete blowers, compressors when used in banks of (2) and not over (3) within a 50 foot radius if such is possible, but at least within 50 foot radius, and if fuel is stored it will be stored within the same radius, gunite machines, locomotives, scoop-mobiles (when used as a stationary hoist or one which does not lift over twenty five feet, concrete pumps, conveyors, gas or diesel driven temporary lighting and power systems of 25 kilowatt capacity or over), stone crushers and winch hoist mounted on trucks, all earth drills, le tourneau turnatrailers, highlift hoist which does not lift over 25 feet, gasoline heaters used in banks of (2) and not over (3) within an area of 100 foot radius, and for (2) but not over (3) gasoline or diesel driven welding machines, trenchers on the back of a jeep, truck mounted post drivers, snow-go, small front and back loaders, small type crawler or rubber tire tractor with blade or bucket not to exceed ½ yd. capacity, single drum hoist for hoisting materials other than steel, pug machine, self propelled rollers not on finish blacktop and under 7 tons, bobcat loader or forklift which does not lift over twenty five feet, trenchers, winch tractors, trenchers excavating up to 6 feet in depth, air compressors over 165 cu. ft.

GROUP III: Oilers on shovels, cranes, draglines, backhoe (over 3/4 cu. yds.) dredges, derrick boats, pavers (excluding stationary set-ups), trenching machines, pile drivers, quarry master (or its equivalent), hydrocranes, automated batch plants (wet or dry mix plants), compressors (165 cu. ft. per minute or under), pumps up to and including 4 inches.

GROUP IV: Truck crane oiler

GROUP V: Steam boiler operator.

GROUP VI: Master Mechanic.

GROUP VII: Cranes carrying over 100 feet of main boom.

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; providing employee works the day before and the day after the holiday.

DECISION NO. NY80-3048

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP I	12.75	1.25	1.65	a	.15
GROUP II	11.83	1.25	1.65	a	.15
GROUP III	9.31	1.25	1.65	a	.15
GROUP IV	10.45	1.25	1.65	a	.15
GROUP V	8.94	1.25	1.65	a	.15
GROUP VI	13.57	1.25	1.65	a	.15

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Finish blacktop rollers, crane work, shovels, derricks, steel erection, overhead or bridge cranes and clam buckets, all excavating machines, backfillers, cableways, draglines, backhoes, piledriving rigs, tunnel mucking machines, all tractors used in connection with scraper wagon, snowloader, wagons, snowloader, all repair work or maintenance work under the supervision of a master mechanic, lubrication engineers, bulldozers, graders, blacktop spreaders, front and back loaders (except small types), power driver stone spreaders, portable stone crushers, crawler or rubber tire tractor with blade or bucket and crane boom or hoe boom or shovel boom attached (except farm type crawler or rubber tire tractor unless used with hydraulic backhoe), compressor with paving breaker attached, graders with bulldozer blades, multiple drum hoist with air compressor when used simultaneously for more than one purpose and single drum hoist when used to hoist steel, portable concrete batching machine, automatic batch plant op., concrete spreader op., finishing machine op., form puller, self propelled rollers if on blacktop, scraper, either double or single bowl, CMI grading machine, truck mounted concrete pumps, self-propelled riding vibrators, kolman loaders, mechanic, welder, euclid type belt loader, mechanical and hydraulic pipe pushing machine, scoopmobiles, fork-lifts and hoist which lift higher than 25 feet.

DECISION NO. NY80-3048

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS (CONT'D):

GROUP II: Elevators, material hoist, road rollers except finish blacktop roller, tractors, pavement busters, pumps over 4 inches, concrete blowers, compressors when used in banks of (2) and not over (3) within a 50 foot radius if such is possible, but at least within 50 foot radius, and if fuel is stored it will be stored within the same radius, gunite machines, locomotives, scoop-mobiles (when used as a stationary hoist or one which does not lift over twenty five feet, concrete pumps, conveyors, gas or diesel driven temporary lighting and power systems of 25 kilowatt capacity or over), stone crushers and winch hoist mounted on trucks, all earth drills, le tourneau turnatrailers, highlift hoist which does not lift over 25 feet, gasoline heaters used in banks of (2) and not over (3) within an area of 100 foot radius, and for (2) but not over (3) gasoline or diesel driven welding machines, trenchers on the back of a jeep, truck mounted post drivers, snow-go, small front and back loaders, small type crawler or rubber tire tractor with blade or bucket not to exceed ½ yd. capacity, single drum hoist for hoisting materials other than steel, pug machine, self propelled rollers not on finish blacktop and under 7 tons, bobcat loader or forklift which does not lift over twenty five feet, trenchers, winch tractors, trenchers excavating up to 6 feet in depth, air compressors over 165 cu. ft.

GROUP III: Oilers on shovels, cranes, draglines, backhoe (over 3/4 cu. yds.) dredges, derrick boats, pavers (excluding stationary set-ups), trenching machines, pile drivers, quarry master (or its equivalent), hydrocranes, automated batch plants (wet or dry mix plants), compressors (165 cu. ft. per minute or under), pumps up to and including 4 inches.

GROUP IV: Truck crane oiler

GROUP V: Steam boiler operator.

GROUP VI: Master Mechanic.

GROUP VII: Cranes carrying over 100 feet of main boom.

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; providing employee works the day before and the day after the holiday.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

SUPERSEDEAS DECISION

STATE: Oklahoma COUNTY: Wagoner
DECISION NO. OK80-4065 DATE: Date of Publication
SUPERSEDES DECISION NO. OK78-4059 dated June 16, 1978 in 43 FR 26261
DESCRIPTION OF WORK: Building Projects (excluding single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ASBESTOS WORKERS	$12.60	.55	.85		.015
BOILERMAKERS	12.00	.975	1.00		.03
BRICKLAYERS	12.25	.60	.40		.05
CARPENTERS:					
Carpenters	10.38	.55	.75		.08
Millwrights-Piledrivermen	10.88	.55	.75		.08
CEMENT MASONS:					
Zone I - That portion of Wagoner County on a diagonal line from the N/E corner of Okmulgee to the S/E corner of Mayes	12.29		.40		.16
Zone II - Remainder of Co.	9.90				
ELECTRICIANS:					
ZONE I					
Electricians	12.55	.60	3%		1/2%
Cable splicers	12.95	.60	3%		1/2%
ZONE II					
Electricians	12.95	.60	3%		1/2%
Cable splicers	13.35	.60	3%		1/2%
ZONE III					
Electricians	12.15	.59	3%+.58		.07
Cable splicers	12.40	.59	3%+.58		.07

ELECTRICIANS-CABLE SPLICERS ZONE DEFINITIONS

Blue Mount, Coweta, Gatesville, Shannon, Tullahassee, Porter and Stone Bluff Townships.
ZONE I
A twenty (20) mile radius from the Post Office in Muskogee
ZONE II
That area outside Zone I
ZONE III
Adams, Creek, Lone Star and Shahan Townships Only

GLAZIERS	10.49	.70	.30		.01
IRONWORKERS	12.10	.75	.85		.12
LABORERS:					
Construction laborers	7.85	.25	.40		
Mason tenders, mortar mixers, sewer drain; tile layers; machine tool op.	8.15	.25	.40		
Powdermen (make-up) wagon drill operator	8.35	.25	.40		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
LINE CONSTRUCTION					
Linemen	$10.60		3%		1/2%
Cable splicers	11.29		3%		1/2%
Hole digger operator	9.62		3%		1/2%
Heavy equipment operator for pole cat equivalent)	9.62		3%		1/2%
Line truck driver (winch operator)	8.71		3%		1/2%
Jackhammerman	7.93		3%		1/2%
Powderman	9.62		3%		1/2%
Groundman	7.07		3%		1/2%
Truck driver (flat bed, ton and half and under)	7.55		3%		1/2%
PAINTERS:					
Brush and roller	10.55		.40	.20	.07
Highwork and stage	11.15		.40	.20	.07
Sandblasting & spray	11.40		.40	.20	.07
Hot or bituminous	12.05		.40	.20	.07
PLUMBERS-STEAMFITTERS	13.90	.60	1.10		.20
POWER EQUIPMENT OPERATORS:					
Group I	13.20	.70	.50		.12
Group II	12.70	.70	.50		.12
Group III	12.20	.70	.50		.12
Group IV	11.95	.70	.50		.12
Group V	11.70	.70	.50		.12
Group VI	11.45	.70	.50		.12
Group VII	11.20	.70	.50		.12
Group VIII	10.20	.70	.50		.12

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I
All crane type equipment with 300' of boom or over (including jib)

GROUP II
All crane type equipment with 200-300' of boom (including jib)

GROUP III
All crane type equipment with 100-200' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. or more

GROUP IV
Sideboom (booms 30' and over); Guy Derrick

GROUP V
Heavy duty mechanic; welder; crane-hook and overhead monorail; whirley; panel board batch plant operator; piledriver engineer; dragline; shovel; clamshell; backhoe (3/4 yd. & over); gradall; hydro crane; cherry picker; hoists while operating 2 or more drums; hoists while doing stack and chimney work (1 or 2 drums); power driven hole digger (with 30' and longer mast); motor patrol (blade)

GROUP VI
Fork lift (35' and over); dozer (engine h.p. 65 or over); Fordson tractor or like equipment with hoe or loader equipment or ditcher; scraper type equipment; loader operator of hi-lift (engine h.p. 65 or over); asphalt lay machine; tail boom; conveyor-multiple, panel board control; power driven hole digger with less than 30' mast; trenching machine; concrete pump - boom type

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP VII
Locomotive engineer; boring machine; tug boat; mixer, 18 cu. ft. and over; sand barge; dredging machine; tugger; hoist - when operating one drum; welding machine, 3 to 6; air compressor, 3 to 5, 500 cu. ft. ft and under; air compressor, over 500 cu. ft. (1); pumps, battery, 3 to 6; fork-lift, bobcat and similar equipment; generator plant engineers, Diesel elec.; winch truck with A-Frame; roller; all types; outside elevator or building type of personnel hoist; concrete buster or tamper; heaters under jurisdiction of operating engineers; fireman; boiler operator; crushing plants; oiler distributor; pulvimixer; farmer tractor with or without attachments; batch plant operator (portable); conveyor operator-duel, continuous or belt bulk handling; screed operator; concrete pump; form grader; screening plant; well point pump operator; drilling machines when operated from console or machines

GROUP VIII
Permanent elevator - building type (automatic); concrete mixer, with hopper less than 18 cu. ft.; air compressor, 500 cu. ft. and under (1 or 2); welding machine (1 or 2); pump (1 or 2); greaser; tilt top trailer operator; fuelman; truck drane oiler driver or crane oiler; conveyor-single-continuous belt bulk handling; asphalt lay machine back end man

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS	$10.90	.60	.50		.04
SHEET METAL WORKERS	12.06	.60	.66		.10
SPRINKLER FITTERS	13.71	.85	1.20		.08
TRUCK DRIVERS:					
Group I	10.43				
Group II	10.53				
Group III	10.63				
Group IV	10.58				
Group V	10.73				

TRUCK DRIVERS CLASSIFICATION DEFINITION

GROUP I
Pick-up, 1½ tons or 2½ yards and up to but not including 3 tons or 4 yards, such dump trucks, flat beds, stake bodies

GROUP II
3 tons or 4 yards and up to but not including 4 tons or 6 yards

GROUP III
5 tons or 6 yards and over including heavy equipment such as pole trucks, winch trucks, euclids, Mississippi wagons, semi-dumps, tournerpulls, or other heavy material moving equipment; tractor trailer drivers and similar equipment, such as tractors, ten wheelers

GROUP IV
Ready-mix concrete trucks up to but not including 3 yards

GROUP V
Ready-mix concrete trucks 3 yards and over

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii).

SUPERSEDEAS DECISION

STATE: Oklahoma COUNTIES: Latimer, Leflore, Haskell, Sequoyah and Pushmataha

DECISION NO. OK80-4067 DATE: Date of Publication

Supersedes Decision #OK79-4067 dated August 17, 1979 in 44FR 48585

DESCRIPTION OF WORK: Building Projects (excluding single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.60	.55	.85		.015
BOILERMAKERS	12.00	.975	1.00		.03
BRICKLAYERS-STONEMASONS	12.25	.60	.40		.05
CARPENTERS:					
AREA I					
Carpenters	9.85	.55	.80		
Millwrights & Piledrivermen	11.20	.55	.80		
AREA II					
Carpenters	9.04	.45	.60		.05
Millwrights & Piledrivermen	9.79	.45	.60		.05
AREA III					
Carpenters	10.38	.55	.75		.08
Millwrights & Piledrivermen	10.88	.55	.75		.08
AREA IV					
Carpenters	8.75	.55	.10		
Millwrights & Piledrivermen	9.42	.55	.10		

CARPENTERS, MILLWRIGHTS & PILEDRIVERMEN AREA DEFINITIONS

AREA I
That portion of Leflore County south of the northern boundary of the Ouachita National Forest; Latimer County and that portion of Haskell County south of Highway 9

AREA II
That portion of Leflore County east of Highway 82 with the line extending south of the Highway 82 to Highway 9 and the northern portion of Leflore County north of the Ouachita National Forest; Sequoyah County east of Highway 82 excluding the city of Vivan.

AREA III
Remainder of Haskell and Sequoyah Counties

AREA IV
Pushmataha County

CEMENT MASONS:					
Leflore County	9.99	.35			
Pushmataha, Latimer & Haskell Co.	8.00				
Sequoyah County	9.90				
ELECTTRICIANS:					
AREA I					
Electricians	12.54	.50	3%+5.5%		½%
Cable splicers	12.79	.50	3%+5.5%		½%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS (CONT'D)					
AREA II					
Electricians	$12.55	.60	3%		½%
Cable splicers	12.95	.60	3%		½%
AREA III					
Electricians	12.95	.60	3%		½%
Cable splicers	13.35	.60	3%		½%

ELECTRICIANS-CABLE SPLICERS AREA DEFINITIONS

AREA I
Braden, Pocola and Spiro Townships only in Leflore County;
That part of Sequoyah County east of Brent, Prices, Chapel, Rocky Mount and Sallisaw.
AREA II
That part of Sequoyah County within a five mile radius of the Post Office in Sallesaw.
AREA III
Remainder of Leflore County; Remainder of Sequoyah County; All of Haskell, Pushmataha and Latimer Counties.

GLAZIERS	10.49	.70	.30		.01
IRONWORKERS	12.10	.75	.85		.12
LABORERS: (Haskell, Leflore and Sequoyah Counties):					
Area I	7.85	.25	.40		
Area II	8.15	.25	.40		
Area III	8.35	.25	.40		
Area IV	8.35	.25	.40		
LABORERS: (Latimer & Pushmataha Counties):					
Area I	7.45	.25	.40		
Area II	7.75	.25	.40		
Area III	7.95	.25	.40		
Area IV	7.95	.25	.40		

LABORERS CLASSIFICATION DEFINITION

AREA I - Unskilled laborers
AREA II - Semi-skilled laborers, mason tenders, mortar mixers, air tool operator, (jackhammer, vibrator), pipelayers, concrete and clay, sewer drain, and plasterer tenders.
AREA III - Wagon drill operator
AREA IV - Powderman or blasterers

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Lineman	10.60		3%		½%
Cable splicers	11.29		3%		½%
Hole digger operator	9.62		3%		½%
Heavy equipment operator (or pole cat equivalent)	9.62		3%		½%
Line truck driver (winch op.)	8.71		3%		½%
Jackhammer man	7.93		3%		½%
Powderman	9.62		3%		½%
Groundman	7.07		3%		½%
Truck driver (flat bed, ton & half and under)	7.55		3%		½%
MARBLE SETTERS	12.74	.70	.50		
TILE & TERRAZZO WORKERS	12.74	.70	.50		
TILE & TERRAZZO FINISHERS:					
Experienced finishers	9.01	.70			
Floor machine operator	9.14	.70			
Base machine operator	9.38	.70			
PAINTERS:					
Brush & roller	10.55		.40	.20	.07
Highwork and stage	11.15		.40	.20	.07
Sandblasting & spray painting	11.40		.40	.20	.07
Hot or bituminous	12.55		.40	.20	.07
PLASTERERS:					
Leflore County	10.50				.02
Sequoyah County	10.15				.01
PLUMBERS & PIPEFITTERS:					
Pushmataha County	13.57	.85	.85		.12
Leflore, Sequoyah, Latimer & Haskell Counties	13.90	.60	1.10		.20
ROOFERS	10.90	.60	.50		.04
SHEET METAL WORKERS	12.06	.60	.66		.10
SOFT FLOOR LAYERS	7.71		.45	.81+a	.03
SPRINKER FITTERS	13.71	.85	1.20		.08
TRUCK DRIVERS:					
Group 1	10.43				
Group 2	10.53				
Group 3	10.63				
Group 4	10.58				
Group 5	10.73				

TRUCK DRIVERS CLASSIFICATION DEFINITIONS

GROUP I - Pick-up 1½ tons, or 2½ yards and up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake bodies and buses
GROUP II - 3 tons or 4 yards and up to but not including 4 tons or 6 yards
GROUP III - 5 tons or 6 yards and over including heavy equipment such as pole trucks, winch trucks, euclids, Mississippi wagons, semi-dumps, turner pulls, or other heavy material moving equipment, tractor trailer drivers and similar equipment, such as tractors, ten wheelers
GROUP IV - Ready-mix concrete trucks up to but not including 3 yards
GROUP V - Ready-mix concrete trucks 3 yards and over

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Group I	$13.20	.70	.50		.12
Group II	12.70	.70	.50		.12
Group III	12.20	.70	.50		.12
Group IV	11.95	.70	.50		.12
Group V	11.70	.70	.50		.12
Group VI	11.45	.70	.50		.12
Group VII	11.20	.70	.50		.12
Group VIII	10.20	.70	.50		.12

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I
All crane type equipment with 300' of boom or over (including jib)
GROUP II
All crane type equipment with 200-300' of boom (including jib)
GROUP III
All crane type equipment with 100-200' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. or more
GROUP IV
Sideboom (booms 30' and over); Guy Derrick
GROUP V
Heavy duty mechanic; welder; crane-hook and overhead monorail; whirley; panel board batch plant operator; piledriver engineer; dragline; shovel; clamshell; backhoe (3/4 yd. & over); gradall; hydro crane; cherry picker; hoists while operating 2 or more drums; hoists while doing stack and chimney work (1 or 2 drums); power driven hole digger (with 30' and longer mast); motor patrol (blade)
GROUP VI
Fork lift (35' and over); dozer (engine h.p. 65 or over); Fordson tractor or like equipment with hoe or loader equipment or ditcher; scraper type equipment; loader operator of hi-lift (engine h.p. 65 or over); asphalt lay machine; tail boom; conveyor-multiple, panel board control; power driven hole digger with less than 30' mast; trenching machine; concrete pump - boom type

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP VII
Locomotive engineer; boring machine; tug boat; mixer, 18 cu. ft. and over; sand barge; dredging machine; tugger; hoist - when operating one drum; welding machine, 3 to 6; air compressor, 3 to 5, 500 cu. ft. ft and under; air compressor, over 500 cu. ft. (1); pumps, battery, 3 to 6; fork-lift, bobcat and similar equipment; generator plant engineers, Diesel elec.; winch truck with A-Frame; roller; all types; outside elevator or building type of personnel hoist; concrete buster or tamper; heaters under jurisdiction of operating engineers; fireman; boiler operator; crushing plants; oiler distributor; pulvimixer; farmer tractor with or without attachments; batch plant operator (portable); conveyor operator-duel, continuous or belt bulk handling; screed operator; concrete pump; form grader; screening plant; well point pump operator; drilling machines when operated from console or machines
GROUP VIII
Permanent elevator - building type (automatic); concrete mixer, with hopper less than 18 cu. ft.; air compressor, 500 cu. ft. and under (1 or 2); welding machine (1 or 2); pump (1 or 2); greaser; tilt top trailer operator; fuelman; truck drane oiler driver or crane oiler; conveyor-single-continuous belt bulk handling; asphalt lay machine back end man

FOOTNOTES:
a - PAID HOLIDAYS
A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

WELDERS --receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii).

STATE: Oklahoma COUNTY: McIntosh
DECISION NO. OK80-4066 DATE: Date of Publication
Supersedes Decision No. OK79-4100 dated November 23, 1979 in 44 FR 67326
DESCRIPTION OF WORK: Building projects (excluding single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.60	.55	.85		.015
BOILERMAKERS	12.00	.975	1.00		.03
BRICKLAYERS-STONEMASONS	11.75	.60	.40		.05
CARPENTERS (Northern half of county)					
Carpenters	10.38	.55	.75		.08
Millwrights-Piledrivermen	10.88	.55	.75		.08
CARPENTERS (southern half of county)					
Carpenters	9.85	.55	.80		
Millwrights-Piledrivermen	11.20	.55	.80		
CEMENT MASONS	9.90				
ELECTRICIANS:					
ZONE I - A 20 mile radius from Post Office of City of Muskogee					
ZONE II - Area outside Zone I					
Zone I					
Electricians	12.55	.60	3%		1/2%
Cable splicers	12.95	.60	3%		1/2%
Zone II					
Electricians	12.95	.60	3%		1/2%
Cable splicers	13.35	.60	3%		1/2%
ELEVATOR CONSTRUCTORS	11.49	.895	.69	4%+a+b	.02
Elevator constructors helper	70%JR	.895	.69	4%+a+b	.02
GLAZIERS	10.49	.70	.30		.01
IRONWORKERS	12.10	.75	.85		.12
LABORERS:					
GROUP I	7.85	.25	.40		
GROUP II	8.15	.25	.40		
GROUP III	8.35	.25	.40		

LABORERS CLASSIFICATION DEFINITIONS

GROUP I
All digging and dirt work, firing of salamanders and smudge pots; loading and unloading of materials and equipment; loading and unloading of materials to and from hoist or cages for stock piling only; wheeling and placing of concrete; handling of lumber, steel cement and distribution of materials; all cleaning, including cleaning of windows; wrecking and razing of building and all structures, cleaning and clearing of debris; loading and unloading of materials, hoist or cages, except when the man is directly tending lathers, masons or plasterers; water boys, when used, carpenter tenders; and common laborers.

GROUP II
All machine tool operators, all sewer and drain tile layers and handline at the ditch, excluding distribution; operators of water pumps up to four inches and slip form jacks; men erecting scaffolds and directly tending lathers, masons, cement masons and plasterers, mortar mixers, hod carriers and dry mixers; high work over 30 feet from the ground or floors; cement finisher helper; work on swinging scaffold; all kettle and pot men, tank cleaning, all pipe doping treating and wrapping, including all men working with dope; mortar and plaster mixing machine, pump-crete machines, and gunnite mixing machines, including placing of concrete; handling creosoted or treated materials, liquid acids, or like materials when injurious to health, eye and skin or clothes; all newly developed mechanical equipment which replaces wheel barrows or buggies previously used by laborers; all scale men on batch plants; all laborers screening sand, running sand drier, and feeding operating sand blaster, except nozzle; signal men and cutting torch operators in connection with laborers' work; concrete grader.

GROUP III
Wagon drill operator and powdermen or blaster.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION					
Linemen	$10.60		3%		1/2%
Cable splicers	11.29		3%		1/2%
Hole digger operator	9.62		3%		1/2%
Heavy equipment operator (or Pole cat equivalent)	9.62		3%		1/2%
Line truck driver (winch operator)	8.71		3%		1/2%
Jackhammerman	7.93		3%		1/2%
Powderman	9.62		3%		1/2%
Groundman	7.07		3%		1/2%
Truck driver (flat bed, ton and half and under)	7.55		3%		1/2%
PAINTERS:					
Brush & roller	10.55		.40	.20	.07
High work & stage	11.15		.40	.20	.07
Sandblasting & spray	11.40		.40	.20	.07
Hot or bituminous	12.05		.40	.20	.07
Sheet rock power tools	11.15		.40	.20	.07

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
POWER EQUIPMENT OPERATORS					
Group I	$13.20	.70	.50		.12
Group II	12.70	.70	.50		.12
Group III	12.20	.70	.50		.12
Group IV	11.95	.70	.50		.12
Group V	11.70	.70	.50		.12
Group VI	11.45	.70	.50		.12
Group VII	11.20	.70	.50		.12
Group VIII	10.20	.70	.50		.12

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I
All crane type equipment with 300' of boom or over (including jib)
GROUP II
All crane type equipment with 200-300' of boom (including jib)
GROUP III
All crane type equipment with 100-200' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. or more
GROUP IV
Sideboom (booms 30' and over); Guy Derrick
GROUP V
Heavy duty mechanic; welder; crane-hook and overhead monorail; whirley; panel board batch plant operator; piledriver engineer; dragline; shovel; clamshell; backhoe (3/4 yd. & over); gradall; hydro crane; cherry picker; hoists while operating 2 or more drums; hoists while doing stack and chimney work (1 or 2 drums); power driven hole digger (with 30' and longer mast); motor patrol (blade)
GROUP VI
Fork lift (35' and over); dozer (engine h.p. 65 or over); Fordson tractor or like equipment with hoe or loader equipment or ditcher; scraper type equipment; loader operator of hi-lift (engine h.p. 65 or over); asphalt lay machine; tail boom; conveyor-multiple, panel board control; power driven hole digger with less than 30' mast; trenching machine; concrete pump - boom type
GROUP VII
Locomotive engineer; boring machine; tug boat; mixer, 18 cu. ft. and over; sand barge; dredging machine; tugger; hoist - when operating one drum; welding machine, 3 to 6; air compressor, 3 to 5, 500 cu. ft. ft and under; air compressor, over 500 cu. ft. (1); pumps, battery, 3 to 6; fork-lift, bobcat and similar equipment; generator plant engineers, Diesel elec.; winch truck with A-Frame; roller; all types; outside elevator or building type of personnel hoist; concrete buster or tamper; heaters under jurisdiction of operating engineers; fireman; boiler operator; crushing plants; oiler distributor; pulvimixer; farmer tractor with or without attachments; batch plant operator (portable); conveyor operator-duel, continuous or belt bulk handling; screed operator; concrete pump; form grader; screening plant; well point pump operator; drilling machines when operated from console or machines

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP VIII
Permanent elevator - building type (automatic); concrete mixer, with hopper less than 18 cu. ft.; air compressor, 500 cu. ft. and under (1 or 2); welding machine (1 or 2); pump (1 or 2); greaser; tilt top trailer operator; fuelman; truck drane oiler driver or crane oiler; conveyor-single-continuous belt bulk handling; asphalt lay machine back end man

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
PLUMBERS-STEAMFITTERS	$13.90	.60	1.10		.20
ROOFERS	10.90	.60	.50		.04
SHEET METAL WORKERS	12.06	.60	.66		.10
SPRINKLER FITTERS	13.71	.85	1.20	.08	
TERRAZZO WORKERS	12.74	.70	.50		
TERRAZZO WORKERS FINISHERS	9.01	.70			
TERRAZZO WORKERS FLOOR MACHINE OPERATORS	9.14	.70			
TERRAZZO WORKERS BASE MACHINE OPERATORS	9.38	.70			
TILE LAYERS	12.74	.70	.40		
TRUCK DRIVERS:					
Group I	10.43				
Group II	10.53				
Group III	10.63				
Group IV	10.58				
Group V	10.73				

TRUCK DRIVERS CLASSIFICATION DEFINITION

GROUP I
Pick-up, 1½ tons or 2½ yards and up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake bodies and buses.
GROUP II
3 tons or 4 yards and up to but not including 4 tons or 6 yards
GROUP III
5 tons or 6 yards and over including heavy equipment such as pole trucks, winch trucks, euclids, Mississippi wagons, semi-dumps, turner pulls, or other heavy material moving equipment; tractor trailer drivers and similar equipment, such as tractors, ten wheelers
GROUP IV
Ready-mix concrete trucks up to but not including 3 yards
GROUP V
Ready-mix concrete trucks 3 yards and over

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. -6%; over 5 yrs. - 8% of basic hourly rates
b - Paid Holidays

PAID HOLIDAYS:
A - New Years' Day; B - Memorial Day; C - Independence Day; D - Labor Day; E- Thanksgiving Day; F - Day after Thanksgiving Day; G - Christmas Day

WELDERS--receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii).

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Northumberland
DECISION NO.: PA80-3044 DATE: Date of Publication
Supersedes Decision No. PA79-3004 dated March 16, 1979, in 44 FR 16319.
DESCRIPTION OF WORK: Building Erection and Foundation Excavation, (does not include single family homes or garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ASBESTOS WORKERS	11.875	.80	.60		.01
BOILERMAKERS	14.64	1.175	1.00		.02
BRICKLAYERS & STONEMASONS	11.00	.55	.65		
CARPENTERS	10.92	.55	.65		.05
CEMENT MASONS	11.70				.01
ELECTRICIANS:					
Delaware, Lewis & Trubut	10.58	.65	3%+.95	.75	.02
Remainder of County	12.80	.55	3%+.30		.05
GLAZIERS:					
Edgewell, Ralph, Knulpmont, Coal, Marion Heights Twps:	9.19	.40	.40		.01
Remainder of County	10.81	.60	.60		.01
IRONWORKERS	12.905	1.34	1.36		.03
LABORERS:					
North of Susequehanna River					
Unskilled laborers, scaffold builders, wrecking, window cleaners & demolition	7.95	.65	.55		
Mason tenders, operators of jackhammers, paving breakers, vibrators & other pneumatic & mechanical tools coming under the jurisdiction of laborers, wagon drill operators, excavating for caisson, under pinning & pier holes (below 12"), non-mentallic pipe layers, plasterer tenders mortar men (mixed by hand), handling & using cutting or burning torches in the wrecking of building	8.10	.65	.55		

DECISION NO. PA80-3044	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (CONT'D):					
South of Susequehanna River					
Group 1	8.65	.55	.66		
Group 2	9.12	.55	.66		
Group 3	8.05	.55	.66		
Group 4	9.01	.55	.66		

Group 1 General Laborers: Air, fuel and electric tool operators and all other pneumatic and mechanical tools, including blowpipe and vacuum cleaners. Cassion workers (top men), pipelayers for all clay, terra cotta, ironstone, vitrified concrete or non-metallic pipe & the making of joints for same. Power-buggy, precast slab placers & signal men, blaster helper, excavation of all foundation, digging of trenches, piers and manholes. Wrecking and moving of all structures. Underpinning & shoring, stripping, dismantling, oiling & moving of concrete forms, loading and carrying, of reinforcing steel, handling & distribution of lumber, and all other building materials to stock piles, unloading, carrying, distribution, and laying of precast concrete slabs and planks for flooring & roofing, general cleanup & removal of refuge, debris, and all scrap materials(s), vibrator operator (concrete placing - whose power is supplied by compressed air, electric, gasoline & any other means):

Group 2 Semi-Skilled: Caisson worker (bottom men), blasters, wagon air track and diamond point drill operators, burning torches, green cutting machine (nozzle men), and steam jenny. Plasterer & cement mason tenders, machine mixers, plasterer pump and scaffold builders (excluding masonry scaffolding). Sand blasting (nozzle man):

Group 3 Nursery Workers, window washers, floor scrubbers, and watchmen. Tenders of propane gas burners, salamander(s), smudge pots, tool room workers. Fire watch:

Group 4 Mason Tenders: (Brick & Block), machine mixers, motorized stockers, scaffold builders (masonry), motor pump, conveyors, mechanical cleaners and sandblasting for masonry and masonry equipment.

DECISION NO. PA80-3044	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	10.71	.40	.25		.01
LINE CONSTRUCTION:					
Linemen, dynamite man, heavy equipment operators	12.37	.55	3%		3/8 of 1%
Winch truck operators	8.68	.55	3%		3/8 of 1%
Groundman	8.30	.55	3%		3/8 of 1%
MARBLE & TILE SETTERS	10.25		.75		
MILLWRIGHTS	13.52	.60	.70		.05
PAINTERS:					
Brush	10.35	.75	.60		.10
Tapers	11.61	.75	.60		.10
Hazardous	10.61	.75	.60		.10
PILEDRIVERMEN	11.97	2.63	1.40	a	.13
ROOFERS:					
Coal, East Cameron, Jackson, Jordan, Little Mahony, Lower Augusta, Upper Mahony, Point Rockdeller, Shamokin, Upper Mahony, Washington, West Cameron, Zerbe Composition	10.76	.80	.55		
Remainder of County Composition	11.15	.90	.85		
PLUMBERS	11.80	1.00	1.00		.12
STEAMFITTERS	11.80	1.00	1.00		.12
SPRINKLER FITTERS	14.53	.85	1.20		.08
SHEET METAL WORKERS	11.95	.75	.81		.02
SOFT FLOOR LAYERS	10.35	.60	.70		.05
Welders: Receive rate for craft					

DECISION NO. PA80-3044

FOOTNOTES:

a. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans' Day and Thanksgiving Day.

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))."

[FR Doc. 80-22095 Filed 7-24-80; 8:45 am]

BILLING CODE 4510-27-C

DECISION NO. PA80-3044

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
GROUP 1	$13.19	7.9%	10.3%	a	1.8%
GROUP 2	12.90	7.9%	10.3%	a	1.8%
GROUP 3	12.03	7.9%	10.3%	a	1.8%
GROUP 4	11.26	7.9%	10.3%	a	1.8%
GROUP 5	10.79	7.9%	10.3%	a	1.8%
GROUP 6	9.88	7.9%	10.3%	a	1.8%
GROUP 7	13.44	7.9%	10.3%	a	1.8%
GROUP 7-A	13.69	7.9%	10.3%	a	1.8%
GROUP 7-B	13.93	7.9%	10.3%	a	1.8%

CLASSIFICATIONS DEFINITIONS

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helocopters, machines similar to the above

GROUP 2 : All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist wirh two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type bachoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt paint engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishingmachines concrete breaking machines, rollers, seaman pulverzing mixer, power broom, seeding spreader, tireman (for power equipment) machines similar to above

GROUP 5: - Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core drill helper

GROUP 7: All machines with booms (including jib, masts, leads, etc): 100 ft. and over

GROUP 7-A: 150 ft. and over
GROUP 7-B: 200 ft. and over

FOOTNOTES:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

federal register

Friday
July 25, 1980

Part III

Department of the Interior

Fish and Wildlife Service

Proposed Endangered Status for U.S. Populations of Five Species of Wildlife

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants, Proposed Endangered Status for U.S. Populations of Five Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: Due to an inadvertent oversight, the United States individuals of the shorttailed albatross, thickbilled parrot, wood bison, northern swift fox, jaguar, margay and ocelot, species which may occur in the United States, are not officially listed as Endangered species although all individuals which may occure in foreign countries are listed. This is because of the special circumstances that these species were listed pursuant to the 1969 Endangered Species Conservation Act, which had separate procedures and separate lists for foreign and domestic species. When the current 1973 Endangered Species Act repealed the 1969 Act, these species were carried forward onto the 1973 combined list but without completing the procedures for listing species which occur within the United States.

The present document proposes to list as Endangered five of the above seven species in their U.S. ranges and corrects the oversight which resulted in their inadvertent exclusion when only individuals which occur in foreign countries were listed. The northern swift fox (*Vulpes velox hebes*) is not being proposed for listing at this time because of uncertainties regarding its taxonomic status and distribution in the United States. These uncertainties are currently being investigated, and action may be taken to list the individuals of this animal when the investigation is completed. The wood bison (*Bison b. athabascae*) is not being proposed because no pure bred individuals of this subspecies are known to occur in the United States. The Yellowstone bison herd, which is basically wood bison in its genetic makeup, is known to be considerably mixed with plains bison stock (*B. b. bisori*) and thus consists of hybrid individuals. (Meagher, 1973).

The five species beign proposed herein for Endangered status are only occasional wanderers into the United States; there are few, if any, resident populations. Because of the impossibility of determining where the occasional wanderer may turn up, no Critical Habitat can be determined at this time. If time, and additional study, should demonstrate patterns involving the movements of any of these species into the United States so that areas vital to their survival here become apparent, such areas may be determined as Critical Habitat for any or all of them. For the present, however, it is impossible to make such determinations and therefore no Critical Habitat is proposed in this action.

DATE: Comments on this Proposed Rule should be received by September 23, 1980.

ADDRESSES: Send all communications to: Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials received will be available for public examination during normal business hours at the Services' Office of Endangered Species, Suite 500, 1000 N. Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. John S. Spinks, Jr., Chief, Office of Endangered Species, 703/235–2771.

SUPPLEMENTARY INFORMATION:

Background

On July 25, 1979, the Service published a notice in the **Federal Register** (44 FR 43705) that, due to an oversight, the individuals occuring in the United States of the short-tailed albatross (*Diomedea albatrus*), thick-billed parrot (*Rhynchopsitta pachyrhynchus*), Wood bison (*Bison bison athabascae*), northern swift fox (*Vulpes velox hebes*), jaguar (*Panthera onca*), margay (*Felis wiedii*) and ocelot (*Felis pardalis*), are not officially listed as endangered, although individuals of the species which occur in foreign countries are listed. That notice pointed out that the Endangered Species Conservation Act of 1969, under which these species were originally listed, required that the governors of any State in which an endangered species occurs must be notified when such a species is proposed for listing. The seven species enumerated above were placed on the list as endangered "foreign" species and none of the governors of the states in which they are resident was contacted at the time. Thus the native populations of these species were never formally proposed for listing pursuant to the criteria and procedures of the 1969 Act. The 1969 Act has since been repealed by the endangered Species Act of 1973. Because the "foreign" and "native" species lists of the 1969 Act were combined into a single list of "endangered species" under the 1973 Act, the oversight was not discovered until recently. It is now realized that the individuals of these species which occur in the United States are not officially listed. It has always been the intention of the Service however, that all individuals of the above seven species, both foreign and native, should be listed as endangered (in fact, as mentioned earlier, the Service believed until quite recently that all such individuals were listed). Therefore, the Service is now acting to propose the U.S. range of all three species, except the northern swift for (*Vulpes velox hebes*), and the wood bison (*Bison b. athabascae*) and to correct the oversight that resulted in their inadvertent omission. We are not proposing the northern swift fox at this time because the taxonomic status of this subspecies, and its distribution, are not sufficently known to permit a formal proposal. Zoologists in the Office of Endangered Species are currently studying these aspects of the fox's biology and when this study is completed action may be taken to list the U.S. population of this animal. The wood bison is not being proposed because no pure populations are known to occur in the United States, the Yellowstone herd being a hybrid (*B. b. bison* x *B. b. athabascae*) population. (Meagher, 1973).

Section 4(a) of the Act (16 U.S.C. 1531 et. seq.) states:

"General. (1) The Secretary shall by regulation determine whether any species is an endangered species or a threatened species because of any of the following factors:

(1) the present or threatened destruction, modification, or curtailment of its habitat or range;

(2) overutilization for commercial, sporting, scientific, or educational purposes;

(3) disease or predation;

(4) the inadequacy of existing regulatory mechanisms; or

(5) other natural or man-made factors affecting its continued existence."

This authority has been delegated to the Director.

Summary of Factors Affecting the Species

The Service's findings relative to the above five factors for the U.S. ranges of the five species under consideration are as follows (numbers in parentheses refer to factors):

Shorttailed albatross (*Diomedea albatrus*)—Factor (2) has brought about the endangered status of this species. Formerly it was an abundant bird throughout the North Pacific. The total population (which may have numbered over a million birds in prehistoric times) was confined to several small islands in the western Pacific. During the non-nesting season the birds ranged north and east into the Bering Sea and the

west coast of North America. In the late 1800's and early 1900's, plume hunters virtually eliminated this species. Fortunately, a few individuals survived (about 10 pairs in 1954) and have been slowly increasing for the past 25 years (present population is thought to be less than 150 birds). Several recent reliable observations off the west coast of the U.S. have been made. Even when abundant, this albatross approached land no closer than two miles except when nesting.

Thick-billed parrot (*Rhynchopsitta pachyrhyncha*)—Factor (1) is responsible for the decline. The parrot nests in the Sierra Madre Occidental of northwestern Mexico and wanders north over the central plateau to the state of Michoacan. Large flights northward into southern Arizona and probably southwestern New Mexico occurred up to 1919. The parrot appears to be totally dependent on mature highland pine forests for food (pine seeds) and nest sites (abandoned woodpecker holes or natural cavities). With the major cutting of the Mexican forests starting in the early 1900's, and now largely complete, this parrot has been rarely seen in the past several decades, even in Mexico. It is remotely possible that the thick-billed parrot may still be a visitor to the mountains of southern Arizona and perhaps New Mexico. A total population estimate is not available, but probably no more than a few hundred birds still survive at the most in Mexico. The last verified U.S. reports were in the 1930's.

Jaguar (*Panthera onca*)—Although the southwestern United States comprises only peripheral range for the jaguar, within this range it has been, and continues to be, jeopardized by Factor (4). Probably there are no resident or breeding populations left in the United States, but stragglers occasionally wander into New Mexico, Arizona, and Texas, where they are generally shot as unwanted predators. Jaguars have not been reported from the wild in New Mexico since 1904, from Arizona since 1971, and from Texas since 1948. Although all three of these States have laws to protect jaguars, these laws have generally not been enforced. Considering the deteriorating status of the species in Mexico it seems unlikely that a jaguar will wander into the United States in the near future, and even more unlikely that a population could become established in the American southwest. Nevertheless, it seems prudent to offer Federal protection if either event should occur.

Ocelot (*Felis pardalis*)—The range of the ocelot like that of the jaguar, is peripheral to the United States; the primary distribution of the species is Central and South America. Formerly the ocelot was known to occur in the United States in southeastern Arizona, as far north as Fort Verde, and in the southern Rio Grande Plain of Texas, westward to Eagle Pass; scattered but documented reports indicate it may once have occurred as far north as Kerrville, Texas. Today, populations are known to exist only in the Rio Grande area of southeastern Texas, where signs indicate their presence in eastern Cameron County, and in scattered pockets in Willacy and Kenedy Counties. Factors (1) and (4) have posed, and continue to pose, severe threats to the survival of the ocelot in the United States. The clearing of the brush in the Texas Rio Grande region to grow citrus crops, vegetables and cotton began in the 1920's and by 1940 most of the suitable habitat for the species was gone in Texas. Today, very little of the native brushland exists, except for the Laguna-Atascosa and Santa Ana Wildlife Refuges and small, scattered spots elsewhere. The ocelot apparently never was firmly established in Arizona and predator control operations there, as well as in Texas, helped to extirpate or reduce populations to their current endangered status.

Margay (*Felis wiedii*)—The margay is known in the United States from only a single specimen taken at Eagle Pass, Maverick Co., Texas. The species is Central American and South American in distribution and there are almost certainly no resident populations in the United States at the present time. It is possible, however, that on rare occasions, an individual may wander into Texas from Mexico as undoubtedly was the case with the single recorded specimen of the species in the United States. Since the margay is endangered throughout its range south of the United States, certainly any animal that wanders into Texas from Mexico must be regarded as endangered as well, and afforded the full protection of U.S. Federal law. Such an animal would be threatened by stockmen who might poison, shoot or trap it as an unwanted predator.

It should be emphasized that all of the above species are known to be endangered in the areas of their principal distribution and primary abundance outside of the United States. Since U.S. populations are only peripheral to the main populations of each of them, the extremely precarious position of these U.S. populations is particularly emphasized.

Critical Habitat

The range or distribution of all of these species within the United States is not known with certainty. All apparently are peripheral species that wander occasionally over the U.S. border. It is impossible, given our present state of knowledge, to know where these crossings most commonly occur and which areas are critical to the species to assure their continued survival as part of the U.S. fauna. To acquire such knowledge would necessitate years of survey work and thousands of dollars of funding, and such time and expense is not necessary to protect populations or individuals of these species in the United States.

In summary, because the determination of Critical Habitat is impossible considering the migrating nature of the species involved, the Service does not believe it is prudent to propose Critical Habitat for any of them now. In the future, the Service may propose and determine Critical Habitat for any or all of them as data become available to make such determinations.

Effect of Rulemaking

If this proposal is made final, all the prohibitions of Section 9(a)(1) of the Act, as implemented by 50 CFR 17.21, would apply. These prohibitions, in part, would 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 these species in interstate or foreign commerce. It would also be illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that was illegally taken. Regulations published in the **Federal Register** (40 FR 44412) provide for the issuance of permits to carry out prohibited activities under certain circumstances. Such permits are available for scientific purposes or to enhance the survival or propagation of the species.

This proposal, if made final, would prohibit "take" of any of these species. Thus, the primary impact of the action would fall on law enforcement officials who would be required to assure that such "take" does not occur. As noted above, however, all of these species occur so infrequently in the United States that the impact on law enforcement officials must be considered negligible.

There would also be regulations concerning import, export and interstate commerce in any of these species, but, to the best of our knowledge, no such activities have occurred, or are expected to occur, in connection with any of them.

Therefore, no recordkeeping or reporting burden would be added because of these regulations.

There will be no major economic impacts in connection with the listing of any of these species. As stated repeatedly above, all are so rare, and occur so sporadically in the United States, that the effects of offering them protection under the Act would have a minimal impact economically. Some of the predators involved in the proposed action might, on occasion, cause livestock damage but permits could be made available for live trapping and relocating such individuals. If populations of any of the species should become established in the United States, Critical Habitats may have to be determined, and steps would have to be taken to assure that such habitats are not adversely modified by Federal agencies. At this point, however, there is no way of knowing if, when, and where any populations might become firmly established and any discussion of possible impacts would be too speculative for serious consideration.

Section 7 of the Act states in part that all Federal agencies shall carry out programs for the conservation of endangered species, and also shall assure that none of their activities (authorized, funded, or carried out) are likely to jeopardize the continued existence of such species. Both of these mandates would apply in the case of the five species proposed for listing as endangered in this document. In accordance with Section 7, all Federal agencies would need to consult with the Service in respect to any action which might jeopardize the continued existence of any of them.

The Federal agencies that might be impacted by this action would be the Department of the Interior (Fish and Wildlife Service Refuges, National Park Service, Bureau of Land Management), Department of Agriculture (U.S. Forest Service), and Department of Defense (Fort Huachuca, Arizona). One or more of the subject species may occur on land managed by these agencies. Section 7 of the Act requires that these agencies utilize their authorities to conserve endangered species, and take no actions which would jeopardize the survival of any of them. Federal agencies managing lands in areas where any of these species might be expected to enter the United States, or where small local populations are known to occur, will need to be aware of the problem and take measures to prevent harm coming to the animals. This might involve posting possible areas with notices informing the public of penalties involved if any endangered species is "taken"; reducing or curtailing predator control operations in such areas; maintaining habitat that might be conducive to survival and possible establishment of the species; etc.

Public Comments Solicited

The Director intends that the rules finally adopted will be as accurate and effective as possible in the conservation of endangered and threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any or all of the species considered in this proposal are hereby solicited, comments particularly are sought concerning:

(1) Biological or other relevant data concerning any threat (or lack thereof) to these species;

(2) The location of any habitat that the Service should consider for future determinations of Critical Habitat;

(3) Any additional information available concerning the numbers, range and distribution of these species in the United States.

Final regulations on these species will take into consideration the comments and any additional information received by the Director, and such consideration may lead him to adopt final regulations that differ from this proposal.

An environmental assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species, 1000 N. Glebe Road, Arlington, VA, and may be examined during regular business hours. A determination will be made at the time of final rulemaking as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

The primary author of this proposed rulemaking is John L. Paradiso, Office of Endangered Species (703/235–1975).

Regulations Promulgation

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

1. Amend Section 17.11 under "MAMMALS" and "BIRDS" as follows:

§ 17.11 Endangered and threatened wildlife.

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Birds:							
Albatross, short-tailed	*Diomedia albatrus*	North Pacific Ocean; Japan, Soviet Union, Alaska, Canada, Washington, Oregon, California.	Entire	E		None	N/A
Parrot, thick-billed	*Rhynchopsitta pachyrhyncha*	Arizona, New Mexico, Mexico.	Entire	E		None	N/A

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Mammals:							
Jaguar	*Panthera onca*	Texas, New Mexico, Arizona, South through Central America to South America.	Entire	E		None	N/A
Ocelot	*Felis pardalis*	Texas, New Mexico, Arizona, South through Central America to South America.	Entire	E		None	N/A
Margay	*Felis wiedii*	Texas, through Central America to South America.	Entire	E		None	N/A

Dated: July 17, 1980.

Robert S. Cook,

Acting Director, Fish and Wildlife Service.

[FR Doc. 80-22125 Filed 7-24-80; 8:45 am]

BILLING CODE 4310-55-M

federal register

Friday
July 25, 1980

Part IV

Department of the Interior

Fish and Wildlife Service

Reproposal of Endangered Status for "Stygobromus Hayi" Hay's Spring Amphipod)

DEPARTMENT OF THE INTERIOR

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Reproposal of Endangered Status for "Stygobromus Hayi" (Hay's Spring Amphipod)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to determine that Hay's spring amphipod (*Stygobromus hayi*) is an Endangered species. Survival of this aquatic crustacean is endangered by threatened modification of its habitat by flooding and construction activities and by overcollection for scientific purposes. Hay's spring amphipod occurs only in a single small spring within the National Zoological Park in Washington, D.C. The proposed rule would provide protection for wild populations of this species.

DATES: Comments from the public must be received by September 23, 1980. Comments from the Mayor of Washington, D.C. must be received by October 23, 1980.

ADDRESSES: Interested persons or organizations are requested to submit comments to Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials relating to this rule are available for public inspection during normal business hours at the Service's Office of Endangered Species, Suite 500, 1000 North Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: For further information on the proposal, contact Mr. John L. Spinks, Jr., Chief, Office of Endangered Species (703/235–2771).

SUPPLEMENTARY INFORMATION:

Background

Stygobromus (- Synpleona, - Stygonectes) hayi (Hubricht and Mackin, 1940) is an eyeless and uinpigmented freshwater crustacean. Formerly considered a member of the family Gammaridae, Hay's spring amphipod is now placed in the Crangonyctidae (Holsinger, 1977). It is one of a number of species in this genus that occupy mud or leaf litter in cave streams and small springs (Holsinger, 1978). Its lack of pigment and eyes reflect its secretive habits and subterranean ancestry.

Hay's spring amphipod is found only in a small spring within the National Zoological Park. The spring emerges from the rocky western wall of Rock Creek Valley and flows about 35 m into Rock Creek. The portion of the spring inhabited by Hay's spring amphipod is less than 1 meter wide. The extremely small size of this habitat makes the species exceptionally vulnerable to construction activities, which have drastically reduced the number of springs in Washington (Williams, 1977).

This species was proposed as Endangered on January 12, 1977 in the **Federal Register** (42 FR 2507–2515) under the common name "Hay's spring scud." That proposal was based on reports submitted by Dr. John R. Holsinger of Old Dominion University, Norfolk, Virginia dated January 15, 1973 and by Dr. Thomas E. Bowman of the U.S. National Museum dated January 23, 1973. Both of these reports indicated that this species was very rare, that it had not been collected in recent years, and that its habitat was threatened by groundwater pollution. They also suggested that the single known population was a remnant of a once larger species range. Comments on this original proposal are summarized below.

Dr. S. Dillon Ripley, Secretary of the Smithsonian Institution, commented that, since Hay's spring amphipod had not been collected and its locality not located since 1938, the existence of the species was questionable and its status should therefore be considered undetermined. A comment from Dr. John R. Holsinger, Old Dominion University, was in agreement with Dr. Ripley's comment that the status of the species was not determined. Dr. Bailus Walker, Administrator, District of Columbia Environmental Health Administration, commented that, even though the species' locality could not be located, the species should still be considered Endangered.

In a letter dated May 8, 1978 and report dated May 11, 1978, Dr. John R. Holsinger reported the rediscovery of the type locality and the collection of live Hay's spring amphipods. This discovery took place on April 7, 1978 at the National Zoological Park, Washington, D.C. Dr. Holsinger recommended in his report that the spring and surrounding recharge area be maintained in their natural state. He also stated that the species' small population size made the species vulnerable to collecting. The National Zoological Park subsequently constructed a small chain link fence around the spring to protect the habitat.

The proposed rulemaking that included proposed Endangered status for Hay's spring amphipod was withdrawn on December 10, 1979 (44 FR 70796–70797). This withdrawal was the result of the 1978 amendments to the Endangered Species Act of 1973 which substantially modified procedures for listing Endangered and Threatened species.

Springs in the southernmost part of the National Zoological Park were examined by Service and National Zoological Park personnel on February 11, 1980. Spring No. 1 of Dr. Holsinger's May 11, 1978 report had been obliterated by a tree that had fallen when Hurricane David passed through the area in 1979. Several trees on the slope above the Hay's spring amphipod locality (Spring No. 2 of Dr. Holsinger's report) were also felled by Hurricane David. Although one tree had fallen on the fence surrounding the spring, the spring flow and substrate appeared to be undisturbed. This survey provides significant new information on which to base a reproposal of Endangered status for Hay's spring amphipod. Because of the threat of elimination of its only known habitat through pollution, construction activities, and other disruptions, Hay's spring amphipod is in danger of extinction.

Factors Affecting the Species

Section 4(a) of the Act (16 U.S.C. 1531 *et seq.*) states:

"General—(1) The Secretary shall by regulation determine whether any species is an endangered species or a threatened species because of any of the following factors:

(1) The present or threatened destruction, modification, or curtailment of its habitat or range;

(2) Overutilization for commercial, sporting scientific, or educational purposes;

(3) Disease or predation;

(4) The inadequacy of existing regulatory mechanisms; or

(5) Other natural or man-made factors affecting its continued existence."

This authority has been delegated to the Director.

These findings are summarized herein under each of the five criteria of Section 4(a) of the Act. These factors, and their application to Hay's spring amphipod, are as follows:

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Unusually high flood levels from Rock Creek reach the level of the spring habitat of Hay's spring amphipod. This level has been flooded with increasing frequency in recent years (CH_2M Hill, 1979). Flood waters adversely affect the spring habitat by removing individual amphipods, as well as the leaves and soft bottom sediments that form their microhabitat, from the spring.

Construction activities, if not carefully carried out, could adversely affect or eliminate the spring habitat. Such

activities have eliminated most of Washington's springs during the last 100 years (Williams, 1977). Possible use of the level area just below the spring for parking or equipment storage is now in advanced planning. Although a small fence now surrounds the spring, the significance of this structure could easily be overlooked during parking lot construction. The spring is so small that careless movement of equipment slightly onto the hillside from which the spring flows could have a catastrophic effect on the habitat.

2. *Overutilization for commercial, sporting, scientific or educational purposes.* Only a few scientific specialists are potential collectors of Hay's spring amphipod. Dr. John R. Holsinger (unpublished report; May 11, 1978) has expressed concern about future collecting. Even this modest collecting pressure presents a danger to this extremely rare species.

3. *Disease of predation.* NOT APPLICABLE

4. *The inadequacy of existing regulatory mechanisms.* Although the National Zoological Park has voluntarily fenced the habitat of this species and alerted personnel to its significance, there is no legal protection for the species.

5. *Other natural or man-made factors affecting its continued existence.* NOT APPLICABLE

Critical Habitat

Designation of Critical Habitat for Hay's spring amphipod would not be prudent. Publication of a map and description of the exact locality, which is required for Critical Habitat designation, could expose the species to destruction of its habitat by vandalism and unauthorized taking. The habitat is within a densely populated urban area. The small size of the species' population and habitat, as well as the fragile nature of the habitat, makes the species vulnerable to isolated acts of vandalism.

Effect of This Proposal if Published as a Final Rule

Endangered species regulations already published in Title 50 § 17.21 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all Endangered species. These prohibitions, in part, would 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 this species in interstate or foreign commerce. It also would be illegal to possess, sell, deliver, carry, transport, or ship any such wildlife which was illegally taken. Certain exceptions would apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving Endangered species under certain circumstances. Regulations governing permits are at 50 CFR 17.22, 17.23. Such permits are available for scientific purposes or to enhance the propagation or survival of the species. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship which would be suffered if such relief were not available.

If published as a final rule this proposal would require Federal agencies to insure that activities they authorize, fund, or carry out, are not likely to jeopardize the continued existence of Hay's spring amphipod. Provisions for Interagency Cooperation are codified at 50 CFR Part 402.

Public Comments Solicited

The Director intends that the rules finally adopted will be as accurate and effective as possible in the conservation of any Endangered or Threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial, or other relevant data concerning any threat (or the lack thereof) to the species included in this proposal;

(2) The location of and the reasons why any habitat of this species should or should not be determined to be Critical Habitat as provided for by Section 7 of the Act;

(4) Current or planned activities which may adversely modify any areas being recommended for Critical Habitat; and

(5) The foreseeable economic and other impacts of any recommended Critical Habitat designation on federally funded or authorized projects.

National Environmental Policy Act

A draft environmental assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia, and may be examined by appointment during regular business hours. A determination will be made at the time of final rulemaking as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

Primary Author

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

Literature Cited

CH_2M Hill. 1979. *Draft* Rock Creek Watershed Conservation Study. Prepared for Department of the Interior, National Park Service.

Holsinger, J. R. 1977. A review of the systematics of the holarctic amphipod family Crangonyctidae. Proceedings of the 3rd International Colloquium on *Gammarus* and *Niphargus*, Schlitz, West Germany, 1975. Crustaceana (supplement), 4: 244–281.

Holsinger, J. R. 1978. Systematics of the subterranean amphipod genus *Stygobromus* (Crangonyctidae), Part II: Species of the Eastern United States. Smithsonian Contributions to Zoology No. 266. 144 pp.

Hubricht, L. and J. G. Macklin. 1940. Descriptions of nine new species of freshwater crustaceans, with notes and new localities for other species. American Midland Naturalist 23: 187–218.

Williams, G. P. 1977. Washington, D.C.'s vanishing springs and waterways. Geological Survey Circular 752.

Regulations Promulgation

1. It is proposed to amend § 17.11 by adding, in alphabetical order, the following to the list of animals:

§ 17.11 Endangered and Threatened Wildlife.

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rule
Common name	Scientific name						
Crustaceans:							
Amphipod, Hay's spring	*Stygobromus hayi*	U.S.A. (DC)	NA	E		NA	

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

Date: July 15, 1980.

Robert S. Cook,

Acting Director, Fish and Wildlife Service.

[FR Doc. 80-22126 Filed 7-24-80; 8:45 am]

BILLING CODE 4310-55-M

federal register

Friday
July 25, 1980

Part V

Department of the Interior

Fish and Wildlife Service

Proposal to Determine "Eriogonum Gypsophilum" (Gypsum Wild Buckwheat) To Be a Threatened Species and to Determine Its Critical Habitat

DEPARTMENT OF THE INTERIOR

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposal To Determine Eriogonum Gypsophilum (Gypsum Wild Buckwheat) To Be a Threatened Species and To Determine Its Critical Habitat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes *Eriogonum gypsophilum* (gypsum wild buckwheat), a native plant of New Mexico, to be a Threatened species, and to determine it Critical Habitat under the authority contained in the Endangered Species Act of 1973, as amended. *Eriogonum gypsophilum* is threatened by off-road vehicle use, the possibility of increased grazing, and by the Brantley Reservoir project if proper planning for the project does not include protection planning for this plant. This proposal, if finalized, would implement Federal protection provided by the Endangered Species Act of 1973, as amended, for *Eriogonum gypsophilum*. The Service seeks data and comments from the public on its proposal.

DATES: Comments from the public must be received by September 23, 1980. Comments from the Governor of New Mexico must be received by October 23, 1980. A public meeting will be held on August 27, 1980 at 7:00 p.m.

ADDRESSES: Comments and materials concerning this proposal, preferably in triplicate should be sent to the Director (FWS/OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials received will be available for public inspection during normal business hours, by appointment, at the Service's Office of Endangered Species, 1000 N. Glebe Road, Fifth Floor, Arlington, Virginia. The meeting will be held at the Carlsbad Public Library, Halaqueno Park, Carlsbad, New Mexico.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, 703/235-2771.

SUPPLEMENTARY INFORMATION: *Eriogonum gypsophilum* (gypsum wild buckwheat) was first collected by Wooten and Standley in 1909 on a hill southwest of Lakewood, New Mexico (Wooten and Standley, 1913). This member of the knotweed family is a small, erect, herbaceous perennial, which measures about 1.2–2 dm (8 inches) high, is restricted to gypsum soils. This plant's entire range is limited to a 0.2 square (130 acres) mile area in the Seven Rivers Hills of Eddy County at elevations from 3,290 to 3,450 feet. The area occupied by *Eriogonum gypsophilum* is public land managed by the Bureau of Land Management and the Water and Power Resources Service. The Critical Habitat is located on land administered entirely by the Bureau of Land Management. This area is semi-arid with an average annual precipitation of 14 inches. The continued existence of this plant and the fragile habitat in which it occurs are being threatened by off-road vehicles, grazing, and by the Brantley dam project, particularly if proper protection planning for the plant does not continue to occur. This rule proposes to determine *Eriogonum gypsophilum* to be a Threatened species, which would implement the protection provided by the Endangered Species Act of 1973, as amended. The following paragraphs further discuss the actions to date involving this plant, the threats to the plant, and effects of the proposed action.

Background

Section 12 of the Endangered Species Act of 1973 directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be Endangered, Threatened, or extinct. This report, designated as House Document No. 94–51, was presented to Congress on January 9, 1975. On July 1, 1975, the Director of the Fish and Wildlife Service published a notice in the **Federal Register** (40 FR 27823–27924) of his acceptance of the report of the Smithsonian Institution as a petition within the context of Section 4(c)(2) of the Act, and of his intention thereby to review the status of the plant taxa named within. On June 16, 1976, the Service published a proposed rulemaking in the **Federal Register** (41 FR 24523–24572) to determine approximately 1,700 vascular plant species to be Endangered species pursuant to Section 4 of the Act. The list of 1,700 plant taxa was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94–51 and the July 1, 1975, **Federal Register** publication. *Eriogonum gypsophilum* was included in the July 1, 1975, notice of review and the June 16, 1976, proposal. General comments received in relation to the 1976 proposal were summarized in the April 26, 1978, **Federal Register** publication which also determined 13 plant species to be Endangered or Threatened species (43 FR 17909–17916).

The Endangered Species Act Amendments of 1978 required that all proposals over two years old be withdrawn. A one year grace period was given to proposals already over two years old. On December 10, 1979, the Service published a notice withdrawing the June 16, 1976, proposal along with four other proposals which had expired. At this time, the Service has sufficient new information to warrant reproposing *Eriogonum gypsophilum*. Critical Habitat is being proposed for this plant for the first time.

In the June 24, 1977, **Federal Register** (42 FR 32373–32381), the Service published a final rulemaking under 50 CFR 17 detailing the regulations to protect Endangered and Threatened plant species. The rulemaking established prohibitions and a permit procedure to grant exceptions, under certain circumstances, to the prohibitions.

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

Summary of Factors Affecting the Species

Section 4(a) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) states that the Secretary of the Interior shall determine whether any species is an Endangered species or a Threatened species due to one or more of the five factors described in Section 4(a) of the Act. These factors and their application to *Eriogonum gypsophilum* Wooten and Standley (gypsum wild buckwheat), are as follows:

1. *Present or threatened destruction, modification, or curtailment of its habitat or range.*—Historically, *Eriogonum gypsophilum* has been known for nearly 70 years from only one locality in Eddy County, New Mexico. The eastern portion of this plant's range has been reduced in size due to the construction of a major highway (US 285). Present stocking rates of cattle seem to have little effect on the species, but long term records are not available. Increased grazing pressure could possibly prove detrimental to this species. Off-road vehicles such as motorcycles account for some mortality of the *Eriogonum* and this type of use should be restricted from the small area occupied by this species.

The proposed Brantley Dam Project which was authorized on October 20, 1972 (Pub. L. 92–514) located in the same area as the *Eriogonum gypsophilum* population. The dam itself should have only a minor impact on the *Eriogonum*.

The lowest elevation at which the plants occur is estimated to be at 3,290 feet. The 3,280 foot elevation level is the hypothetical project flood level of the impoundment. Thus, the raising water level probably will not affect the plants. If a flood should occur above this level, it should be of a very short duration and is predicted to be harmless unless plants are in flower, then reduced seed set would be expected (Spellenberg, 1977).

The stability of the gypsum may be affected very near the reservoir, as it has on the east side of Lake McMillan where slumping of gypsum bluffs has occurred. If this occurs, up to several hundred plants out of a total estimated population of 2,800 might be affected by new patterns of erosion and changes in microhabitat. Water and Power Resources Service personnel do not expect this to be a problem at the Brantley Dam project. A salt cedar fringe can be expected to develop around the new margin of the conservation pool. At Lake McMillan this salt cedar fringe extends up to as much as 10 vertical feet above the base of the levee. The development of a similar fringe around the Brantley Dam proposed pool might affect *Eriogonum gypsophilum* nearest the 3,290 foot level (Spellenberg, 1977). Water and Power Resources personnel believe *Eriogonum gypsophilum* can probably exist with the Brantley Dam project and they have noted that the plant's well has been included in the project's planning process. They believe that the problems of slumping and the salt cedar fringe can be dealt with so as to insure the continued existence of the plant. The Water and Power Resources Service also notes that the Brantley Dam has been relocated downstream of its previous location and is now 2 miles south-southwest of the closest *Eriogonum gypsophilum* population.

2. *Overutilization for commercial, sporting, scientific, or educational purposes.*—There is no evidence to suggest overutilization for any of the above purposes.

3. *Disease and predation (including grazing).*—Some light grazing occurs mostly along cattle trails. An increase in the intensity of this grazing could possibly be detrimental to *Eriogonum gypsophilum* due to trampling.

4. *The inadequacy of existing regulatory mechanisms.*—New Mexico State Law, Chapter 45, Article 11, Section 1–4, affords limited protection within 400 yards of any highway to all plants (except noxious weeds). This protection includes limited prohibitions against destruction, mutilation, or removal of living plants (except seeds) on State or private land. For those *Eriogonum* plants occurring close to US 285 this would apply.

No Federal agency regulations currently offer this species protection. The Endangered Species Act would provide needed protection for this plant.

5. *Other natural or man-made factors affecting its continued existence.*—The small size and number of the populations cause this species to be in greater danger of extinction due to their natural fluctuations.

Critical Habitat

The Act 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 provisions of Section 4 of this 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 geographic area occupied by the species at the time it is listed in accordance with the provisions of Section 4 of this Act, upon a determination by the Secretary that such areas are essential for the conservation of the species."

Section 4(f)(4) of the Act requires, to the maximum extent practicable, that any proposal to determine Critical Habitat be accompanied by a brief description and evaluation of those activities which, in the opinion of the Secretary, may adversely modify such habitat if undertaken, or may be impacted by such designation.

Any activity which would result in disturbance of the area where *Eriogonum gypsophilum* occurs would probably adversely modify the Critical Habitat. The long-term solution on how to best protect *Eriogonum gypsophilum* may be to develop a protection plan for the species. In this respect, Critical Habitat designation may affect Federal activities. The Water and Power Resources Service should include in their planning process for the Brantley Dam project ways to protect *Eriogonum gypsophilum*. These plans should address the problems of slumping of the gypsum soils and ways to protect the habitat of the *Eriogonum gypsophilum* so that it is not used for any activity which would not be compatible with the plant's continued existence. The Bureau of Land Management may need to limit future stocking rates of cattle and off-road vehicle use in the small area where the *Eriogonum* occurs. This increased planning and the steps required by these agencies should not constitute a large impact or hardship on either agency.

Critical Habitat for *Eriogonum gypsophilum* is being determined to include 130 acres in New Mexico where the species currently occurs plus some surrounding area. In the future, adjacent suitable habitat may be included as essential to the conservation of the species because it is necessary to provide areas for proper management, reintroduction, and natural expansion. Modifications of this Critical Habitat designation may be proposed in the future.

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 a draft impact analysis and believes at this time that economic and other impacts of this action are not significant in the foreseeable future. As stated earlier, efforts to protect the *Eriogonum* would only require additional planning and only minimal input of resources and manpower. The Service has notified and is working with these other agencies which have jurisdiction over the land and water under consideration in this proposed action. These agencies were requested to submit information on economic or other impacts of the proposed action and this information was utilized in completing this analysis. The Service will prepare a final impact analysis prior to the time of final rulemaking. The Service's Draft Economic Impact Analysis was used as part of the basis for the Service's decision whether to exclude any area from Critical Habitat for *Eriogonum gypsophilum*.

Effects of This Proposal if Published as a Final Rule

In addition to the effects discussed above, the effects of this proposal if published as a final rule would include, but would not necessarily be limited to, those mentioned below.

The Act and implementing regulations published in the June 24, 1977, **Federal Register** set forth a series of general prohibitions and exceptions which apply to all Endangered plant species. All of those prohibitions and exceptions also apply to any Threatened species, excluding seeds of cultivated plants treated as Threatened, unless a special rule pertaining to that Threatened species has been published and indicates otherwise. The regulations referred to above, which pertain to Endangered and Threatened plants, are found at §§ 17.61 and 17.71 of 50 CFR and are summarized below.

With respect to *Eriogonum gypsophilum*, all prohibitions of Section 9(a)(2) of the Act, as implemented by § 17.61, would apply. These prohibitions in part, would make it illegal for any person subject to the jurisdiction of the United States to import or export,

transport in interstate or foreign commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. Certain exceptions would apply to agents of the Service and State conservation agencies. The Act and 50 CFR § 17.62 also provide for the issuance of permits to carry out otherwise prohibited activities involving Endangered or Threatened species under certain circumstances.

Section 7(a) of the Act requires Federal agencies to evaluate their actions with respect to any species which is listed as Endangered or Threatened. Provisions for Interagency Cooperation implementing § 7 are codified at 50 CFR Part 402. If published as a final rule, this proposal would require Federal agencies not only to insure that activities they authorize, fund or carry out, are not likely to jeopardize the continued existence of *Eriogonum gypsophilum* but also to insure that their actions are not likely to result in the destruction or adverse modification of its Critical Habitat which has been determined by the Director.

National Environmental Policy Act

A draft environmental assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia, and may be examined during regular business hours, by appointment. A determination will be made before the time of final rulemaking as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

Public Comments Solicited

The Director intends that the rules finally adopted will be as accurate and effective as possible in the conservation of any Endangered or Threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

(1) Biological or other relevant data concerning any threat (or the lack thereof) to the species included in this proposal;

(2) The location of populations of *Eriogonum gypsophilum* and the reasons why any habitat of this species should or should not be determined to be Critical Habitat as provided for by Section 7 of the Act;

(3) Additional information concerning the range and distribution of the species;

(4) Current or planned activities in the subject areas, and the probable impacts of such activities on the area designated as Critical Habitat; and

(5) The foreseeable economic and other impacts of the Critical Habitat designation on federally-funded or authorized projects.

Final promulgation of this rule on *Eriogonum gypsophilum* will take into consideration the comments and any additional information received by the Director, and such communications may lead him to adopt a final rule that differs from this proposal.

Public Meetings

The Service hereby announces that a public meeting will be held on this proposed rule. The public is invited to attend this meeting and to present opinions and information on the proposed rule. Specific information relating to the public meeting is set out below:

Place	Date	Time	Subject
1. Carlsbad Public Library, Halagueno Park, Carlsbad, N. Mex..	Aug. 27, 1980	7:00 p.m.....	Threatened status for *Eriogonum gypsophylum*

This proposal is being published under the authority contained in the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*; 87 Stat. 884).

The primary authors of this proposed rule are Dr. Stephen Talbot, P.O. Box 1306, Albuquerque, New Mexico 87103 (505–766–3974), Mr. Dave Flemming, and Ms. E. LaVerne Smith, Office of Endangered Species, Washington, D.C. 20240 (703/235–1975).

Literature Cited

Spellenberg, R. 1977. A report on the investigation of *Eriogonum gypsophilum* and *Haplopappus spinulosus* subspecies *laevis* in the vicinity of the Brantley Reservoir, Eddy County, New Mexico. Report prepared for the Bureau of Reclamation, Amarillo, Texas. 140 pp.

Wooton, E. O. and P. C. Standley. 1913. Descriptions of new plants preliminary to a report upon the flora of New Mexico. Contr. U.S. Nat. Herb. 16: 109–196.

Regulations Promulgation

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below.

1. It is proposed to amend § 17.12 by adding in alphabetical order, the following to the list of plants:

§ 17.12 Endangered and threatened plants.

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Polygonaceae—Knotweed Family:						
Eriogonum gypsophilum...	Gypsum wild buckwheat.....	New Mexico.....	T	NA	Yes	NA

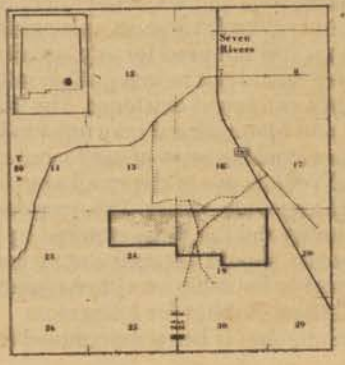
§ 17.96 [Amended]

2. Also, the Service proposes to amend § 17.96(a) by adding the Critical Habitat of *Eriogonum gypsophilum* after that of the Poaceae (Zizania texana).

Polygonaceae

Eriogonum gypsophilum

Gypsum wild buckwheat.—New Mexico; Eddy County; T20S, R25E, Section 19: N½, N½NE¼SE¼, N½NW¼SE¼; and T20S, R26E, Section 24: N½NE¼, N½S½NE¼, NE¼NW¼, N½SE¼NW¼; gypsum soils.



Dated: July 2, 1980.

Robert S. Cook,

Acting Director, Fish and Wildlife Service.

[FR Doc. 80-22127 Filed 7-24-80; 8:45 am]

BILLING CODE 4310-55-M

federal register

Friday
July 25, 1980

Part VI

Department of the Interior

Fish and Wildlife Service

Hedeoma Todsenii; Endangered and Threatened Wildlife and Plants

DEPARTMENT OF THE INTERIOR

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Rule to Determine Hedeoma Todsenii (Todsens Penneyroyal To Be an Endangered Species and to Determine Its Critical Habitat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to determine *Hedeoma todsenii* (Todsens penneyroyal), a native plant of New Mexico, to be an Endangered species. There are only two known populations occurring on fragile limestone slopes. The number of existing individuals of this species is estimated to be approximately 750, and reproductive potential appears to be low. The populations are potentially threatened by any disturbance of their habitat including foot traffic. This proposal, if made final, would implement Federal protection provided by the Endangered Species Act of 1973, as amended, for *Hedeoma todsenii*. Public comments are sought on this proposal.

DATES: Comments from the public must be received by September 23, 1980. Comments from the Governor of New Mexico must be received by October 23, 1980. A public meeting will be held on August 26, 1980, at 7:00 p.m.

ADDRESSES: Comments and materials concerning this proposal, preferably in triplicate should be sent to the Director (FWS/OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the Service's Office of Endangered Species, 1000 N. Glebe Road, Fifth Floor, Arlington, Virginia. The public meeting will be held at the Alamogordo Chamber of Commerce, 1301 N. White Sands Boulevard, Alamogordo, New Mexico.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240. 703/235-2771.

SUPPLEMENTARY INFORMATION: *Hedeoma todsenii* was first discovered in August 1978, by Dr. Thomas K. Todsen, and was described in 1979 by Dr. Robert S. Irving (1979). *Hedeoma todsenii*, a member of the mint family, is a perennial herb which measures 4–8 inches in height and is somewhat woody at the base. Its leaves are opposite, small, and measure .3–.6 inches long, .1–.2 inches wide. Its flowers are solitary along the stem and measure about 2 inches long and are orange-red. *Hedeoma todsenii* occurs on steep gravelly, gypsum limestone on the White Sands Missile Range, Sierra Co., New Mexico, which is under the jurisdiction of the Department of the Army. This rule proposes to determine *Hedeoma todsenii* to be Endangered and if made final would implement the protection provided by the Endangered Species Act of 1973. The following paragraphs further discuss the actions to date involving this plant, the threats to it, and effects of the proposed action.

In the June 24, 1977 **Federal Register** (42 FR 32373–32381), the Service published a final rulemaking under 50 CFR Part 17 detailing the regulations to protect Endangered and Threatened plant species. The rulemaking established prohibitions and a permit procedure to grant exceptions, under certain circumstances, to the prohibitions.

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

Summary of Factors Affecting the Species

Section 4(a) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) states that the Secretary of the Interior shall determine whether any species is an Endangered species or a Threatened species due to one or more of the five factors described in Section 4(a) of the Act. These factors and their application to *Hedeoma todsenii* (Todsens penneyroyal) are as follows:

(1) *Present or threatened destruction, modification, or curtailment of its habitat or range. Hedeoma todsenii* is endemic to loose gravelly slopes in the San Andres Mountains of New Mexico. The combined area of its two known populations is approximately 3000 m^2 and the number of surviving plants is estimated at 750. The reproductive potential, as measured by seed set, is low with an average seed yield of 0.22 seeds per flower (Irving, 1980).

The remoteness of *Hedeoma todsenii's* populations and the restricted nature of the White Sands Missile Range affords *Hedeoma todsenii* considerable protection. Yet, its fragile habitat and the small number of known populations and individuals which comprise them combine to leave the species particularly vulnerable and in need of protection. While there is little likelihood of the populations of *Hedeoma todsenii* being hit by a missile, even minor changes in the usage of its protected canyons could potentialy threaten the existence of the species. Activities such as large scale troop movements or the construction of storage facilities, missile retrieval roads, or power and communication lines could jeopardize the habitat of *Hedeoma todsenii* without proper planning for its protection. No protection or management plan currently exist for this species.

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

(3) *Disease or predation* (including grazing). Not applicable to this species.

(4) *The inadequacy of existing regulatory mechanisms. Hedeoma todsenii* is not protected by any New Mexico state law. The Army's regulations dealing with Endangered species were published in 1977 (42 FR 16385). The Endangered Species Act would offer additional needed protection for this species.

(5) *Other natural or man-made factors affecting its continued existence.* The small size and number of the populations cause this species to be in greater danger of extinction due to natural fluctuations. The low reproductive potential of this species also causes it to be more vulnerable also.

Critical Habitat

The Act 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 provisions of Section 4 of this 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 geographic area occupied by the species at the time it is listed in accordance with the provisions of Section 4 of this Act, upon a determination by the Secretary that such areas are essential for the conservation of the species."

Critical Habitat for *Hedeoma todsenii* is being determined to include the entire area in New Mexico where the species is known to occur. This area encompasses 2 km^2 of the White Sands Missile Range which is administered by the Department of the Army. In the future, adjacent suitable habitat may be included as essential to the conservation of the species because it is necessary to provide areas for proper management, reintroduction, and natural expansion. Modifications of this Critical Habitat designation may be proposed in the future.

Section 4(f)(4) of the Act requires, to the maximum extent practicable, that any proposal to determine Critical Habitat be accompanied by a brief description and evaluation of those activities which, in the opinion of the Secretary, may adversely modify such habitat if undertaken, or may be impacted by such designation.

Any activities which would result in increased trampling or disturbance of the extremely fragile areas where *Hedeoma todsenii* occurs would probably adversely modify the Critical Habitat. The long term solution on how to best protect *Hedeoma todsenii* may be to reduce greatly all construction activities and or ground traffic in the area where this plant occurs. In this respect, Critical Habitat designation may affect Federal activities as follows: this may require prohibiting certain activities within the 2 km^2 *Hedeoma todsenii's* Critical Habitat, which is administered by the Department of the Army.

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 a draft impact analysis and believes at this time that economic and other impacts of this action are not significant in the foreseeable future. The area proposed as Critical Habitat for *Hedeoma todsenii* encompasses 2 km^2 of a very lightly and not critically used portion of the White Sands Missile Range. If the Army diverted certain activities from the 2 km^2, it would not greatly affect their operations. The only impact would probably be that additional planning to ensure protection of this site would be required.

The U.S. Department of the Army was contacted and requested to submit information on economic or other impacts of the proposed action and this information was utilized in completing this analysis. The Service will prepare a final impact analysis prior to the time of final rulemaking. The Service's Draft Economic Impact Analysis was used as part of the basis for the Service's decision as to whether or not to exclude any area from Critical Habitat for *Hedeoma todsenii*.

Effects of This Proposal if Published as a Final Rule

In addition to the effects discussed above, the effects of this proposal if published as a final rule would include, but would not necessarily be limited to, those mentioned below.

The Act and implementing regulations published in the June 24, 1977 **Federal Register** set forth a series of general prohibitions and exceptions which apply to all Endangered plant species. All of those prohibitions and exceptions also apply to any Threatened species, excluding seeds of cultivated plants treated as Threatened, unless a special rule pertaining to that Threatened species has been published and indicates otherwise. The regulations referred to above, which pertain to Endangered and Threatened plants, are found at §§ 17.61 and 17.71, of 50 CFR and are summarized below.

With respect to *Hedeoma todsenii* all prohibitions of Section 9(a)(2) of the Act, as implemented by § 17.61 would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. Certain exceptions would apply to agents of the Service and State conservation agencies. The Act and 50 CFR § 17.62 also provide for the issuance of permits to carry out otherwise prohibited activities involving Endangered or Threatened species under certain circumstances.

Section 7(a) of the Act requires Federal agencies to evaluate their actions with respect to any species which is listed as Endangered or Threatened. Provisions for Interagency Cooperation implementing Section 7 are codified at 50 CFR Part 402. If published as a final rule this proposal would require Federal agencies not only to insure that activities they authorize, fund, or carry out, are not likely to jeopardize the continued existence of *Hedeoma todsenii*, but also to insure that their actions are not likely to result in the destruction or adverse modification of its Critical Habitat which has been determined by the Director.

National Environmental Policy Act

A draft environmental assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species, 1000 N. Glebe Road, Arlington, Virginia, and may be examined during regular business hours, by appointment. A determination will be made at the time of final rulemaking as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

Public Comments Solicited

The Director intends that the rules finally adopted will be as accurate and effective as possible in the conservation of any Endangered or Threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of these proposed rules are hereby solicted.

Comments particularly are sought concerning:

(1) Biological or other relevant data concerning any threat (or the lack thereof) to the species included in this proposal;

(2) The location of any population of *Hedeoma todsenii* and the reasons why any habitat of this species should or should not be determined to be Critical Habitat as provided for by Section 7 of the Act;

(3) Additional information converning the range and distribution of this species;

(14) Current or planned activities in the subject area and the probable impact of such activities on the area designated as Critical Habitat; and

(5) The forseeable economic and other impacts of the Critical Habitat designation on Federal activities.

Final promulation of a rule on *Hedeoma todsenii* will take into consideration the comments and any additional information received by the Director, and such communications may lead him to adopt a final rule that differs from this proposal.

Public Meeting

The Service hereby announces that a public meeting will be held on this proposed rule. The public is invited to attend this meeting and to present opinions and information on this proposed rule. Specific information relating to the public meeting is set out below:

Place	Date	Time	Subject
1. Alamagordo Chamber of Commerce, 1301N. White Sands Blvd., Alamogordo, N.Mex.	August 26, 1980.	7:00 p.m.	Endangered Status for *Hedeoma todsenii*

This proposal is being published under the authority contained in the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*; 87 Stat 884).

Author

The primary author of this proposed rule is Ms. E. LaVerne Smith, Washington Office of Endangered Species (703/235–1975). Status information and a preliminary listing

package was provided by Dr. Robert S. Irving, University of Nebraska at Omaha, Omaha, Nebraska.

Literature Cited

Irving, R.S. 1979. *Hedeoma todsenii* (Labiatae), a new and rare species from New Mexico, Madrono, 26(4): 184–187.

Irving, R.S. 1980. *Hedeoma todsenii* Status Report. Submitted to the U.S. Fish and Wildlife Service, Albuquerque, New Mexico. February 1, 1980.

Regulations Promulgation

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

1. It is proposed to amend § 17.12 by adding, in alphabetical order, the following to the list of plants:

§ 17.12 Endangered and threatened plants.

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Lamiaceae—Mint family:						
Hedeoma todsenii	Todsens penneyroyal	New Mexico	E	NA	17.96a	NA

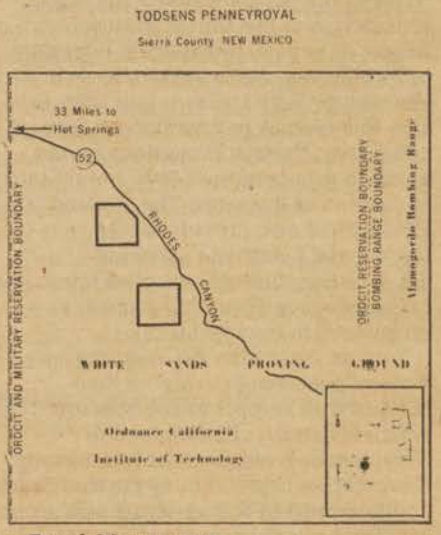
§ 17.96 [Amended]

2. Also, the Service proposes to amend § 17.96(a) by adding the Critical Habitat of *Hedeoma todsenii* after that of the Brassiczlene (*Erysimum capitatum* var. *zngustatum*) as follows:

Lamiaceae

Hedeoma todsenii—Todsens penneyroyal

New Mexico: Sierra County; the Critical Habitats of *Hedeoma todsenii* is best defined by two square kilometer sections on the 1000 m2 Universal Transverse Mercator Grid, Zone 13. The more northern critical habitat lies between 76 and 77,000 m N and 39 and 40,000 m E excluding the triangular area bordered by running a line 150 meters west and 150 meters south of the northeast corner and connecting the west and south end points of these two lines. The southern area lies between 74 and 75,000 m N and 40 and 41,000 m E. Gypsum limestone soils;



Dated: May 15, 1980.

Lynn A. Greenwalt,

Director, Fish and Wildlife Service.

[FR Doc. 80-22128 Filed 7-24-80; 8:45 am]

BILLING CODE 4310-55-M

federal register

Friday
July 25, 1980

Part VII

Water Resources Council

Heber Demonstration Plant, Geothermal Binary Electric Power Generation, Imperial County, Calif.; Water Assessment

WATER RESOURCES COUNCIL

Heber Demonstration Plant, Geothermal Binary Electric Power Generation, Imperial County, Calif.; Water Assessment

AGENCY: United States Water Resources Council.

ACTION: Notice of water assessment report for public review and comment.

SUMMARY: This notice incorporates the Water Assessment Report prepared by the Water Resources Council under the provisions of Section 13(b) of the Federal Nonnuclear Energy Research and Development Act of 1974.

DATE: Comments on this report are due on or before August 25, 1980.

ADDRESS: Send comments to: Gerald D. Seinwill, Deputy Director, U.S. Water Resources Council, 2120 L Street, N.W., Washington, D.C. 20037.

FOR FURTHER INFORMATION CONTACT: Frank S. Davenport, Program Leader or Ronald L. Scullin, Staff Specialist, U.S. Water Resources Council, 2120 L Street, N.W., Washington, D.C. 20037, phone: 202–254–6352.

Dated July 21, 1980.

Gerald D. Seinwill,

Deputy Director.

Table of Contents

Preface

I. Principal Findings
- A. Project and Associated Water Requirements
- B. Water Supply Availability
- C. Water Resources Impacts

II. Project Description
- A. Project Features
- Type of Energy Process
- Project Participants
- Project Site
- Geothermal Resources
- Development Schedule
- Project Facilities
- B. Water Requirements
- Cooling Water Requirements
- Potable Water Requirements
- Induced Development Requirements
- C. Waste Products and Disposal Methods

III. Water Supply and Availability
- A. Water Conditions
- Imperial Irrigation District
- Salton Sea
- Groundwater
- B. Water Availability
- Colorado River Water Rights
- Project Water Rights
- Adequacy of Supply
- C. Potential Instream and Offstream Competing Uses
- Irrigation Water Supplies
- Drainage System

IV. Effects of the Project
- A. Irrigation System
- B. Beech Drain
- C. New River
- D. Salton Sea
- E. Groundwater
- F. Cultivated Lands

Preface

The U.S. Water Resources Council (WRC) has prepared this report under provisions of Subsection (b) of Section 13 of the Federal Non-nuclear Energy Research and Development Act of 1974, as amended. The report is an assessment of water requirements and water supply availability for a proposed Geothermal Binary Demonstration Electric Generation Project near Heber, California. The four main sections of the report discuss the following topics: 1) principal findings, 2) Project description, 3) water supply and availability, and 4) effects of the Project.

The U.S. Department of Energy requested the WRC to perform this assessment on February 1, 1980. The WRC retained an engineering consultant to conduct technical phases of the assessment and to prepare a techical report. The technical report, completed on June 30, 1980, was the principal supporting document used by WRC staff to prepare this report.

Publication of this report in the **Federal Register** is mandated under provisions of Section 13 to enable public review and comment during a 30-day period. Comments on the report are to be submitted to: Gerald D. Seinwill, Deputy Director, U.S. Water Resources Council, 2120 L Street, N.W., Washington, D.C. 20037. After the 30-day review period, WRC staff will analyze the comments received, and will forward the comments, the WRC analysis, and the water assessment report to the Secretary of Energy.

The Water Resources Council will prepare a subsequent assessment of water resources availability for future commercial-scale geothermal development at this site in a separate report pursuant to Subsection 13(c) of the previously cited Act.

I. Principal Findings

A. Project and Associated Water Requirements

1. The proposed 45 megawatt (net) Geothermal Binary Demonstration Electric Generation Project near Heber, California (hereafter called the Project), will withdraw about 6,000 acre-feet of water per year for cooling system makeup. The Project also will require 15 acre-feet per year for sanitary purposes, washdown, and fire protection.

2. To convey heat energy, the Project will extract and utilize groundwater from the underground geothermal reservoir at a rate of 18,000 acre-feet per year. Following heat energy transfer to a hydrocarbon fluid, the groundwater will be reinjected into the geothermal reservoir, thereby maintining reservoir water content and preventing possible subsidence or seismic activity.

3. The Project will induce modest population growth with accompanying increases in municipal water requirements of 30 acre-feet per year.

B. Water Supply Availability

1. The Project developer, San Diego Gas and Electric Company, has contracted with the Imperial Irrigation District to take up to 6,000 acre-feet of water supplies per year from the District's Central Main Canal during the Project's 5-year demonstration period. The California Water Resources Control Board has approved a permit for diversions of 50,000 acre-feet per year from the New River, which will serve as the long-term source of water for the commercial Project.

2. The Colorado River is the source of water supplies for the Imperial Irrigation District. A Supreme Court decree has allocated waters in the Lower Colorado River Basin among the Lower Basin States. The decree also protects diversion of water by water supply entities in California. Under terms of an agreement among the water supply entities, the Imperial Irrigation District has high priority for use of the Colorado River supplies available to California. The District should have a long-term supply of at least 2.7 million acre-feet per year.

The Upper Colorado River Basin is not expected to divert its full 7.5 million acre-feet per year Compact entitlement during the estimated 30-year Project lifetime. Therefore, Colorado River water supplies available to the Lower Basin should be sufficient to meet or exceed its Compact entitlement.

3. Flows in the New River are derived from municipal and industrial wastewaters discharged in Mexico and agricultural drainwaters that originate in both Mexico and California. The current average annual flow is about 113,000 acre-feet at the proposed diversion point, Clark Road Crossing. These flows should continue for the Project lifetime unless irrigation within the Imperial Irrigation District is measurably reduced from present levels. If irrigation is reduced, the District would probably have additional supplies available for purposes other than irrigation.

4. Groundwater supplies in the Project area are minimal, with low potential for productive wells. Groundwater is not a reasonable supply source for the Project.

C. Water Resources Impacts

1. Project withdrawals from the Central Main Canal of the Imperial Irrigation District will not impact upon other users of the Canal.

2. The withdrawal of water supplies from the New River will reduce the inflow of water to the Salton Sea and will slightly retard the Sea's current water level rise. Withdrawals from the New River will also reduce the water available to dilute the salinity of the Salton Sea and will hasten the salinity rise to a concentration of 40,000 parts per million (ppm). Concentrations of 40,000 ppm are generally considered to be the upper threshold for survival of the corvina sport fishery.

3. During the 5-year demonstration period, blowdown from the Project cooling system, with a temperature of about 90°F, a salinity of about 4,000 ppm, and a rate of discharge of about 1,350 acre-feet per year, will be discharged to the adjoining Beech Drain. Discharge salinity will be within discharge requirements of the Regional Water Quality Control Board and will not significantly affect the New River which receives the drainage flows.

4. After the 5-year demonstration period, the use of more saline New River water for cooling system makeup will increase blowdown salinity to up to 20,000 ppm. In this case, the blowdown water will be injected into the underground reservoir along with the geothermal brines or disposed of in evaporation ponds.

II. Project Description

A. Project Features

Type of Energy Process

The proposed Geothermal Binary Demonstration Electric Generation Project near Heber, California, involves construction and demonstration of a thermal electric generating plant that uses the heat from extracted groundwater brines as the energy source. The Project will be the first full-scale application of the "binary process," which uses the heat from the extracted groundwater to vaporize a hydrocarbon medium. Electricity is produced by expanding the hydrocarbon vapor through a turbine that drives an electric generator.

Project Participants

The Project will be constructed and managed by the San Diego Gas and Electric Company (SDG&E) with financial participation by the U.S. Department of Energy (DOE). The Los Angeles Department of Water and Power, Imperial Irrigation District, the California State Department of Water Resources, the Electric Power Research Institute, and several electric power utility companies may also participate financially. Power generated at the Project will be sold to the Imperial Irrigation District or transmitted to the co-owners' service areas.

Project Site

The Project will occupy a 20-acre site in Imperial County, California (see Figure 1). The location, on the floor of the Imperial Valley, is 4 miles north of the Mexican border and 100 miles east of the San Diego metropolitan area. The California-Arizona boundary and the coincident channel of the Colorado River are about 48 miles east of the proposed site. Irrigated farmlands served by the Imperial Irrigation District surround the site. The Central Main Canal, the Beech Drain, and the New River are important elements of the District's water distribution and drainage system shown in Figure 2.

The temperatures in the Imperial Valley average 91°F in July and 52°F in December. Rainfall is very limited, averaging 1 to 3 inches per year.

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Figure 1
Location of Project

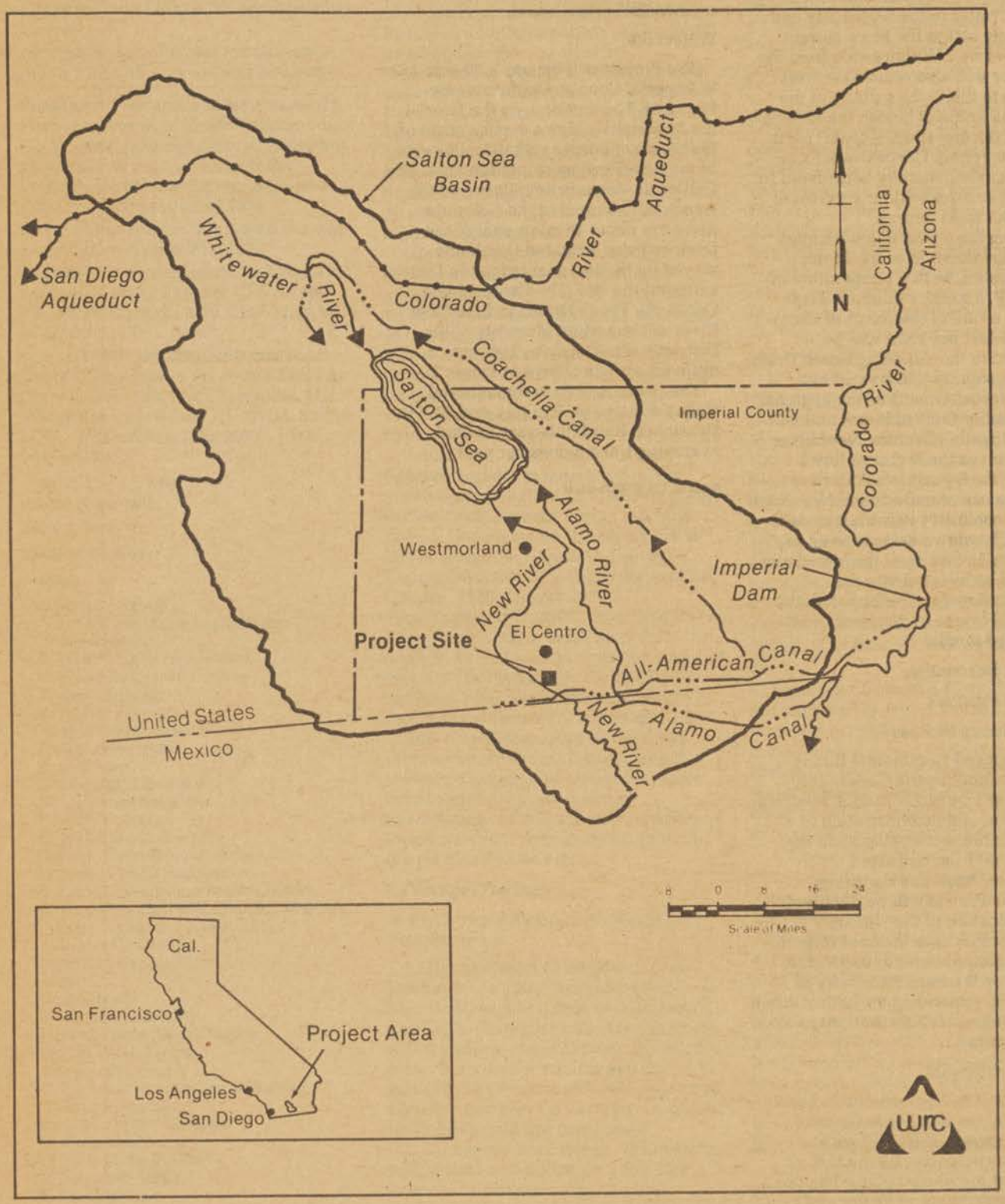
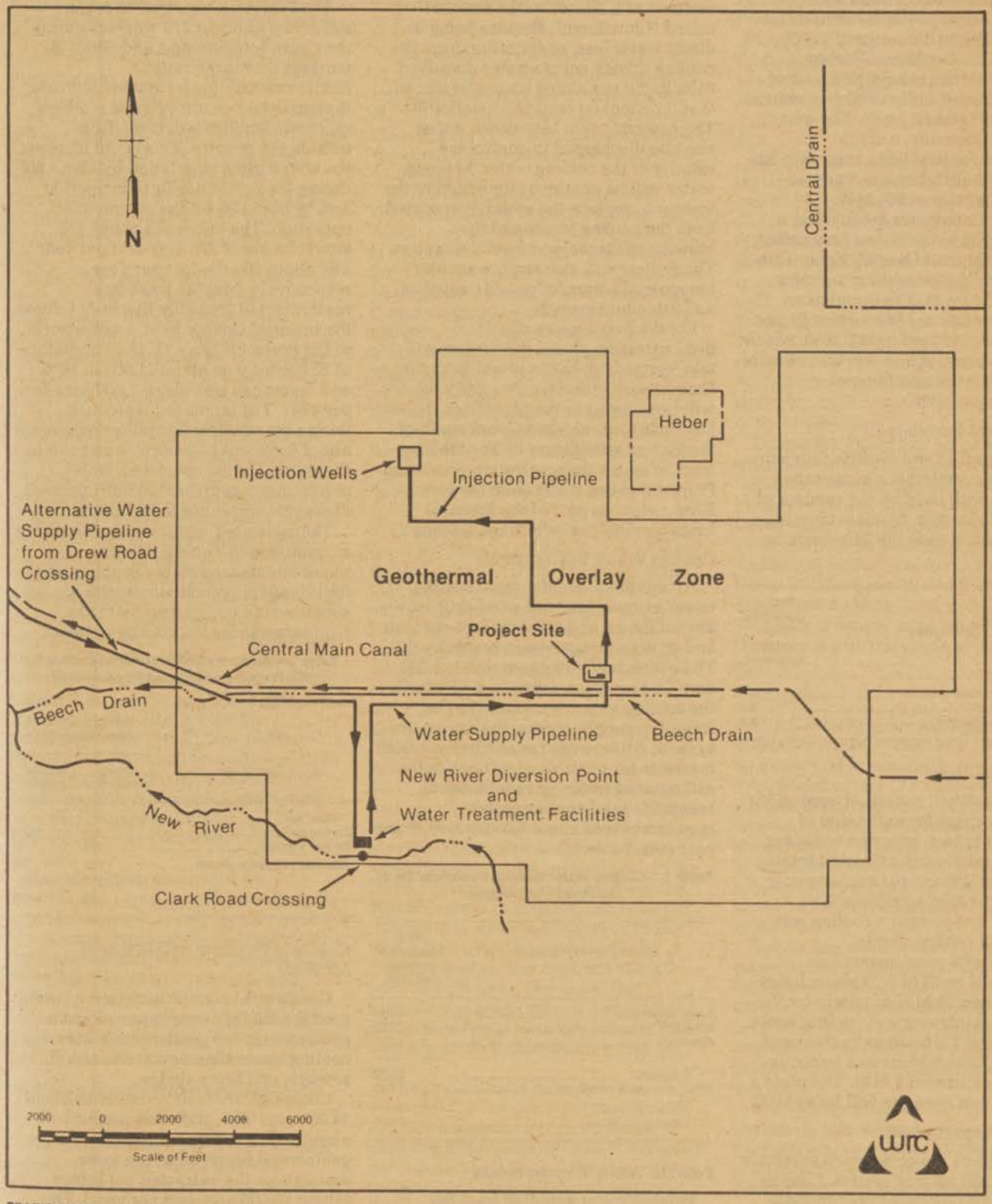


Figure 2
Project Features



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Geothermal Resources

The Project will use the heat energy of brines in the Heber Reservoir, one of four known underground geothermal resource areas in the Imperial Valley. The Heber Reservoir has brine temperatures of about 360°F and salinities (expressed as total dissolved solids or TDS) in the range of 14,000 ppm. The U.S. Geological Survey estimates that the energy potential of the Heber Reservoir is 1,000 megawatts (MW) for at least 30 years. Chevron Resources Company, a major leaseholder for the Heber reservoir, has concluded that Heber has a proved resource capacity of 500 MW.

Imperial County has established a planning zone in the Heber area called Heber Geothermal Overlay Zone. This zone generally covers the reservoirs area (see Figure 2). The County has issued a Geothermal Production Permit to SDG&E dated January 22, 1980, which authorizes construction and operation of a 45 megawatt net geothermal demonstration plant.

Development Schedule

San Diego Gas and Electric Company anticipates completing a cooperative agreement with DOE by the summer of 1980. The following schedule depends upon the actual date the agreement is executed:

Project phase	Time of completion (years after agreement)
Construction and initial operation	4.5
Demonstration period	6.5
Final report on demonstration	6.8

Project Facilities

The Project will consist of production wells and pumps for extraction of geothermal brines; injection wells and pumps for reinjection of cooled brines; brine-hydrocarbon heat exchanges; a turbine generator; a hydrocarbon condenser and pumps; a cooling water system; and settling ponds.

The Project's gross generation capacity will be 65 MW. This includes and estimated 15 MW of power for the pumps for condenser and cooling water functions and for brine extraction and injection. Other inplant requirements will be an estimated 5 MW. The plant's net generation capacity will be 45 MW.

B. Water Requirements

The Project's major water requirement will be for the cooling system. Cooling water will be circulated continuously through the plant's hydrocarbon condenser where the exhausted hydrocarbon vapor from the turbine is liquefied. Water from the condenser will be passed through cooling towers and recycled to the condensers to repeat the cooling process. Water will be lost from the system through evaporation and removal of a concentrated residual called "blowdown". Besides being a direct water loss, evaporation from the cooling towers concentrates dissolved salts in the remaining cooling water so that it cannot be recycled indefinitely. The contaminated blowdown water must be discharged to control the salinity of the cooling water. Makeup water will be continuously added to the system to replace the water evaporated from the cooling tower and the blowdown discharged from the system. The Project will also require smaller amounts of water for potable supplies and attendant growth.

For the first 5 years, the demonstration phase, the Project will take water from the Imperial Irrigation District's irrigation water supply. Water will be pumped to the plant from the District's Central Main Canal south of the Project site (Figure 2). For the long-term, after the demonstration phase, the Project will use water from the New River, which is part of the Imperial Irrigation District's drainage system.

Cooling Water Requirements

At maximum plant output, cooling tower evaporation and wind-drift losses are estimated at 4,100 acre-feet per year and 20 acre-feet per year, respectively. The estimated blowdown rate is 1,350 acre-feet per year, regardless of whether the cooling water is taken from the irrigation supply or from the drainage system. A 10-percent contingency, which accounts for possible variations in the estimates of make-up requirements, brings the total cooling water requirements to about 6,000 acre-feet per year (see Table 1).

Table 1.—Cooling Water Makeup Requirements at Maximum Plant Output

Cooling system component	Water requirement (acre-feet per year)
Tower evaporation	4,100
Wind-drift	20
Blowdown	1,350
Subtotal	5,470
10% Contingency allowance	530
Total	6,000

Potable Water Requirements

Potable water supplied from the irrigation canal by a hydropneumatic system will be given settling and chlorination treatment. This use would probably be less than 10 gallons per minute (gpm), or a total of about 15 acre-feet per year.

Induced Development Requirements

The Project is expected to require a maximum of about 270 workers during the construction period and about 30 workers during operations. Environmental impact studies indicate that up to 60 percent of these workers and their families will come from outside the country. This could increase the water-using population by about 800 during the 2-year construction period and by about 90 for the commercial operation. The increased water use would be about 270 acre-feet per year and about 30 acre-feet per year, respectively. Most of these new residents will probably live in El Centro, the Imperial County Seat, 5 miles north of the Project (Figure 1). The population of El Centro was about 21,000 in 1976, and water use was about 7,000 acre-feet per year. The increased water use during the construction phase represents about 4 percent of present water use in El Centro. During operation, water requirements represent about 1 percent of present water use in El Centro.

The estimated water requirements are summarized in Table 2. Water requirements for potable supplies and for attendant population growth are not significant in comparison with the requirements for the cooling system.

Table 2.—Summary of Water Requirements for the Project and Induced Development

Type of use	Water requirements (acre-feet per year)	
	During construction	During operation
Plant Use		
Cooling system	0	6,000
Potable supplies	15	15
Attendant population growth	270	90
Total	285	6,045

C. Waste Products and Disposal Methods

Geothermal electric generation would produce the following types of waste products: cooled geothermal brines, cooling tower blowdown, site runoff, sewage, and brine sludge.

Cooled geothermal brines with about 14,000 ppm TDS and a temperature of about 160° F will be returned to the geothermal reservoir in the same amounts as the extracted hot brines (about 18,000 acre-feet per year). The used brine will be piped 2 miles to the

injection wells (see Figure 2). Underground reinjection will prevent the reservoir from losing pressure, which could result in land subsidence and seismic activity.

Cooling tower blowdown is estimated at 1,350 acre-feet per year. Disposal depends on its salinity, which in turn is determined by the salinity of the makeup water source, which is either the irrigation supply or the more saline irrigation drainage water.

When the irrigation supply (salinity of 900 to 1,000 ppm) is used for makeup, the blowdown water will average about 4,000 ppm salinity and about 90° F temperature. The Project sponsor plans to discharge this blowdown to Beech Drain immediately south of the Project site.

When the cooling water is taken from agricultural drains (salinity of up to 4,000 ppm) or from the New River (salinity of up to 5,000 ppm), the blowdown salinity will be in the range of 20,000 ppm. Because of State wastewater discharge standards for agricultural drains, this saline blowdown could not be discharged to Beech Drain. Instead, it will be injected into the underground reservoir with the used geothermal brines or conveyed to evaporation ponds, which could be constructed in an undeveloped desert site some 9 miles west of the Project.

Surface site drainage during rainstorms and from any leaks or breaks in the Project's pipelines could contribute as much as 4,000 to 5,000 gpm to runoff. Therefore, flows will be collected and discharged to Beech Drain after any oil is removed. The pipelines that convey the brines from the producing wells to the plant and from the plant to the injection wells will have safety factors and will be installed in lined trenches. Any brine leakage will be collected, pumped into a pipeline, and conveyed to the cooled brine pipeline.

Sewage wastes generated by construction peronnel will be collected in potable sanitary facilities and hauled to a sewage disposal plant. The Project's facilities will include septic tanks. Solid materials from the extracted brines, primarily sand, and brine sludge that collects in the condenser system will be disposed of in accordance with Imperial County's solid waste requirements.

III. Water Supply and Availability

A. Water Conditions

The Project is located in the Colorado Desert Hydrologic Area. Rainfall averages less than 5 inches per year and natural surface water flows are negligible. The Imperial Irrigation District has developed an extensive water distribution system supplied by the Colorado River. The Project will use the District's irrigation and drainage facilities to supply its water and, during the initial (first 5 years) phase, for discharge of blowdown water.

Imperial Irrigation District

The Imperial Irrigation district is one of the irrigation systems that distribute the Colorado River water diverted by the All American Canal at the Imperial Dam (Figure 1). The Project will use both the District's irrigation and drainage facilities.

Irrigation System: The Imperial District's Central Main Canal (Figure 2), which runs adjacent to the Project site, is proposed as the initial source of water for the Project during the demonstration phase (first 5 years). The Central Main Canal's conveyance capacity of nearly 800,000 acre-feet per year supplies irrigation water to a large portion of the Imperial Irrigation District's system. The salinity (TDS) of the irrigation water is estimated at about 900 to 1,000 ppm.

Drainage System: Elements of the Imperial District's drainage system, the New River or smaller agricultural drains, are proposed as the long-term water source for the Project.

The New River constitutes one of the main facilities of the District's drainage system, which collects irrigation water that is not consumed by crops and ultimately conveys the water into the Salton Sea. The river channel runs within 1 mile of the Project. There are two proposed points of diversion—one at the Clark Road Crossing and the other at the Drew Road Crossing 9 miles downstream from Clark Crossing.

The average annual flow of the New River at Clark Road Crossing, near the Mexican border, is about 113,000 acre-feet per year. A large portion of the flow from Mexico is sewage effluent from Mexican industries and communities and irrigation water return flows. In the United States, the river receives about 300,000 acre-feet of drainage water per year so that when it discharges to the Salton Sea near Westmorland, its average annual flow is about 413,000 acre-feet per year. However, the estimated average annual natural flow of the New River near Westmorland is only about 3,000 to 4,000 acre-feet per year.

The Drew Road Crossing is an alternative diversion point that would be used instead of the Clark Road Crossing if drainage inflows at the latter are reduced by Mexico. Drainage flows collected in California between Drew Road and Clark Road are estimated to be near 50,000 acre-feet per year.

The water in the New River near Clark Crossing has high salinity. Project plans anticipate 5,000 ppm TDS. Suspended solids levels were more than 160 ppm and fecal coliform levels averaged 2.7 million colonies per 100 milliliters during 1977. Water for the Project will be disinfected and passed through settling ponds. Irrigation drainage dilutes the New River salinity to about 4,000 ppm near Westmorland. New River inflow to the Salton Sea has a dilution effect on the salinity of the Sea.

An alternative long-term source of water for the Project is a diversion from one of the Imperial System's smaller drains that has a lower salinity than the New River. Central Drain is the nearest drain where flows may be expected to consistently exceed 6,000 acre-feet per year; measurements show flows of more than 28,900 acre-feet per year. The Project could divert drain flows, but a pump facility and a pipeline to the Project site would be needed. Central Drain has an estimated average salinity of up to 4,000 ppm.

During the initial Project phase when irrigation water from the Central Main Canal supplies the cooling system, the blowdown water will be discharged to Beech Drain. Beech Drain runs along the southern edge of the Project site and discharges to the New River 1.5 miles to the west. The flows in Beech Drain range from 3,610 to 7,230 acre-feet per year with a temperature of about 66° F. Drainage water salinity is about 3,700 ppm.

Salton Sea

The Salton Sea, formed by a failure of diversion works in the early 1900's, has no outlet and is sustained primarily by irrigation drainage. Estimated inflow to the Sea, including measured and unmeasured surface flow and groundwater inflow, averages about 1.4 to 1.5 million acre-feet per year. Estimated evaporation is presently about 1.3 to 1.4 million acre-feet per year.

Salton Sea water levels have increased since the 1920's. The present (1979) water surface elevation is about 228 feet below sea level and is expected to rise by about 0.3 foot per year. The rate of rise would decrease slightly each year as surface area and evaporation increase.

The salinity of the Salton Sea, which is steadily increasing because of evaporation, was about 38,700 ppm TDS in 1978 and is expected to reach 40,000 ppm by 1990. Studies indicate that 40,000 ppm TDS would reduce the reproductive capability of the bairdiella and the

sargo, two species of forage fish for the game fish corvina.

Groundwater

Groundwater in the Heber area may be considered in two general categories, the hot geothermal waters occurring at depths of 2,000 to 6,000 feet, which are the intended source of heat for the Project, and the water that saturates the relatively fine-grained materials between the ground surface and a depth of about 2,000 feet.

Wells in the Heber area produce water of very poor chemical quality, with dissolved solids concentrations up to 10,000 milligrams per liter. Because production capacity is also limited, the Project ruled out groundwater pumping as a reasonable water source.

B. Water Availability

Water supply availability for the Project depends upon the continued availability of water supplies from the Colorado River and the continued use of irrigation in the Imperial Irrigation District. Colorado River water is allocated to the Imperial District according to vested water rights.

Colorado River Water Rights

The average undepleted flow of the highly regulated Colorado River is about 15 million acre-feet per year. The flow is apportioned between the Upper Basin States (Wyoming, Colorado, New Mexico, and Utah) and the Lower Basin States (California, Arizona, and Nevada) according to the Colorado River Compact of 1922; each basin has a total allocation of 7.5 million acre-feet per year for beneficial consumptive uses. The Mexican Treaty of 1944 guarantees to Mexico a discharge of 1.5 million acre-feet per year from the Colorado River.

According to a Supreme Court action, out of the 7.5 million acre-feet per year allocated to the Lower Basin, California has a right to at least 4.4 million acre-feet per year California can also use 50 percent of any excess above the 7.5 million acre-feet per year. The average annual depleted flow of the Colorado River to the Lower Basin is estimated to be 11.3 million acre-feet under present (1975) conditions and is projected to be about 9.5 million acre-feet by 2000. This supply will be sufficient to satisfy the 7.5 million acre-foot per year Lower Basin entitlement, reservoir evaporation, and the Mexican commitment. Therefore, it is reasonable to assume that enough water will be available to fulfill California's right to 4.4 million acre-feet per year until after 2000.

California established priorities to divide its annual 4.4 million acre-foot allocation among agricultural and municipal water supply agencies. Several agricultural agencies, including the Imperial Irrigation District, are entitled to a total of 3.85 million acre-feet annually. In the past, these agencies have sometimes used more than 3.85 million acre-feet per year because to date, Arizona has not diverted its full allocation of Colorado River water. When the Central Arizona Project begins operation in the late 1980's, however, California agricultural agencies will be limited to the 3.85 million acre-feet per year. The Imperial Irrigation District might expect a diversion level of about 2.7 million acre-feet per year after full diversions by Arizona.

Project Water Rights

Imperial Irrigation District Agreement: For the Project's initial water supply, SDG&E formed an agreement with the Imperial Irrigation District for diversion of irrigation water. This "Water Supply Agreement between San Diego Gas and Electric Company and Imperial Irrigation District" was executed on October 18, 1979. Under this contract, the District agreed to allow SDG&E to take up to 6,000 acre-feet of water per year from the District's Central Main Canal for the Project for up to 5 years during the demonstration period.

California State Water Resources Control Board Permit: The Water Resources Control Board claims jurisdiction over diversions from the New River. Because of this and because most of the flows at the Clark Road Crossing originate in Mexico, rather than in the Imperial Irrigation District, both San Diego Gas and Electric Company and Chevron Resources Company applied to the Board for appropriation of water from the New River for geothermal generation plants in the Heber area. The Board recently announced that permits will be issued to both parties. The New River diversion point for the permits would be at the Clark Road Crossing shown on Figure 2, which is about 1.5 miles southwesterly of the Project site. The Project could also use an alternative diversion point downstream at the Drew Road Crossing. The total diversion capacity covered by the two companies' permits is 50,000 acre-feet per year.

Adequacy of Supply

Project water requirements, 6,000 acre-feet per year, are a small fraction of the flows in both the Central Main Canal (proposed water source for the 5-year demonstration period) and the New River (proposed water source for long-term operations). The availability of water from both the canal and the river depends upon continued availability of water to the Imperial Irrigation District. The District should receive at least 2.7 million acre-feet of water per year over the long-term. Therefore, the Project should have a sufficient water supply.

C. Potential Instream and Offstream Competing Uses

Irrigation Water Supplies

The Central Main Canal is used solely as an irrigation conveyance facility and has no other instream use. There are no instream flow conflicts.

No offstream uses now compete for the irrigation water. Under present levels of irrigation development, the Project will not affect current irrigation customers of the Imperial Irrigation District. However, if additional lands are developed for irrigated agriculture during the demonstration period, the Project would compete with the agricultural sector. In this case, the Project could switch to the drainage water source or sources.

Drainage System

The flows of the New River, with salinities ranging from about 5,000 ppm to 4,000 ppm in the downstream direction, have a dilution effect that tends to slow the salinity increase in the Salton Sea. The Project's use of New River or other agricultural drainage water will conflict with the dilution function and, consequently, with the maintenance of the Salton Sea sport fishery.

There is also a small fishery resource in the downstream reach of the New River. Although the Project would slightly reduce the quantity of water in the downstream area, the removal of highly contaminated New River water would actually improve the water quality downstream and would probably not be a competing use.

IV. Effects of the Project

The Project's construction, water use, and effluent discharge may affect water and cultivated land resources of the area, especially the New River and the Salton Sea. The Project's possible effects are different between the demonstration period and long-term operations because the water supply source and blowdown disposal methods are not the same for the different time periods.

A. Irrigation System

Water withdrawals from the Central Main Canal during the Project's demonstration phase will insignificantly

affect the Imperial Irrigation District's water system and water supply. The proposed withdrawal, 6,000 acre-feet per year, represents a less than 1 percent reduction in the canal capacity. Under present levels of irrigation development, the Project will not reduce water deliveries to the Imperial District's irrigators.

B. Beech Drain

While irrigation water serves as the supply source during the 5-year demonstration phase, blowdown water can be discharged to the Beech Drain. The blowdown discharge, 1,350 acre-feet per year, will increase the flow in Beech Drain by 20 to 40 percent. The increased flows, however, will not limit the drain's effectiveness in controlling groundwater levels in adjoining fields.

The blowdown discharge could raise the average temperature of the drainwater by 6° F. This will slightly reduce Beech Drain's temperature lowering effect on New River water. Blowdown water (with TDS of 4,000 ppm) will slightly increase the salinity of Beech Drain. However, the discharge salinity will not exceed the probably limit of 4,000 ppm that the Regional Water Quality Control Board will require. Other discharge constituents in the blowdown water will also be within the limits expected from the Regional Board.

C. New River

Discharge of blowdown to Beech Drain during the demonstration period will cause an insignificant rise, 1,350 acre-feet per year, in the flows of the New River 2.5 miles downstream of Clark Crossing. The slight rise in the water temperature in the Beech Drain will not significantly affect the New River because the river flows are large (113,000 acre-feet per year) in comparison to the modified drain flows (5,000 to 8,600 acre-feet per year).

The salinity of the Beech Drain flows as modified by blowdown discharge will be 4,000 ppm or less. Although this level is less than the New River salinity, which averages about 5,000 ppm near the point of the Beech Drain discharge, the Drain's local salinity-lowering effect on the New River might be slightly reduced. Furthermore, the irrigation canal water would add some 7,500 tons per year to the New River and the Salton Sea during the demonstration period. This effect will cease when drainage water is used for cooling.

When the Project uses the New River as its water source, the withdrawal of 6,000 acre-feet per year at the Clark Crossing will deplete the average river flow by about 5 percent. Downstream, the flow reduction near the Salton Sea outlet will be less than 2 percent. These flow reductions are not significant. The withdrawal of water from the Clark Road Crossing will insignificantly reduce (20 ppm) salinity of the New River near the Salton Sea. Injection or evaporative disposal of blowdown water containing about 44,000 tons of salts per year will reduce by this amount the salts in the New River and the Salton Sea.

D. Salton Sea

The discharge of blowdown to Beech Drain will add about 7,500 tons of salt per year to the Salton Sea. This is insignificant compared to the present annual inflow of salts. Blowdown injection could mitigate this effect. The problem will cease when drainage water is used in the cooling system.

The Project's 6,000 acre-foot per year reduction of New River inflow to the Salton Sea will tend to slightly reduce the rise of the Sea's water levels and the damage caused by the rise. On the other hand, diversion of the cooling water supply from the New River and injection or evaporation of the blowdown will result in a net reduction of the River's dilution effect on the Salton Sea. Although the inflow of salt would be reduced by 44,000 tons per year, the removal and evaporation of New River water will cause the Salton Sea salinity to reach levels that will damage the sport fishery (40,000 ppm) about 3 months earlier than it would without the Project. The damaging levels might be reached 4 months earlier if cooling water is taken from an agricultural drain where water salinity is lower and the corresponding dilution effect is greater. The increase of salinity in the Sea is apparently inevitable, however, the California Water Resources Control Board found this rise to be a pre-existing condition and did not require any mitigating measures for the proposed diversion.

E. Groundwater

The Project is not expected to have any significant effects on the quantity or quality of the hot groundwater brine resource that fuels the Project. After its heat is extracted, this groundwater will be returned to the same general depths (2,000 to 6,000 feet) from which it is pumped.

The Project should also have no significant impact on the shallower zone of groundwater that lies between the ground surface and a depth of 2,000 feet. None of this groundwater will be used by the Project. Pipelines for transport of the hot, highly saline geothermal brines will be laid in concrete-lined ditches. Any leakage will be carried in the ditches to collection pumps where the water will be collected and taken to a disposal site. This should prevent any seepage of brine into the groundwater under the Project site.

The production and injection wells will be sealed in the zone between the ground surface and a depth of 2,000 feet so that there will be no leakage from the wells to the shallower groundwater zones. Relatively impervious layers of materials at depths of 500 feet or more would prevent the more saline waters from moving upward from the deeper to the shallower zones. The injection process would maintain fluid pressures in the geothermal production zones at their present levels.

F. Cultivated Lands

Wind-drift of saline water droplets from the cooling towers (20 acre-feet per year) will deposit about 554 tons of salts per year on the irrigated lands adjoining the Project site. This is less than 0.9 ton per acre or less than 20 percent of the salts that irrigation normally applies to the land each year.

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federal register

Friday
July 25, 1980

Part VIII

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Floodplain Management and Wetlands Protection; Final Procedures

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Chapter VII

Floodplain Management and Wetlands Protection; Final Procedures

AGENCY: Office of Surface Mining Reclamation and Enforcement, Department of the Interior.

ACTION: General statement of policy.

SUMMARY: This is a general statement of policy to inform the public of the procedures the Office of Surface Mining (OSM) has followed and will follow in implementing Executive Order 11988, Floodplain Managment (May 24, 1977) and Executive Order 11990, Protection of Wetlands (May 24, 1977). This notice provides the Office of Surface Mining's final procedures for complying with Executive Order 11988, and Executive Order 11990. These procedures are published pursuant to the Department's final procedures published in the Federal Register on June 20, 1979. See 44 FR 36119.

DATES: These procedures are effective on August 25, 1980, subject to review and evaluation of comments as noted below. Comments to these procedures must be submitted by the close of business at the address listed below by August 14, 1980.

ADDRESS: Written comments must be mailed or hand-delivered to: John David Parsons, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240. Telephone (202) 343–5261. All comments will be available for inspection in the Administrative Record Office, Room 153, South Interior Building.

FOR FURTHER INFORMATION CONTACT: David R. Maneval, Assistant Director, Technical Services and Research, Office of Surface Mining Reclamation and Enforcement; (202) 343–4264.

SUPPLEMENTARY INFORMATION:

Comments

These procedures constitute a General Statement of Policy as defined at 43 CFR 14.5(c). The Administrative Procedure Act, 5 U.S.C. 551 *et seq.*, does not require public participation in the development of General Statements of Policy. OSM believes that providing opportunity for the public to submit written comments on these procedures would, however, be beneficial. If comments indicate substantial deficiencies or oversights in these procedures, appropriate revisions will be made and the effective date as indicated above postponed to give effect to any revisions; otherwise, the procedures become effective when indicated.

Background

A. These Executive Orders were issued on May 24, 1977. The Office of Surface Mining Reclamation and Enforcement issued its permanent regulations on March 13, 1979. See 44 FR 14901 *et seq.* The permanent regulations complied with the intent and objectives of the Orders, which were incorporated by general reference. An Environmental Impact Statement had been previously issued evaluating foreseeable environmental impacts of OSM's permanent program and discussing the alternatives considered. See OSM EIS–1, filed with the Environmental Protection Agency on January 29, 1979. The Department of the Interior (DOI) published Final Procedures in the **Federal Register** on June 20, 1979, to comply with the Orders. These Procedures require DOI agencies and bureaus to prepare or update their own procedures. Although OSM's permanent program is responsive to the requirements of the Orders, OSM now issues this General Statement of Policy to clarify its compliance with both the Orders and DOI's procedures, and to enhance public understanding of OSM's existing procedural provisions for the protection of floodplains and wetlands.

B. The Orders direct Federal agencies that deal with Federal lands and conduct Federal programs affecting land use to avoid, to the extend possible, all actions associated with modification or destruction of floodplains and wetlands, or that may increase the risk of loss of life and property resulting from flood and storm damage. Provisions of the Orders create the basis for floodplain and wetlands protection, continued public awareness, and technical review of projects affecting ecological balance, environmental quality, and public safety where floodplain and wetlands construction cannot be avoided. Emergency activities are exempted from the specific requirements of the Orders.

Statement of Program Approach

A. The objectives of OSM's programs are to fulfill the purposes of Section 102 of the Surface Mining Act (30 U.S.C. 1202) in a manner which is consistent with the language of the Act, its legislative history, other applicable laws and judicial interpretations. The OSM program policy is and has been to:

1. Exercise leadership and take action to avoid, to the extent possible, the long- and short-term adverse impacts associated with the occupancy and modification of wetlands and floodplains;
2. Avoid the direct and indirect support of wetland or floodplain development whenever there is a practicable alternative;
3. Reduce the risk of flood loss and minimize the impacts of floods on human health, safety and welfare;
4. Restore and preserve the natural and beneficial values served by floodplains and wetlands;
5. Develop an integrated process to involve the public in the floodplain management decisionmaking process; and
6. As a part of the State surface mining and abandoned mine reclamation programs review process, urge States to exercise leadership and take action to avoid to the extent possible, the long- and short-term adverse impacts associated with the occupancy and modification of floodplains and wetlands.

B. OSM's program contains several elements that are relevant to the Orders' required planning approach.

1. *Secretarial approval of surface coal mining operations on Federal lands and under a Federal program.* Section 523(c) of the Surface Mining Act (30 U.S.C. 1273(c)) provides that the Secretary of the Interior may not delegate to the States "his duty to approve mining plans on Federal lands. . . ." Secretarial approval of mining operations on Federal lands currently takes place pursuant to 30 CFR Part 211. OSM's permanent regulatory program on Federal lands (30 CFR Chapter VII, Subchapter D) will become effective upon the date of approval of a State program or implementation of a Federal program for a State. See 44 F.R. 77440–47, December 31, 1979. States with approved programs may elect to enter into a cooperative agreement with the Secretary of the Interior to provide for State regulation of surface coal mining operations on Federal lands within that State. See 30 U.S.C. 1273(c).

OSM currently complies with the Orders and Departmental procedures in its review of mine plans under 30 CFR Part 211. In the future, compliance will occur pursuant to the permanent regulatory program on Federal lands.

The Department is currently working with several States to enter into cooperative agreements for State regulation of mining operations on Federal lands. The method and responsibility for compliance with the Orders and Departmental procedures will be discussed in each such cooperative agreement. Pursuant to 30

CFR 745(c), all proposed cooperative agreements will be published in the **Federal Register** for public comment.

Numerous opportunities for public participation in the mine plan decision process are also provided in OSM's regulations and in regulations implementing the National Environmental Policy Act.

The mine plan review process for mining operations on Federal lands provides a particularly effective administrative mechanism for the avoidance of direct and indirect support of floodplain and wetlands development. In mine plan review, the operator must demonstrate compliance with the applicable laws and regulations. Alternative actions are identified as part of the National Environmental Policy Act process, and stipulations may be attached to surface coal mining and reclamation permits. The Act and its regulations require operators to:

a. Use minimum grading.

b. Return the site to natural or approximate original contours.

c. Preserve free natural drainage to the extent possible when designing and constructing roads and fills or conducting surface mining operations.

d. Control point and nonpoint discharges.

e. Control methods used for grading, filling, soil removal and replacement, spoil disposal, etc., to minimize erosion and sedimentation.

f. Prohibit the location of spoil and other potential pathogenic and toxic sources on the floodplain and in wetlands.

g. Design construction projects for runoff detention.

h. Identify and protect wildlife habitat and other vital ecologically sensitive areas from disruption.

i. Require topsoil protection and replacement.

j. Locate and preserve from harm historical and cultural resources.

k. Minimize any alteration in natural drainage and flood flow.

l. Limit the use of exotic plant species to those organisms already common to the area or those known not to compete unfavorably with existing populations.

m. Include fire management and control in any overall management plans.

n. Require erosion control plans on reclaimed lands, haulage roads, etc.

Furthermore, by stipulation, OSM may require operators to maintain wetland and floodplain vegetation buffers to reduce sedimentation and delivery of toxic pollutants to the water body.

2. *The planning program to designate areas unsuitable for mining* is mandated by Sections 522(a), (b), and (c) of the Surface Mining Act. As implemented in OSM's permanent regulations, the program provides the mechanism by which wetlands and floodplains may be designated as unsuitable for mining. See 30 CFR Parts 762, 764, and 769. Early public participation in the designation process is required. Any person having an interest which is or may be adversely affected may petition for the designation of Federal (30 CFR Part 769) or non-Federal (30 CFR Part 764) lands as unsuitable for all or certain types of surface coal mining operations. Thus, the effects of surface mining operations on floodplains and wetlands will be addressed through these initiatives.

3. *The abandoned mine land reclamation program* has been established for the reclamation of previously mined and inadequately reclaimed land. OSM has previously published final guidelines to be considered by the administering agency in using monies from this fund to reclaim and restore land and water resources adversely affected by past mining. See 45 FR 14810–19, March 6, 1980, and accompanying final environmental impact statement, OSM–EIS–2. These guidelines specifically require consideration of the requirements of the floodplains and wetlands Orders.

4. *Federal Programs.* The Secretary of the Interior must implement a Federal program in a State when that State fails to submit a State program, fails to submit an acceptable State program within 60 days of final disapproval of a proposed program, or fails to implement, enforce or maintain its approved State program.

In such States, OSM will constitute the regulatory authority for the regulation and control of coal exploration and surface coal mining and reclamation operations on all lands (except Indian lands) in that State until the Federal program is terminated. OSM's Federal program regulations recognize the obligation to comply with the Orders. See 30 CFR 736.22(a)(2).

C. OSM's program functions as described above provide for:

1. Development of an integrated regulatory process to involve the public in the floodplain and wetlands development decision making process;

2. Utilization of the principles of the *Unified National Program for Floodplain Management;*

3. A systematic review of existing procedures to involve protection and restoration of values and a sound policy to apply floodplain and wetlands principles in all stages of planning, implementation, monitoring and evaluation of office activities;

4. Avoidance of long- and short-term adverse impacts associated with the occupancy and modification of floodplains and wetlands;

5. Restoration and preservation of the natural environment, including floodplain and wetland values;

6. Minimization of flood losses and impacts;

7. Technical consultation with the U.S. Water Resources Council, Council on Environmental Quality, Federal Emergency Management Agency, Environmental Protection Agency, Fish and Wildlife Service, Corps of Engineers, and other institutions with expertise in the natural and beneficial values of floodplains and wetlands;

8. Assurance that planning programs and budget requests reflect consideration of natural and beneficial values of floodplains and wetlands.

Guidelines for Future Action

A. Future implementation of the floodplains and wetlands orders shall be primarily effected in OSM's actions to comply with NEPA. For ease and economy of documentation, the Orders' requirements will be included in the NEPA compliance documents for each such action. Review and evaluation procedures are to be augmented by a planning program in which all OSM actions, even those that do not result in a physical change, are evaluated for their impacts to or with floodplains and wetlands, as described in the Orders.

B. Where OSM's guidelines or regulations do not provide public notice, OSM will prepare such notices. These shall be issued in conformance with the following guidelines:

1. The Regional Director shall identify whether a proposed action is located in or may impact a floodplain or wetland.

2. If a determination is made that a floodplain or wetland may be impacted, the Regional Director shall make public in the affected and adjacent areas the intention to locate, approve or fund a proposed action having a potential impact on a floodplain or wetland. This notice must provide a description of the proposed action with 30 days allowed for meaningful input from the public to help define possible impacts, means to minimize impacts, and possible alternative actions. Public input shall include written comments as well as a public hearing.

3. For the proposed action, the Regional Director must identify if the action has impacts in the floodplain or wetland or directly or indirectly supports floodplain or wetland development that has additional impacts. If the proposed action is outside the floodplain or wetland

development that has additional impacts, and other statutory and regulatory requirements are met, then action can be approved and implemented, following procedures outlined in Step (6) below.

4. If the proposed action has identifiable impacts or indirectly supports floodplain or wetland development that has additional impacts, these effects must be minimized.

5. If the effects of the proposed action cannot be minimized, proposed alternatives can be evaluated to determine if they are practicable at a floodplain or wetland site in light of the exposure to flood risk and ensuing disruption of floodplain and wetland values.

6. The decision, whether rendered by Regional Directors or other authorized OSM personnel, shall be accompanied by written findings of fact. The findings of fact are to be integrated into existing procedures, notices, and documents.

7. Section 1.6C of the Department's final procedures provides that heads of bureaus and offices within the Department must be the responsible official for statements of findings. See 44 FR 36121, June 20, 1979. Accordingly, any NEPA document or other statement of finding which is prepared pursuant to these procedures shall be forwarded to the Director for his or her approval.

Statements of Significance And Environmental Impact

The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14. The Department of the Interior has determined that the significant impacts of the proposed permanent program regulation on the quality of the human environment have previously been identified in the final environmental statement on the permanent program (OSM–EIS–1) made available on January 29, 1979. In addition, the impacts of and alternatives to the abandoned mine land reclamation guidelines were considered in OSM–EIS–2, March 1980. Accordingly, no environmental impact statement on this notice will be prepared. The documents supporting the determinations of significance and of environmental impact are available for inspection in the administrative record for this rulemaking.

Dated: July 17, 1980.

William L. Kendig,

Deputy Assistant Secretary, Policy, Budget and Administration.

[FR Doc. 80–22398 Filed 7–24–80: 8:45 am]

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federal register

Friday
July 25, 1980

Part IX

Environmental Protection Agency

Revised Motor Vehicle Exhaust Emission Standards for Carbon Monoxide (CO) for 1981 Model Year Light-Duty Vehicles and Decision Regarding Applications for Waiver of Effective Date

ENVIRONMENTAL PROTECTION AGENCY

Environmental Protection Agency

40 CFR Part 86

[FRL 1538-5]

Revised Motor Vehicle Exhaust Emission Standards for Carbon Monoxide (CO) for 1981 Model Year Light-Duty Vehicles

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This regulation establishes CO emission standards for 1981 model year light-duty vehicles belonging to certain engine families for which I have granted waivers from the standard otherwise applicable under section 202(b)(5) of the Clean Air Act, 42 U.S.C. § 7521(b)(5).

EFFECTIVE DATE: July 25, 1980.

FOR FURTHER INFORMATION CONTACT: Alex Varela, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 472-9413.

PUBLIC DOCKET: Information relevant to this rule is contained in Public Docket EN-80-9 at the Central Docket Section of the Environmental Protection Agency (EPA), Gallery I, 401 M Street, SW., Washington, D.C. 20460 and is available for review between the hours of 8:00 a.m. and 4:00 p.m. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

SUPPLEMENTARY INFORMATION: Section 202(b)(1)(A) of the Clean Air Act ("the Act"), 42 U.S.C. § 7521(b)(1)(A), requires that regulations applicable to CO emissions from light-duty vehicles or engines manufactured during or after the 1981 model year shall contain, unless waived pursuant to section 202(b)(5), 42 U.S.C. § 7521(b)(5), standards which require a reduction of at least 90 percent from CO emission levels allowable under the 1970 model year standards. Regulations implementing this requirement have established a CO standard, often referred to as the statutory standard for CO, of 3.4 grams per vehicle mile (gpm).

Section 202(b)(5) of the Act authorizes the Administrator, on application of any manufacturer, to waive the statutory CO standard for the 1981 and 1982 model years for any light-duty vehicle model for which the Administrator can make certain findings. In these cases, the Act requires that I promulgate substitute CO standards for 1981 and 1982 model year light-duty vehicles as discussed below. Applications for waivers considered here were submitted by General Motors Corporation (GM). The statutory criteria for the granting of such waivers, my determinations regarding the criteria with respect to the vehicle models covered by the waiver applications, and my decision to grant or deny the waiver applications, appear in the consolidated decision along with this rule and published elsewhere in this issue of the **Federal Register.** In that consolidated decision, I granted a waiver covering the following vehicle model (engine family for purposes of that decision) for the 1981 model year only:

Manufacturer	Engine family
General Motors Corporation	1.6 liter/2 venturi.

Once I have decided to grant a waiver application for any 1981 model year vehicle model, the Act requires that I simultaneously promulgate regulations adopting emission standards not permitting CO emissions from 1981 model year vehicles of this GM model to exceed 7.0 gpm. Moreover, the Act further requires that I promulgate regulations establishing these standards no later than 60 days after I receive the waiver application in question. This rule becomes effective immediately upon publication to avoid the possibility of forcing General Motors to delay introducing this 1981 model year vehicle model into commerce because it must wait to receive certification of this model under a 7.0 gpm CO standard.

The public has been afforded an opportunity to comment on the waiver applications at issue, and I have considered those comments in making the consolidated decision which requires the promulgation of this amended rule. For these reasons, I find that providing notice and an opportunity to comment before final promulgation of any of the amendments contained in this rulemaking is impracticable and unnecessary.

Note.—The Environmental Protection Agency has determined that this document does not contain a major proposal requiring preparation of a regulatory analysis under Executive Orders 11821 and 12044 and OMB Circular A-107.

In addition, because the decision accompanying this rulemaking already is based on a detailed analysis indicating that this rulemaking will have a negligible effect on air quality, the Environmental Protection Agency has not prepared an Environmental Impact Statement to accompany this rulemaking as well.

Dated: July 15, 1980.

Douglas M. Costle,

Administrator.

40 CFR 86.081-8(a)(1) is revised to read as follows:

§ 86.081-8 Emissions standards for 1981 light-duty vehicles.

(a)(1) * * *

(i) * * *

(ii) Carbon monoxide—3.4 grams per vehicle mile (2.11 grams per vehicle kilometer), except that carbon monoxide emissions from light-duty vehicles of the following 1981 model year engine families shall not exceed 7.0 grams per vehicle mile (4.35 grams per vehicle kilometer):

Manufacturer	Engine family
American Motors Corporation	151 CID.
	258 CID.
BL Cars, Ltd.	215 CID.
	326 CID.
Chrysler Corporation	1.7 liter.
	2.2 liter.
	2.6 liter.
	3.7 liter.
	5.2 liter/2V.
	5.2 liter/4V.
Ford Motor Company	1.3 liter.
	1.6 liter/2V overhead camshaft.
General Motors Corporation	1.6 liter/2V.
	2.8 liter/173 CID-2V.
	3.8 liter/231 CID-2V.
	3.8 liter/231 CID-4V turbocharged.
Lotus Cars, Ltd.	2.0 liter.
Toyo Kogyo Co., Ltd.	91 CID.
	120 CID.
Toyota Motor Company, Ltd.	88.6 CID.

* * * * *

(Section 202 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. § 7521 and § 7501(a))

[FR Doc. 80-22420 Filed 7-24-80; 8:45 am]

BILLING CODE 6560-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1538-6]

Applications for Waiver of Effective Date of 1981 Model Year Carbon Monoxide Emission Standard for Light-Duty Motor Vehicles—Seventh Consolidated Decision of the Administrator

I. Introduction

This is the seventh consolidated decision I have issued under section 202(b)(5) of the Clean Air Act, as amended (Act), 42 U.S.C. 7521(b)(5), regarding applications from automobile manufacturers for waiver of the 3.4 grams per vehicle mile (gpm) carbon monoxide (CO) emission standard scheduled to apply to 1981 and 1982 model year light-duty motor vehicles and engines.[1]

As the introductions to the previous consolidated decisions explain, section 202(b)(1)(A) of the amended Act establishes a schedule for implementing standards applicable to CO emissions for 1977 and later model year light-duty motor vehicles and engines.[2] The 1977 amendments to the Act, however, included a new provision allowing the Administrator of the Environmental Protection Agency (EPA), under certain limited conditions, to delay for up to two model years implementation of the statutory 3.4 gpm CO standard scheduled to take effect for the 1981 model year.[3] However, these amendments require the Administrator to promulgate standards for vehicles granted waiver applications which do not permit CO emissions over 7.0 gpm.[4]

In response to waiver applications received prior to these under consideration, EPA held five sets of public hearings and issued six consolidated decisions pursuant to section 202(b)(5)(A).[5] In those decisions, I denied waivers for certain engine families either because I determined that effective control technology [6] was available contrary to the requirement of section 202(b)(5)(C)(iii) of the Act or because the applicant failed to provide sufficient information to establish that effective control technology was not available. Furthermore, the applicants failed to establish that considerations of costs, driveability, or fuel economy gave me a basis for reaching a different conclusion. I granted the wavier applications covering the remaining engine families after determining for each of those families that the requisite technology was not available, considering costs, driveability, and fuel economy, and that each application met all of the remaining statutory criteria for receiving a waiver.

Between March 31 and May 5, 1980, EPA received waiver applications from GM and Ford.[7] Specifically, Ford submitted a new application, while GM requested waivers for two engine families denied waivers in the first consolidated decision.[8] EPA held hearings on these pending applications on May 8, 1980.[9]

This decision will address the waiver requests from GM on the basis of previously offered and recently provided information from this manufacturer and from other sources.[10] I will announce my decision regarding Ford's waiver request in a separate opinion to be issued shortly.

II. Summary of Decision

I am granting GM's waiver request for its 1.6 liter (L)/2 venturi (V) engine family for only the 1981 model year. I am denying GM's waiver requests for the 1.6L engine family for the 1982 model year and for its 6.0L/modulated displacement (MD) engine family for the 1981 model year. As with previous waiver decisions, I have based my determinations primarily upon whether the applicant established that effective emissions control technology, considering costs, driveability and fuel economy, is not available to enable the engine family in question to meet the 3.4 gpm statutory CO standard for the model years covered b the waiver applications at issue.

I have concluded that the waiver application covering the GM 1.6L engine family meets each of the statutory criteria for receiving a waiver for the 1981 model year. I am therefore prescribing an interim CO emission standard of 7.0 gpm for the 1981 model year for this engine family.

GM failed to establish that effective emissions control technology is unavailable to enable vehicles scheduled to emply its 6.0/LMD engine family to meet the statutory CO standard for the 1981 model year. Instead, the information in the record at this time indicates that technology capable of meeting the 3.4 gpm CO emission standard is available for vehicles scheduled to use these engine families. In addition, the information in the record indicates that effective control technology is available for GM's 1.6L engine family for the 1982 model year.

Considerations of costs, driveability, or fuel economy, whether viewed separately or cumulatively, do not give me a basis for altering my determinations regarding the availability of technology for these engine families.

While these engine families may meet some, or all, of the remaining statutory

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[1] The preceding decisions were published as follows: 44 FR 53376 (September 13, 1979); 44 FR 69417 (December 3, 1979); 45 FR 7122 (January 31, 1980); 45 FR 17914 (March 19, 1980); 45 FR 37360 (June 2, 1980); 45 FR 40030 (June 12, 1980).

[2] Regulations were promulgated on August 24, 1978, setting a CO standard of 3.4 gpm for 1981 and later model year vehicles. 40 CFR 86.081-8(a)(1)(ii). This standard represents at least a 90 percent reduction in CO emissions from the CO standard applicable to 1970 model year vehicles.

[3] Section 202(b)(5)(C) of the Act provides, in part: The Administrator may grant such waiver if he finds that protection of the public health does not require attainment of such 90 percent reduction for carbon monoxide for the model years to which such waiver applies in the case of such vehicles and engines and if he determines that—

(i) such waiver is essential to the public interest or the public health and welfare of the United States;

(ii) all good faith efforts have been made to meet the standards established by this subsection;

(iii) the applicant has established that effective control technology, processes, operating methods, or other alternatives are not available or have not been available with respect to the model in question for a sufficient period of time to achieve compliance prior to the effective date of such standards, taking into consideration costs, driveability, and fuel economy; and

(iv) studies and investigations of the National Academy of Sciences conducted pursuant to subsection (c) and other information available to him has not indicated that technology, processes, or other alternatives are available (within the meaning of clause (iii)) to meet such standards.

[4] As noted in previous decisions, Section 202(b)(5) of the Act requires that I make a separate assessment for each vehicle model covered by a waiver request. See, e.g., 44 FR 53376 (September 13, 1979), 44 FR 69416 (December 3, 1979), 45 FR 7122 (January 31, 1980). Thus, these earlier consolidated decisions generally have included separate decisions for individual engine families. As in the previous decisions, I have distinguished among engine families primarily on the basis of engine displacement. See note 17, second consolidated decision, 44 FR 69416, 69418 (December 3, 1979).

[5] EPA has included testimony received at these five hearings, as well as all other information considered in deciding these five groups of waiver applications, in EPA Public Dockets EN-79-4, EN-79-17, EN-79-19 (for the third and fourth decisions) and NE-80-1 (for the fifth and sixth decisions, respectively).

[6] As was the case in the earlier consolidated decisions, I am using the term "technology" in this decision to encompass the statutory language "technology, processes, operating methods, and other alternatives" included as part of section 202(b)(5)(C)(iii) of the Act.

[7] Respectively, General Motors Corporation and Ford Motor Company.

[8] 44 FR 53376 (September 13, 1979).

[9] The transcript from this hearing is located in EPA Public Docket EN-80-9. This decision uses the following abbreviations: GM 1.6 Reapp.—GM Application for CO Waivers dated April 14, 1980 for its 1.6L engine family. GM 6.0 Reapp.—GM Application for CO Waivers dated March 31, 1980 for its 6.0L/MD engine family.

[10] See the discussion on my considerations of other sources of information in the previous waiver decisions, e.g., section III(B)(1)(C), 44 FR 69416, 69422 (December 3, 1979).

criteria for receiving waivers, my determinations regarding available technology, considering costs, driveability, and fuel economy, preclude me from granting waivers covering these engine families for the model years which I have specified. The 3.4 gpm CO statutory standard will therefore remain in effect for the GM 6.0L/MD engine family for the 1981 model year, and for the GM 1.6L engine family for the 1982 model year.

III. Discussion

A. *Availability of Technology.* The decisions I have made here on whether to grant or deny requested waivers turn primarily on whether technology is available to enable an engine family covered by one of these waiver applications to meet the 3.4 gpm CO standard in the 1981 and 1982 model years. Section 202(b)(5)(C)(iii) of the Act expressly assigns an applicant the task of establishing that effective CO control technology is not available, taking into consideration costs, driveability, and fuel economy. Even if the Administrator determines that an applicant has met this burden, section 202(b)(5)(C)(iv) requires the Administrator to consider whether National Academy of Sciences (NAS) studies or other information indicate that technology is available considering costs, driveability, and fuel economy, before granting a waiver request.

As was the case in the previous consolidated CO waiver decisions, this consolidated decision relies on information contained in the waiver applications and other information found in the public docket.[11]

Appendix A applies a "modified" Monte Carlo statistical simulation technique to extended mileage certification emission data from the applicants' certification "durability" vehicles. This "modified" Monte Carlo statistical simulation technique is similar to the "standard" Monte Carlo technique used here and in previous suspension and waiver decisions and identical to that used in my fifth and sixth consolidated decisions to project the likelihood that a given engine family will be capable of certifying to applicable emission standards.[12]

The "standard" Monte Carlo technique includes consideration of certain variabilities in projecting the likelihood of successful certification on the basis of emissions data for pre-production development vehicles.[13] Because data from actual certification test vehicles are now available for the 1981 model year engine families, certain terms which in previous decisions had been incorporated in the "standard" Monte Carlo simulation to account for variabilities in emissions performance are no longer relevant.[14] EPA has therefore modified the Monte Carlo simulation technique used in the first three consolidated CO decisions by eliminating those variabilities which are no longer applicable when evaluating actual certification data.[15]

As part of my assessment of technology, I have considered the results of NAS studies and investigations [16] conducted under section 202(c) of the Act regarding available technology, processes, or other alternatives. The findings of the available NAS studies do not contradict my assessment regarding the availability of technology for these engine families.[17]

To support contentions that effective control technology is not available, GM has provided both descriptions of the systems it has been considering in trying to attain the 3.4 gpm CO emission standard and the results of emission tests performed on vehicles for the purpose of receiving certification for the 1980 and 1981 model years. I have reviewed this information, as well as other information available to me, in reaching my decisions regarding availability of the requisite technology, considering cost, driveability and fuel economy.

GM requested reconsideration of my earlier decision denying its application for CO waivers for the 1.6L and 6.0L modulated displacement (MD) engine families for the 1981 and 1982 model years. I denied GM's previous waiver requests because I determined that GM failed to provide information sufficient to establish that effective technology was not available for the 6.0L/MD, and that, based on emission data from development vehicles provided on the 1.6L engine family, GM failed to establish that effective technology was not available for its 1.6L engine family.[18]

On March 31 and April 14, 1980, GM reapplied for waivers of the 3.4 gpm CO standard for, respectively, the 6.0L/MD engine family for the 1981 model year and the 1.6L engine family for the 1981 and 1982 model years. As part of its reapplications, GM submitted additional, newly available emission test data and further technical information. GM asserted generally that this information now establishes that technology is unavailable at this time to enable these engine families to meet a 3.4 gpm CO standard.

Specifically, GM stated that it is unable to incorporate emission control technology that would enable the 6.0L/MD engine family to meet the 3.4 gpm CO standard because of problems in controlling the air/fuel mixture and emissions control calibrations during transition stages when the engine is switching cylinder operating modes and because of catalyst deterioration.[19] GM also claims that it is unable to duplicate in EPA extended mileage certification testing the emission control performance capablity exhibited by earlier development vehicles of the 1.6L engine family.[20]

After reviewing the new information in GM's submission, I have determined that GM has established that effective emission control technology, considering costs, driveability, and fuel economy, is not available to enable its 1.6L engine family to meet the 3.4 gpm CO standard for the 1981 model year. However, I have also determined that effective emission control technology is available to enable the 6.0L/MD engine family to meet the 3.4 gpm CO emission standard in the 1981 model year and to enable the 1.6L engine family to meet that standard in the 1982 model year.[21]

1. *1.6L Engine Family.* I have determined that GM has established that effective emissions control technology is not yet available to enable it to produce vehicles using the 1.6L

[11] Much of this information was gathered for and included in the dockets for the previous consolidated CO waiver decisions. See EPA Public Dockets EN-79-4, EN-79-17, EN-79-19 and EN-80-1. Those dockets have been incorporated by reference into the docket for this seventh consolidated decision, EPA Public Docket EN-80-9.

[12] 45 FR 37360 (June 2, 1980). 45 FR 40030 (June 12, 1980).

[13] See, e.g., notes 21-23, 45 FR 37360 (June 2, 1980).

[14] App. A, Section III.

[15] See, e.g., 45 FR 37360, 37361-37362, 37365-37366 (June 2, 1980).

[16] Report by the Committee on Motor Vehicle Emissions of the National Academy of Sciences, dated November 1974, and Report by the National Research Council's CO Control Assessment Panel, dated June 1980. See also discussions of the applicability of NAS studies in previous CO waiver decisions, e.g., 44 FR at 53376, 53386 (September 13, 1979) and 44 FR at 69416, 69423 (December 3, 1979).

[17] See, e.g., 44 FR 53376, 53386 (September 13, 1979), 44 FR 69416, 69428 (December 3, 1979). I have had a limited opportunity to study the latest NAS report issued in June 1980. However, I find that the conclusions reached in this report give me no reason to alter my findings regarding the availability of technology as required under sections 202(b)(5)(C)(iii) and 202(b)(5)(C)(iv) of the Act. The report states that the requisite technology is available for much of the industry's planned production for the 1981 model year, but confirms that this might not be the case for all engine families. This conclusion is consistent with the determinations regarding available technology which I have reached in my waiver decisions to date and is consistent with the previous NAS report.

[18] 44 FR 53376 (September 13, 1979).

[19] GM 6.0 Reapp., section V.

[20] Id. See also May 8, 1980 Transcript, pp. 12-14. 44 FR 53376 (Septembe 13, 1979).

[21] App. A, sections V, IX.

engine family which are capable of meeting the 3.4 gpm CO emission standard for the 1981 model year.[22] GM has conducted durability certification testing on several prototype durability test vehicles, but none of those vehicles have demonstrated, through complete durability testing or according to the modified Monte Carlo analysis, that the technology which any of them uses can meet the 3.4 gpm CO standard.[23]

Certification Vehicle Number 1109, according to EPA's technical analysis, now represents GM's most promising emissions control technology currently undergoing certification testing for its 1.6L engine family. However, Appendix A's modified Monte Carlo analysis indicates that this configuration of the 1.6L engine family is not capable of certification at the 3.4 gpm CO standard.[24] I have also determined that GM does not have adequate lead time to develop and implement other technological alternatives for this engine family for the 1981 model year.[25]

My first consolidated decision [26] projected on the basis of emission data from precertification development vehicles that GM would be able to certify its 1.6L engine family under a 3.4 gpm CO standard and, therefore, that effective emission control technology would be available to enable this engine family to meet the 3.4 gpm CO standard. GM has demonstrated, however, that the precertification development vehicles evaluated in my first decision may not have fully represented the ability of this engine family to certify in time for the 1981 model year, because certification durability vehicles employing similar emissions control technology were unable to duplicate the emissions control performance of the previous development vehicles.[27]

However, information in the record indicates that GM coud incorporate effective emissions control technology in time to permit the engine family meet the 3.4 gpm CO standard for the 1982 model year.[28] The technical analysis identifies several possible technological alternatives which GM could consider employing by the 1982 model year.[29] I have therefore determined that GM has failed to establish that effective emission control technology is unavailable to enable its 1.6L engine family to meet the 3.4 gpm CO emission standard by the 1982 model year.

Considerations of costs, driveability or fuel economy give me no basis for altering this determination. GM did not raise fuel economy or driveability as issues. Although GM predicted a possible small additional cost in meeting a 3.4 gpm CO standard, GM has not substantiated that this cost increment will be so significant as to preclude GM from being able to market its 1.6L engine family in the 1982 model year.[30]

2. *6.0L/MD Engine Family.* The technical analysis in Appendix A also applies the Modified Monte Carlo analysis to certification durability emissions data from GM's 6.0L/MD engine family certification test vehicles. Although several of these earlier durability certification vehicles produced test results which failed to demonstrate ability to meet the 3.4 gpm CO emissions standard, modified Monte Carlo analysis of a more recent certification durability vehicle, vehicle 1614, indicates that the emission control technology represented by this vehicle is capable of meeting the 3.4 gpm CO emission standard.[31]

The 6.0L/MD certification vehicle which is likely to certify under a 3.4 gpm CO standard has not yet completed durability certification testing. The lead time and certification timing considerations associated with meeting GM's schedule for marketing the 6.0L/MD engine family, however, are different from those of the 1.6L engine family. Significantly prior to this decision, GM had already completed durability testing that would meet certification requirements under a 7.0 gpm CO emission standard for the 1.6L engine family and give GM the calibrations it deems it needs to order production components for producing vehicles under a 7.0 gpm CO standard.[32] However, GM had not completed durability testing of any 6.0L/MD system that would meet certification requirements under a 7.0 gpm CO emission standard significantly earlier than GM is likely to complete that testing for a system capable of meeting a 3.4 gpm standard.[33]

Specifically, certification durability test vehicle 1615, targeted to a 7.0 gpm CO standard, is scheduled to complete durability testing in time for GM's deadline for ordering what it deems to be a properly calibrated electronic control unit to permit introduction of its 1981 model year 6.0L/MD engine family as scheduled.[34] However, certification durability vehicle 1614, projected by the modified Monte Carlo to meet a 3.4 gpm CO emission standard, is scheduled to complete durability testing shortly after GM's scheduled completion date for certification durability testing on vehicle 1615 and GM's scheduled "release date" for calibrations for the electronic control unit.[35] The delay beyond these dates which GM would experience in ascertaining the precise calibrations which it deems it needs for ordering electronic control units for its production vehicles does not translate into a significant delay in GM's scheduled date for beginning to market this engine family under a 3.4 gpm CO standard. Therefore, GM has not established that its lead-time considerations would preclude the availability of effective emissions control technology to enable the 6.0L/MD engine family to meet the 3.4 gpm CO emission standard in the 1981 model year.

GM did not establish costs, driveability, or fuel economy as issues affecting the availability of technology

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[22] App. A, section V.

[23] Although vehicle 1108 met the 3.4 gpm CO standard over extended mileage durability testing, the rate of deterioration in emissions control produced a "deterioration factor" which was too high to be practical for GM to employ in engineering and calibrating its production vehicles to meet Federal emission requirements. See 40 CFR § 86.079-28(a)(4) (explaning how to calculate and apply deterioration factors). Vehicle 1104 completed the 50,000 miles required for certification durability testing on June 3, 1980, at a CO emission level below 7.0 gpm. Therefore, GM has demonstrated that it does have technology available to meet a 7.0 gpm CO emission standard to enable it to market its 1981 production vehicles as scheduled.

[24] App. A, section V.

[25] App. A, sections V, IX.

[26] 44 FR 53376, 53383, 53395 (September 13, 1979).

[27] App. A, section V. Although GM contended the better emissions control performance of the 1.6L development vehicles was due to non-routine maintenance, the EPA technical staff rejected this explanation. Available evidence, however, supports the conclusion that GM has made a good faith effort to transfer the apparently effective technology used in development vehicles to its certification durability vehicles. See section III(D) of this decision.

[28] GM would not be likely to certify and incorporate any improved technology (such as the highly-loaded catalyst technology used in GM development vehicle Z-714A) into production vehicles until at least four months after the scheduled start of its 1981 model year production, because GM would have to complete EPA certification durability testing before it would have the information it believes it needs to develop and implement calibrations for its production vehicles. App. A, section IX.

[29] App. A, sections V, IX. See also section III(D) of this decision. In the case of a reapplication, an applicant could only establish that lead time precludes introduction of technology in the applicant's applicable model year where the applicant has also established its good faith efforts to develop and employ this technology.

[30] App. A, sections VI, VII, VIII. GM approximated the cost differences between vehicles targeted to meet the 3.4 gpm standard and those targeted to meet the 7.0 gpm standard at about $30-$40 a car. May 8, 1980 Transcript, p. 18. That cost difference may be somewhat higher if GM can meet the 3.4 gpm standard only by using more highly-loaded catalysts. App. A, section VI.

[31] App. A, section V.

[32] May 8, 1980 Transcript, pp. 19, 55. App. A, sections V, IX. See also, section III (A)(1)(b) of this decision.

[33] App. A, sections V, IX.

[34] App. A, sections V IX.

[35] App. A, sections V IX.

for this engine family because it did not demonstrate any differences between the 6.0L/MD system it would use to meet a 3.4 gpm standard compared to a configuration it would target to meet a 7.0 gpm standard.[36] I have determined, therefore, that considerations of cost, driveability and fuel economy do not give me a basis for altering my determination that GM has failed to establish that effective emissions control technology is unavailable to enable vehicles scheduled to use the 6.0L/MD engine family to meet the 3.4 gpm CO emission standard in the 1981 model year.

B. Protection of Public Health

Section 202(5)(C) of the Act requires that before I grant a waiver covering a given engine family, I must find that protection of the public health does not require attainment of a 3.4 gpm CO standard by the vehicles of the engine family receiving the waiver. Thus, I have examined this issue with respect to GM's 1.6L engine family for which I have determined that effective control technology, considering costs, driveability, and fuel economy, is not available in model year 1981. I have found as a result of this examination that any adverse health effects resulting from waiving the 3.4 standard for these 1981 model year engine families would be insignificant. The same statement is true regarding the combined health effects resulting from waiving the 3.4 standard for the 1981 model year for these engine families and for all the 1981 and 1982 model year engine families receiving waivers under the previous consolidated CO waiver decisions. As a result, protection of the public health does not require attainment of the 3.4 gpm CO standard for the GM 1.6L engine family, for which I have determined that effective control technology is not available for the 1981 model year.[37]

According to the express terms of the statute, there is no need for me to determine whether waiver applications covering engine families for which applicants failed to establish the unavailability of effective control technology (considering cost, driveability, and fuel economy) meet any of the remaining statutory criteria in order for me to deny these applications.[38] The Act requires me to deny waiver applications where an applicant has failed to meet any one of the criteria regardless of whether such applicant could meet the remaining criteria. Nevertheless, I will address these issues briefly in the course of discussing the remaining criteria in conjunction with those waiver applications as I did in the six previous waiver decisions.

While waiving the 1981 and 1982 statutory CO standards for any of the engine families here would not significantly affect the public health, noticeable increases in ambient CO levels could result from granting waivers industry-wide.[39] In light of the fact that industry-wide waivers would not be protective of the public health, it is reasonable to grant waivers covering only that portion of the industry consisting of those model year engine families for which I have determined that effective control technology, considering costs, driveability, and fuel economy, is not available (presuming these families also meet the remaining statutory criteria).[40]

C. Essential to the Public Interest or the Public Health and Welfare

Before I may grant a waiver request, section 202(b)(5)(C)(i) of the Act requires that I determine that granting the waiver is essential to the public interest or the public health and welfare.[41]

GM asserted that granting the waiver requests for its 1.6L engine family is essential to the public interest to ensure GM's ability to market these relatively fuel-efficient vehicles and to avoid severe economic and social costs which could result from the failure to market these vehicles if I denied GM's request.[42] I have determined that granting a one-year waiver to this engine family, for which I have determined that effective control technology is not available for GM's 1981 model year, is essential to the public interest. By granting this waiver, I will permit GM to market an engine family for which it otherwise would have faced a significant risk that it would not have been allowed to market. Granting waivers for this reason is essential to the public's interest in continuously maintaining a diversified and competitive automotive industry for the United States market.

I have determined that it is not essential to the public interest or to the public health and welfare to grant waivers to the GM 6.0L/MD engine family for the 1981 model year or to its 1.6L engine family for the 1982 model year because GM has failed to establish that the vehicles in question using either of these engine families are incapable of meeting a 3.4 gpm CO standard or are likely to incur significant costs (or driveability or fuel economy penalties) in meeting that standard for the model years in question. The public's interest in continuously maintaining a diversified and competitive automotive industry for the United States market is not adversely affected by my decision to deny waivers for engine families which manufacturers have adequate lead time to market without significant delay without waivers.[43]

GM also contended that it is in the public interest to allow it to market the specific technology (variable selection of operating cylinders) represented by the 6.0L/MD family. GM claims that marketing this engine family is essential to the public interest because the modulated displacement technology allows this engine to deliver the performance capabilities of a large engine while permitting some of the fuel economy characteristics of a smaller engine. GM stated that granting this waiver request would permit the additional accumulation of field experience with this technology if and when GM were to employ it in vehicles produced in the 1982 and following model years.[44] However, the Modified Monte Carlo analysis indicates that the GM 6.0L/MD engine family will be able to meet the 3.4 gpm CO emission standard, thereby enabling GM to certify and produce this engine family

[36] App. A, sections V, VII, VIII. The concerns which GM raised regarding the impact of the Federal gas guzzler tax on its ability to market this model if GM could not use the modulated displacement technology do not affect GM's ability to market this model with the modulated displacement technology. See, e.g. May 8, 1980 Transcript, pp. 83–85.

[37] See, e.g., discussion of ambient air quality effect, App. B, 44 FR 53376, 53402 534–7 (September 13, 1979) and 44 FR 69416, 69456–69462 (December 3, 1979). The engine families receiving waivers under my previous CO waiver decisions only constitute approximately 24% of the total projected 1981 model year light-duty vehicle sales in the United States.

[38] These remaining criteria are found in sections 202(b)(5)(C) of the Act. For discussion regarding these criteria in earlier waiver decisions, see, e.g., 44 FR 53378 (September 13, 1979); 44 FR 69416, 69420 (December 3, 1979); and 45 FR 7122, 7126 (January 31, 1980).

[39] GM has argued that granting a waiver to each of these engine families would have an insignificant impact on public health. For further discussion concerning these contentions, see the first decision, 44 FR 53376, 53381 and Appendix B at 44 FR 53402–53407 (September 13, 1979).

[40] See e.g. 44 FR 53376, 53382, 53386–53387 (September 13, 1980).

[41] See sections in previous decisions discussing public health and welfare effects of engine families denied waivers, 44 FR 53387, 44 FR 69429 (Sept. 13, 1979 and December 3, 1979).

[42] GM App., section II–A. May 8, 1980, Transcript, p. 21.

[43] GM has not substantiated any significant problems adversely affecting the public interest or the public health and welfare that would arise from a delay limited to several days in introducing its 6.0L/MD engine family which would alter my determination that granting a waiver for this engine family is not essential to the public interest.

[44] GM 6.0 Reapp., section III. May 8, 1980 Transcript, pp. 96–98. GM indicated that it has no current, definite plans to market vehicles with modulated displacement technology after the 1981 model year.

under the 3.4 gpm CO emission standard and gain the necessary field experience without a waiver.

D. *Good Faith*

In order for me to grant a waiver to any applicant, section 202(b)(5)(C)(ii) of the Act requires that I determine that the applicant in question has made all good faith efforts to meet the established emission standards. As a result, I have examined information regarding GM's previous and projected efforts toward meeting a 3.4 gpm CO emission standard for the engine families in question.

GM has submitted technical and other information to support the contention that it has acted in good faith in trying to meet the 3.4 gpm CO standard. In general, information in the record provides support for determining that GM has met the Act's good faith criterion in developing emission control technology to meet the 3.4 gpm CO standard.[45]

Because GM's certification vehicles failed to duplicate the emissions control capabilities demonstrated by GM's earlier development vehicles considered in my first consolidated decision, I considered GM's good faith development efforts to be crucial to its contentions regarding available technology. Had GM not made a good faith attempt to transfer apparently effective control technology represented by its earlier development vehicles to its initial certification vehicles [46] I could not have granted GM a waiver for this engine family.

In the absence of any evidence supporting a contrary conclusion, I am unable to determine other than that GM has met the good faith criterion with respect to the engine families under consideration in this decision.

E. *Risks in Determining Available Technology*

In *International Harvester Co. v. Ruckelshaus,*[47] the United States Court of Appeals for the District of Columbia Circuit reviewed the Administrator's decision to deny manufacturer's requests for a one-year suspension (from 1975 to 1976) of the effective date of the statutory hydrocarbon (HC) and CO standards mandated by the 1970 version of the Act. The Court stated, among other things, that the Administrator should have considered the risks associated with the possibility of erroneously granting those requests. The Court indicated that the Administrator should balance the economic costs (in terms of jobs and misallocated resources) or environmental costs possibly associated with an erroneous denial versus the possible environmental benefits lost through an erroneous grant.

I have considered explicitly the risks which denial of either waiver request poses to GM and to the public and have focused specifically on the risk arising from the possible slight delay in the scheduled 1981 model year marketing introduction of GM's 6.0L/MD engine family.[48] I have concluded that, although the impact on public health from granting either of these waivers for the model year in question may not be great, the severity of the adverse consequences which might arise from waiver denial would be slight.

Moreover, my findings that technology is available to enable an engine family to meet certification testing requirements are based on conservative projections.[49] The move from today's state of technology to the technology required to achieve the 3.4 gpm CO standard does not require any substantial shift to untried emission control methods. Furthermore, an incorrect determination here would have the potential to adversely affect the production of only one engine family, as opposed to the ability of the industry as a whole to produce cars for the public generally. In light of the minimal problems which these risks pose, and in light of Congress' expressed intent to afford a statutory waiver only in exceptional circumstances rather than on an across-the-board basis,[50] I have concluded that it is appropriate to deny waiver applications insofar as they cover engine families for which the manufacturer has failed to establish that effective control technology, considering costs, driveability, and fuel economy, is not available.

IV. Conclusion

The GM engine family for which I determined that effective CO control technology is not available for the 1981 model year is covered by a waiver application which meets each of the remaining criteria under section 202(b)(5)(C) of the Act. As a result, I am granting a waiver of the effective date of the 1981 statutory CO emission standard for the GM 1.6L engine family for the 1981 model year.

I have determined that for GM's 6.0L/MD engine family, effective control technology indeed is available to meet a 3.4 gpm CO standard by the 1981 model year, even after considering costs, driveability and fuel economy. For the GM 1.6L engine family, I have determined that GM has failed to establish that such technology, considering costs, driveability and fuel economy, is not available for this engine family in the 1982 model year. Thus, even though these waiver applications may meet one or more of the remaining criteria for receiving waivers, I nevertheless must deny the waiver applications covering the GM 6.0L/MD engine family for the 1981 model year and the GM 1.6L engine family for the 1982 model year.

V. Interim CO Exhaust Emission Standards

As required by section 202(b)(5)(A) of the Act, I am simultaneously promulgating regulations elsewhere in this issue of the **Federal Register** prescribing an interim CO emission standard of 7.0 gpm for 1981 model year vehicles for the engine family receiving a waiver. For this engine family, this action continues in effect for one additional year the CO emission standard applicable to all 1980 model year light-duty vehicles.

Dated: July 15, 1980.

Douglas M. Costle,

Administrator.

Appendix A—Summary of Technological Capability

Contents

I. Introduction
II. Summary of Technological Capability

[45] In the case of GM's 1.6L engine family, good faith development could be a significant issue were GM to reapply for a waiver for 1982. Should GM reapply for a waiver for this engine family for the 1982 model year, I would consider closely the development work GM had performed reqarding the technological improvements such as those indentified in Appendix A which GM could implement in the 1982 model year.

[46] Although there were some differences in catalyst loadings between some of the development vehicles and some of the certification durability vehicles, the certification durability vehicles generally represent the same technology as that employed by some successful development vehicles. See GM 1.6 Reapp., section IV. App. A, section V.

[47] 478 F. 2d 615 (D.C. Cir. 1973). For further discussion of this case, see the discussion in my first consolidated decision. 44 FR 53376, 53388 (September 13, 1979).

[48] See also my discussions in section III(A) and III(C) of this decision.

[49] See section III(A), supra. See also App. A, sections III, V. Although the Monte Carlo technique employed here differs slightly from that used in previous decisions, this "modified" Monte Carlo produces a more accurate projection of likelihood of successful certification while still maintaining conservative variabilities where necessary. See also, App. A, sections III, V.

[50] See also discussion of this issue in previous waiver decisions. 44 FR 53376, 53387 (September 13, 1979). 44 FR 69416, 69429 and 69430 (December 3, 1979). In my fourth consolidated decision I based my decision to grant waivers on the combined risks presented from two factors: (1) the severity of the adverse economic consequences which could occur as the result of an erroneous denial; and, (2) the likelihood that the denial, in fact, will turn out to be ill-founded. 45 FR 17914, 17917 (March 19, 1980). GM has not established that these factors contradict my findings here.

III. Statistical Treatment of the Data
IV. Factors
V. Discussion of Individual Manufacturers' Technical Capability
VI. Cost Analysis
VII. Driveability
VIII. Fuel Economy
IX. Lead Time Considerations
X. References

I. Introduction

The exhaust emission standards for 1981 and later model year light-duty vehicles are currently 0.14 gram per miles HC, 3.4 grams per mile CO, and 1.0 gram per mile NOx. Section 202(b)(5)(A) of the Clean Air Act, as amended, 42 U.S.C. 7521(b)(5)(A) provides the opportunity for manufacturers to request a waiver of the 3.4 grams per mile CO standard to 7.0 grams per mile during model years 1981 and 1982.

The applicant being considered in this document is General Motors. This is the fifth group of CO waiver applications that have been considered by EPA. This is the fourth time that a waiver request has been considered by EPA from General Motors.

This appendix deals with the technological capability of General Motors to meet the 1981 and 1982 CO standard of 3.4 grams per mile. This appendix relies on three previous technical appendixes, particularly for explanation of the basic concepts of the standard Monte Carlo simulation utilized in this analysis. These appendixes are:

1. Appendix B, Technical Appendix, to the decision of the Administrator on Remand for the United States Court of Appeals for the District of Columbia Circuit, April 11, 1973.

2. Appendix A, Technical Appendix, to the decision of the Administrator In re: Applications for Suspension of 1976 Motor Vehicle Exhaust Emission Standards, July 30, 1973.

3. Appendix A, Technical Appendix, to the decision of the Administrator In re: Applications for Suspension of 1977 Motor Vehicle Exhaust Emission Standards, March 5, 1975.

This appendix relies on reference 18 for discussion of the Modified Monte Carlo simulation used in this appendix. As indicated in Section 202(b)(5)(C) (iii) of the Clean Air Act, the technological feasibility determination is based on the consideration of technological capability, cost, driveability, and fuel economy. This appendix contains discussion of each of the above topics.

II. Summary of Technological Capability

Table II–1 summarizes the capability of the applicant manufacturer to meet the 1981 and 1982 emission standards. The standards considered in these tables are 0.41 HC, 3.4 CO, 1.0 NOx.

A guide to the summary tables is as follows. The first column lists engine displacement. The "as received" column refers to the emission data submitted by the manufacturer. "Improvements" refer to the projected technological improvements (factors) applied to the data submitted by the manufacturer.

The "no data" category is an abbreviated notation for the lack of acceptable data to perform EPA's established technological analysis as referred to in EPA's published CO waiver guidelines. The applicants have known for about six years what sort of data is necessary for EPA to make a determination under its established methodology whether or not a given vehicle would be projected to pass or fail a set of standards. Unfortunately, in some cases there was a lack of useable data for vehicles using specific engines. This effectively precluded EPA from making a pass/fail determination for those vehicles through the established methodology. In these cases the vehicles using these engines are called "no data" and no pass/fail determination was made.

Table II–1.—Applicant: General Motors

Engine	Pass as received?	Pass with improvement?
1.6L–2V	No for model year 1981	N/A [1].
	Yes for model year 1982	N/A [1].
6.0L–MD–TBI	Yes for model year 1981	N/A [1].

[1] N/A means not applicable or that no hardware improvement factors were applied to these vehicles.

III. Statistical Treatment of the Data

The standard Monte Carol methodology has been used for the analysis of prototype durability vehicles in this appendix. No changes have been made in the standard Monte Carlo methodology since its last use in a technical appendix. This methodology, which is the foundation for the Modified Monte Carol methodology for certification vehicles has been discussed in three previous technical appendixes:

1. Appendix B, Technical Appendix, to the Decision of the Administrator on Remand for the United States Court of Appeals for the District of Columbia Circuit, April 11, 1973.

2. Appendix A, Technical Appendix, to the Decision of the Administrator In re: Applications for Suspension of 1976 Motor Vehicle Exhaust Emission Standards, July 30, 1973.

3. Appendix A, Technical Appendix, to the Decision of the Administrator In re: Applications for Suspension of 1977 Motor Vehicle Exhaust Emission Standards, March 5, 1975.

A Modified Monte Carlo simulation has been developed and also utilized in this appendix for actual 1981 model year certification durability vehicles which have accumulated less than 50,000 miles of durability. The Modified Monte Carlo has been discussed in reference 18 as found in Section X of this document.

IV. Factors

With respect to the vehicle emission data submitted by the manufacturers for EPA analysis, vehicles are often run and tested over durability mileage accumulation schedules without using the best technology that is available to the manufacturer for certification in the 1981 or 1982 model years. There are many reasons why this occurs. First, such technology may have simply not been available in quantity when fleets of vehicles began mileage accumulation.

Second, all vehicles submitted for EPA staff analysis may not have been specifically designed for the 1981 and 1982 Federal emission standards. Also, the manufacturer may wish to maintain some technologies (with known durability) in reserve if their low mileage testing indicates that such technology may not be needed for compliance with the target emission standards. In addition, technology may not appear on durability vehicles because the manufacturer has made a decision that the technology would be too costly for production vehicles.

Factors which have previously been developed, but generally not used in the following analysis include factors for:

Warm up catalysts for 3W catalyst or 3W + OC systems,

Deletion of power enrichment,

Use of insulated or dual-walled exhaust pipes,

Use of exhaust port liners,

Use of throttle body fuel injection, and

Use of multiple point fuel injection.

Although the deletion of power enrichment was considered feasible for 1981, factors for this improvement were not used. Use of the other items was not considered possible for most manufacturers for most engine families before the 1982 model year. Therefore, through these additional techniques, the manufacturers may have some additional cushion for certification.

No factors were used for emission control system improvements for vehicles in this analysis. Some of the GM vehicles passed without factors so no additional emission control hardware was necessary for compliance with the emission standards. Developmental data were not provided by GM; therefore, no data was available for developing hardware improvement factors for 1982.

V. Discussion of Individual Manufacturers' Technical Capability

This section will discuss all vehicles which (1) were submitted by General Motors and (2) also are acceptable for input into either the standard Monte Carlo simulation or the Modified Monte Carlo analysis for certification vehicles. This section will also discuss 1981 model year certification vehicles which have completed the full 50,000 miles of mileage accumulation.

Details of the pass/fail determinations in section II are presented here. To pass the 1981 and 1982 emission standard of 0.41 HC, 3.4 CO, 1.0 NOx, the probabilities of passing each individual pollutant must be greater than or equal to 80% in either the standard or Modified Monte Carlo. If the probability of passing only HC, for example, is less than or equal to 79%, the vehicle is projected to fail—even if the probabilities of passing the CO and NOx standards greatly exceed the 80% cut point. For completed 1981 model year certification vehicles, pass/fail is determined by a comparison of their calculated 4,000 mile and 50,000 mile results to the standard.

General Motors (GM)

These are the fourth and fifth CO waiver applications that GM has submitted to EPA. Their previous waiver applications were for:

(1) All 1981 and 1982 model year vehicles,

(2) vehicles using 3.8 liter/231 CID turbocharged engines with four barrel, feedback carburetors, and

(3) vehicles using 4.9 liter/301 CID turbocharged engines with four barrel, feedback carburetors.

The applications discussed in this document are for vehicles using 1.6 liter/98 CID engines with feedback, two barrel carburetors and for vehicles using 6.0 liter/368 CID engines with feedback controlled throttle body fuel injection (TBI) and modulated displacement (MD). Modulated displacement means that under certain operating conditions, the eight cylinder engine has either two or four cylinders disabled. The disabling of cylinders is accomplished by blocking valve action by means of electrical solenoids.

GM requested a two year waiver (1981 and 1982) to 7.0 CO for the cars with 1.6 liter 2V engines, and they requested a one year waiver (1981 only) to 7.0 CO for vehicles with 6.0 liter-MD-TBI engines.

From previous applications, GM has received waivers for 1981 and 1982 to 7.0 CO for their vehicles using 2.8 liter/173 CID-2V engines and for vehicles using 3.8 liter/231 CID-2V engines. Also, they have received a waiver for 1981 only for their vehicles using 3.8 liter/231 CID turbocharged-4V engines.

In their current waiver applications, GM has submitted durability emission data from prototype and certification vehicles as shown in table V-1. All vehicles with 20,000 or more miles of durability were considered in the pass/fail analyses.

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Table V- 1

Vehicles in the General Motors Waiver Applications for the 1.6 Liter Engine and 6.0 Liter Modulated Displacement Engine

Engine	VIN	Emission Control System ****	Entered in Monte Carlo?	If Not Entered in Monte Carlo -Why?	Comment	References
6.0-MD-TBI	9207	FBTBI/AIR/BPEGR/ESA/EIS/3W/OC	Yes	—	1981 development vehicle	2 at 27, A-3, & A-10 4 at table 1 6 at table 1
6.0-MD-TBI	9238	FBTBI/AIR/BPEGR/ESA/EIS/3W/OC	No	Less than 20,000 miles of mileage accumulation	1981 development vehicle	2 at 27, A-3, & A-11 6 at table 1
6.0-MD-TBI	0213 1610***	FBTBI/AIR/BPEGR/ESA/EIS/3W/OC	Yes	—	1981 certification vehicle	2 at 27, A-3, & A-5 4 at table 1 6 at table 1
6.0-MD-TBI	0214 1613***	FBTBI/AIR/BPEGR/ESA/EIS/3W/OC	Yes	—	1981 certification vehicle	2 at 27, A-3, & A-6 4 at table 1 6 at table 1
6.0-MD-TBI	0223 1615***	FBTBI/AIR/BPEGR/ESA/EIS/3W/OC	Yes	—	1981 certification vehicle	2 at 27, A-3, & A-7 4 at table 1
6.0-MD-TBI	0225 1612***	FBTBI/AIR/BPEGR/ESA/EIS/3W/OC	Yes	—	1981 certification vehicle -now terminated	2 at 27, A-3, & A-8 4 at table 1 6 at table 1
6.0-MD-TBI	0226 1611***	FBTBI/AIR/BPEGR/ESA/EIS/3W/OC	No	Less than 20,000 miles of mileage accumulation	1981 certification vehicle -now terminated	2 at 27, A-3, A-9 4 at table 1 6 at table 1
6.0-MD-TBI	0226R 1614***	FBTBI/AIR/BPEGR/ESA/EIS/3W/OC	Yes	Less than 20,000 miles of of mileage accumulation	1981 certification vehicle -now terminated	2 at 27 4 at table 1 6 at table 1
6.0-TBI	9203	FBTBI/AIR/BPEGR/ESA/EIS/3W/OC	No	No waiver requested for this engine	Development vehicle	2 at 27, A-13, A-18 4 at table 1 6 at table 1

Table V-1(continued)

Engine	VIN	Emission Control System	Entered in Monte Carlo?	If Not Entered in Monte Carlo - Why?	Comment	Reference
6.0-TBI	9204	FBTBI/AIR/BPEGR/ESA/EIS/3W/OC	No	No waiver requested for this engine	Development vehicle	2 at 27, A-13 4 at table 1 6 at table 1
6.0-TBI	0212 1600***	FBTBI/AIR/BPEGR/ESA/EIS/3W/OC	No	No waiver requested for this engine	1981 certification vehicle	2 at 27, A-13 4 at table 1 6 at table 1
6.0-TBI	0221 1601***	FBTBI/AIR/BPEGR/ESA/EIS/3W/OC	No	No waiver requested for this engine	1981 certification vehicle	2 at 27, A-13 4 at table 1 6 at table 1
6.0-TBI	0222 1602***	FBTBI/AIR/BPEGR/ESA/EIS/3W/OC	No	No waiver requested for this engine	1981 certification vehicle	2 at 27, A-13 4 at table 1 6 at table 1
1.6-2V	1101	FBC/AIR/BPEGR/3W/OC	No	Less than 20,000 miles of mileage accumulation	1981 certification vehicle- now terminated	3 at A-3, A-5, A-6 & A-7
1.6-2V	1102	FBC/AIR/BPEGR/3W/OC	No	Has completed 50,000 miles	1981 certification vehicle	3 at A-3, A-9, A-10, & A-11
1.6-2V	1103	FBC/AIR/BPEGR/3W/OC	Yes	—	1981 certification vehicle- now terminated	3 at A-3, A-13, A-14, & A-15
1.6-2V	1105	FBC/AIR/BPEGR/ESA/EC/3W/OC	No	Less than 20,000 miles of mileage accumulation	1981 certification vehicle- now terminated	3 at A-3, A-17, A-18, & A-19
1.6-2V	1106	FBC/AIR/BPEGR/ESA/EC/3W/OC	Yes	—	1981 certification vehicle- now terminated	3 at A-3, A-21, A-22, & A-23
1.6-2V	1108	FBC/AIR/BPEGR/ESA/3W/OC	Yes	—	1981 certification vehicle	3 at A-3, A-25, A-26, & A-27 4 at table 2

Table V-1 (continued)

Engine	VIN	Emission Control System	Entered in Monte Carlo?	If Not Entered in Monte Carlo - Why?	Comment	Reference
1.6-2V	1109	FBC/AIR/BPEGR/ESA/EC/3W/OC	Yes	---	1981 certification vehicle	3 at A-3, A-29, A-30, & A-31 4 at table 2
1.6-2V	1110	FBC/AIR/BPEGR/ESA/3W/OC	Yes	---	1981 certification vehicle	3 at A-3, and A-33 5 at A-33 4 at table 2
1.6-2V	1111	FBC/AIR/BPEGR/ESA/3W/OC	No	Less than 20,000 miles of mileage accumulation	1981 certification vehicle	3 at A-3 and A-34 5 at A-34
1.6-2V	1113	FBC/AIR/BPEGR/ESA/EC/3W	No	" " "	1981 certification vehicle	3 at A-3 and A-35 5 at A-35
1.6-2V	1104	FBC/PAIR/BPEGR/3W*	No	Has completed 50,000 miles	1981 California certification vehicle	3 at A-3, A-37, A-38 & A-39
1.6-2V	1107	FBC/PAIR/BPEGR/3W*	No	Has completed 50,000 miles	1981 California certification vehicle	3 at A-3, A-41, A-42, & A-43
1.6-2V	1112	FBC/AIR/BPEGR/ESA/EC/3W/OC*	No	Less than 20,000 miles of mileage accumulation	1981 certification	3 atA-3, A-45
1.6-2V	Z-713	FBC/AIR/BPEGR/3W/OC*	No	Less than 20,000 miles of mileage accumulation	Development vehicle -now terminated	3 at A-47, A-49 A-50, & A-51
1.6-2V	Z-713A	FBC/AIR/BPEGR/3W/OC*	Yes	---	Development vehicle -completed 50K	3 at A-47, A-53, A-54, & A-55

Table V-1 (Continued)

Engine	VIN	Emission Control System	Entered in Monte Carlo?	If Not Entered in Monte Carlo - Why?	Comment	Reference
1.6-2V	Z-714	FBC/AIR/BPEGR/3W/OC*	Yes	---	Development vehicle -now terminated	3 at A-47, A-57, A-58, & A-59
1.6-2V	Z-714A	FBC/AIR/BPEGR/3W/OC*	Yes	---	Development vehicle -completed 50K	3 at A-47, A-61, A-62, & A-63
1.6-2V	Z-715	FBC/AIR/BPEGR/3W/OC*	No	Less than 20,000 miles of mileage accumulation	Development vehicle -now terminated	3 at A-47, A-65, A-66, & A-67
1.6-2V	Z-715A	FBC/AIR/BPEGR/3W/OC*	No	" " "	Development vehicle -now terminated	3 at A-47, A-69, A-70, & A-71
1.6-2V	Z-715B	FBC/AIR/BPEGR/3W/OC*	Yes	---	Development vehicle -now terminated	3 at A-47, A-73, A-74, & A-75
1.6-2V	Z-716	FBC/AIR/BPEGR/ESA/EIS/3W/OC	Yes	---	Development vehicle -completed 50K	3 at A-47, A-77, A-78, & A-79
1.6-2V	Z-717	FBC/AIR/BPEGR/3W/OC*	Yes	---	Development vehicle -now terminated	3 at A-47, A-81, A-82, & A-83
1.6-2V	7T263	FBC/BPEGR/3W**	Yes	---	Development vehicle	3 at A-47, A-85, A-86, & A-87
1.6-2V	Z-518	FBC/BPEGR/3W*	Yes	---	Development vehicle	3 at A-47, A-89, A-90, & A-91
1.6-2V	Z-519	FBC/BPEGR/3W*	Yes	---	Development vehicle	3 at A-47, A-93,

* First generation digital electronics.
** Analog electronics.
*** Two VINs are presented here. The first is the one used by GM in their waiver application. The second one is the certification VIN. The second number will be used in the following discussion of these vehicles.
**** FBTBI means feedback controlled throttle body injection.
AIR means switched air injection.
BPEGR means backpressure controlled exhaust gas recirculation.
PAIR means pulse or reed valve type air injection system.
ESA means electronic spark advance.
EIS means electronic idle speed control.
3W means 3-way catalyst.
OC means oxidation catalyst.

Pass/Fail Analysis of Vehicles Using 1.6 Liter Engines and 2V Carburetors

A total of seventeen vehicles are considered in this analysis. Nine of the vehicles are prototype durability vehicles and eight are 1981 model year certification vehicles. No hardware improvements have been considered for any of the vehicles.

A standard Monte Carlo analysis was performed on the nine prototype vehicles. The Monte Carlo results of these vehicles are shown in table V-2. Three of the vehicles (Z-518, Z-519, and 7T263) used pelleted 3-way only catalyst systems, and all three vehicles are projected to fail. This is not surprising as the first choice GM system for achieving 3.4 CO uses both a 3-way and an oxidation catalyst [1 at 7 to 8]. Three other vehicles (Z-714, Z-715B, and Z-717) used pelleted 3-way plus oxidation catalyst systems, and they all failed because the catalyst pellets were being lost out the tailpipe. Three vehicles (Z-713A, Z-714A, and Z-716) were run with monolithic 3-way plus oxidation catalyst systems, and all were projected to pass. GM has claimed that these last three vehicles were subject to excessive maintenance that would not be allowed in official EPA certification [1 at 12 to 13]. The EPA technical staff does not believe that it is likely that 1) these types of failures (high oil consumption, carburetor solenoid failures, and air switching valve failures) [1 at 13 to 14] [1 at 45] would occur in certification or 2) that emissions from these vehicles would be better than emissions from nominally identical vehicles which do not have such failures.

Actual emission results of the eight certification vehicles are shown in table V-3. Two of the vehicles (1103 and 1106) have been terminated due to poor emissions. Vehicle 1106 is much like the earlier vehicle Z-713A, which was projected to pass except that 1106 had electronic spark advance (ESA) and an E-cell (EC) in addition to the hardware on Z-713A. As indicated in table V-4, these two vehicles (1103 and 1106) are both projected to fail in the Modified Monte Carlo.

TABLE V- 2

Standard Monte Carlo Results of GM Development

Vehicles Using 1.6 Liter - 2V Engines

VIN	IW	3W Catalyst Code*	OC Catalyst Code*	Probability of Pass HC	CO	NOx	Comments
Z - 518	2500	3256 (P)	--	88	0	97	
Z - 519	2500	3264 (P)	--	86	25	66	Completed 50,000 miles
Z - 713A	2500	3428 (M)	2961 (M)	92	95	97	Completed 50,000 miles
Z - 714	2500	3401 (P)	2931 (P)	2	38	99	Terminated at ~ 20,000 miles, catalyst loss
Z - 714A	2500	3451 (M)	2961 (M)	99	100	100	Completed 50,000 miles
Z - 715B	2500	3407 (P)	2934 (P)	86	40	97	Terminated at ~ 30,000 miles, catalyst loss
Z - 716	2500	3431 (M)	2963 (M)	95	87	100	Completed 50,000 miles
Z - 717	2500	3523 (P)	4086 (P)	0	0	97	Terminated at ~25,000 miles, catalyst loss
7T263	2250	3218 (P)	--	8	0	0	

* All catalyst code numbers are prefixed by the letters HN. This is a GM code number. Different code numbers indicate different catalysts. The suffixes (P) or (M) mean pelleted or monolithic catalysts.

Four certification vehicles (1102, 1104, 1107, and 1108) have completed the 50,000 miles of durability. Three failed the 1981 emission standards as previously shown in table V-3. Vehicle 1108 passes; however it has a deterioration factor for CO of 8.8. GM has stated that they could not produce vehicles using a df this high [1 at 22 to 26]. The technical staff agrees that a df this high may be less than fully desirable with respect to emission data vehicle calibration strategies. Two of the failing vehicles (1104 and 1107) are 1981 California certification vehicles which use 3-way only catalyst systems.

On the basis of prototype vehicles Z-713A, Z-714A, and Z-716, GM vehicles using 1.6 liter engines are projected to be able to certify to the 1982 emission standard of 0.41 HC, 3.4 CO, 1.0 NOx. Vehicle 714A is the vehicle, that EPA used as the basis to deny GM's initial waiver application. Vehicle 714A used a highly loaded catalyst which was not used on any GM certification vehicle. Since all current GM vehicles using the 1.6 L engine in the 1981 certification process are projected to fail, lead time constraints will not permit GM to recertify in time for the 1981 model year (see the lead time section of this document). The technical staff is not aware of any potential replacement engine for the 1.6 liter engine in the 1981 model year.

Table V- 3

Certification Emission Results of 1981 Model Year Vehicles

from General Motors Using 1.6 Liter - 2V Engines

VIN:	1102			1103*				1104***				1106*			
FAMILY:	11W2NN			11W2ND				11W2TNQZ				11W2NNM			
MILES	HC	CO	NOX	MILES	HC	CO	NOX	MILES	HC	CO	NOX	MILES	HC	CO	NOX
4788.	0.121	2.19	0.42	4974.	0.101	1.07	0.55	5060.	0.152	2.42	0.59	4886.	0/121	2.50	0.63
10124.	0.122	2.15	0.57	10035.	0.115	1.67	0.73	9784.	0.189	3.43	0.51	9937.	0.146	2.51	0.86
14857.	0.152	2.83	0.68	14773.	0.159	1.85	0.90	15062.	0.216	3.41	0.47	14923.	0.167	2.72	0.84
20010.	0.137	2.29	0.70	19992.	0.163	1.72	0.82	20114.	0.297	4.89	0.44	19776.	0.205	4.64	0.84
25130.	0.212	3.64	0.69	25124.	0.201	2.79	0.79	24767.	0.333	6.38	0.38	4K(calc)**	0.11	1.98	0.69
30074.	0.192	2.38	0.78	30016.	0.205	2.42	0.86	29931.	0.272	4.78	0.52	50K(calc)**	0.37	8.08	1.26
30116.	0.206	2.79	0.78	30041.	0.166	1.84	1.03	29956.	0.276	4.28	0.52	df**	3.22	4.08	1.83
35029.	0.218	2.93	1.02	34764.	0.186	1.63	0.99	35065.	0.263.	4.73	0.49				
40134.	0.206	2.63	0.78	39858.	0.272	2.68	1.22	40131.	0.292	4.34	0.57				
44841.	0.226	3.80	1.00	44857.	0.265	2.87	1.45	45078.	0.283	5.06	0.59				
49893.	0.232	3.61	0.77	4K(calc)**	0.10	1.33	0.55	49778.	0.318	4.09	0.67				
4K(calc)	0.12	2.16	0.52	50K(calc)**	0.28	2.89	1.37	4K(calc)	0.19	3.46	0.46				
50K(calc)	0.24	3.48	0.95	df**	2.86	2.18	2.47	50K(calc)	0.33	5.15	0.58				
df	2.04	1.62	1.82					df	1.68	1.49	1.25				

*Terminated vehicle.

** Based on less than 50,000 mile durability

*** This is the system GM will sell if a waiver is granted

**** California vehicle

Table V-3 (cont)

VIN:	1107****			1108				1109*****				1110			
FAMILY:	11W2TPQZ			11W2NE				11W2NBM				11W2NG			
Miles	HC	CO	NOX	MILES	HC	CO	NOX	MILES	HC	CO	NOX	MILES	HC	CO	NOX
5126.	0.154	3.58	0.15	4825.	0.292	0.81	0.42	5041.	0.112	1.10	0.50	5117.	0.134	2.07	0.53
10113.	0.180	4.21	0.17	9892.	0.313	1.17	0.53	10007.	0.120	1.97	0.52	9826.	0.152	0.67	0.70
14795.	0.178	4.31	0.18	14833.	0.260	1.01	0.49	14784.	0.125	1.59	0.61	14973.	0.205	1.31	0.64
19991.	0.179	4.34	0.23	19866.	0.316	1.22	0.62	19800.	0.147	2.31	0.67	19787.	0.172	1.11	0.77
24866.	0.183	4.17	0.24	24911.	0.147	1.19	0.36	24870.	0.156	2.61	0.59	25195.	0.166	1.03	0.74
30027.	0.157	4.35	0.34	30069.	0.168	1.70	0.39	29967.	0.152	2.41	0.67	4K(calc)**	0.15	1.59	0.57
30068.	0.145	2.79	0.33	30125.	0.176	1.41	0.36	30061.	0.164	1.94	0.60	50K(calc)**	0.22	0.12	1.01
34784.	0.173	3.90	0.29	34800.	0.256	2.55	0.49	35040.	0.179	3.09	0.61	df**	1.52	0.08	1.78
39784.	0.174	5.23	0.34	39923.	0.299	2.42	0.70	40072.	0.161	2.23	0.64				
45118.	0.198	4.67	0.36	44888.	0.400	2.96	0.67	4K(calc)**	0.11	1.29	0.52				
49780.	0.201	5.52	0.36	49782.	0.426	3.98	0.69	50K(calc)**	0.20	3.51	0.73				
4K(calc)	0.16	3.63	0.15	4K(calc)	0.23	0.37	0.41	df**	1.78	2.73	1.39				
50K(calc)	0.19	4.89	0.39	50K(calc)	0.32	3.26	0.63								
df	1.16	1.35	2.67	df	1.42	8.80	1.53								

*Terminated vehicle.

**Based on less than 50,000 mile durability

***This is the system GM will sell if a waiver is granted

****California vehicle

*****Uses alternative method of deterioration factor calculation

Table V-4

Modified Monte Carlo Results of 1981 GM

Certification Durability Vehicles Using 1.6 Liter -2V Engines

VIN	IW	Certification * Engine Family	3W Catalyst Code	OC Catalyst Code	Probability of Pass HC	CO	NOx	Comment
1103	2250	11W2ND	3485(M)	4089(M)	100	99	0	Terminated at ~45,000 miles
1106	2250	11W2NNM	3428(M)	2961(M)	68	0	2	Terminated at ~20,000 miles
1109	2500	11W2NBM	3431(M)	2963(M)	100	62	100	Active at 40,000 miles
1110	2500	11W2NG	3431(M)	2962(M)	100	100	70	Active at 25,000 miles

* All vehicles are in different certification engine families

Pass/Fail Analysis of Vehicles Using 6.0 Liter Modulated Displacement Engines and Throttle Body Fuel Injection

A total of six durability vehicles submitted by General Motors had sufficient mileage accumulation to be considered in this analysis. No hardware improvement factors were applied to any of the six vehicles. Five of the vehicles were 1981 model year certification vehicles and were analyzed by the Modified Monte Carlo technique for certification vehicles. One vehicle was a prototype vehicle and was analyzed using the standard Monte Carlo.

Emission results from the five certification vehicles are presented in Table V-5. This table indicates that only vehicles 1614 and 1615 will probably pass in certification at 0.41 HC, 7.0 CO, 1.0 NOx. The remaining vehicles (1610 and 1613) will likely fail either HC or NOx.

The Modified Monte Carlo results of the five durability vehicles are presented in table V-6. Four vehicles (1610, 1612, 1613 and 1615) are projected to fail the 0.41 HC, 3.4 CO, 1.0 NOx standards. Vehicle 1614 is projected to easily pass the same standard.

The standard Monte Carlo analysis was performed on the prototype vehicle 9207. The probabilities of passing for this vehicle are 0% for HC, 0% for CO, and 53% for NOx. All three probabilities are less than 80%, and therefore, the vehicle is projected to fail all three pollutants.

GM has also attempted to certify the 6.0 liter engine with throttle body injection* and without the modulated displacement feature as a backup engine for the 6.0 liter modulated displacement engine. If emission certification can be completed on the modulated displacement version, no vehicles will be sold without the modulated displacement feature [1 at 87 to 88].

* Also called DEFI or digital electronic fuel injection by General Motors in their waiver application.

Table V- 5

1981 Model Year Certification Durability Results of GM Vehicles Using 6.0 Liter Modulated Displacement Engines and Throttle Body Injection

VIN:	1610			1612*				1613				1614				1615			
FAMILY:	16T5ABB			16T5AEBY				16T5ACB				16T5ADB				16T5ARB			
MILES	HC	CO	NOX	MILES	HC	CO	NOX	MILES	HC	CO	NOX	MILES	HC	CO	NOX	MILES	HC	CO	NOX
4937.	0.304	4.60	0.62	4838.	0.298	2.98	1.08	5027.	0.319	2.68	0.77	4787.	0.248	2.18	0.70	5083.	0.392	3.34	0.58
9909.	0.303	3.22	0.62	9911.	0.351	5.04	1.13	10000.	0.308	2.78	0.79	9995.	0.255	2.61	0.71	9776.	0.253	2.48	0.54
15041.	0.340	3.31	0.57	14880.	0.308	4.56	1.10	14887.	0.315	2.43	0.77	14998.	0.261	1.68	0.70	14860.	0.267	2.70	0.66
19825.	0.382	3.59	0.77	20144.	0.307	4.45	1.37	19979.	0.353	2.94	0.88	20127.	0.255	3.22	0.72	19987.	0.291	3.08	0.63
25060.	0.354	3.36	0.72	25122.	0.373	6.09	1.38	25056.	0.344	2.57	0.76	25095.	0.267	1.77	0.64	24780.	0.277	2.62	0.69
29903.	0.387	3.99	0.84	29961.	0.349	2.96	1.47	30074.	0.370	2.23	0.94	30032.	0.268	1.53	0.79	30028.	0.321	3.19	0.84
29934.	0.357	2.85	0.66	29992.	0.334	2.16	1.35	30110.	0.329	1.96	0.80	30099.	0.274	1.76	0.76	30071.	0.326	3.69	0.77
34830.	0.394	4.01	0.67	4K(calc)**	0.31	4.45	1.04	34860.	0.355	2.10	1.20	35028	0.264	2.13	0.67	34934.	0.331	3.13	0.72
39794.	0.360	3.61	0.89	50K(calc)**	0.38	3.20	1.72	40115.	0.350	1.77	1.22	4K(calc)**	0.25	2.43	0.70	4K(calc)**	0.31	2.80	0.54
45041.	0.497	6.82	0.75	df**	1.22	0.72	1.65	4K(calc)**	0.31	2.91	0.67	50K(cal)**	0.28	1.59	0.73	50K(cal)**	0.31	3.41	0.90
4k(calc)								50K(calc)*	0.37	1.66	1.22					df**	1.01	1.22	1.66
**	0.29	3.17	0.60					df**	1.19	0.57	1.82	df**	1.12	0.65	1.04				
50K(calc)																			
**	0.45	4.81	0.84																
df**	1.54	1.52	1.39																

*Terminated vehicle

**Based on less than full 50,000 mile durability

Table V-6

Modified Monte Carlo Results of 1981 Certification
Vehicles Using 6.0 Liter Modulated Displacement
Engines with Throttle Body Injection

F	VIN	IW	Certification Engine Family	3W Catalyst Code*	OC Catalyst Code	Probability of Pass HC	CO	NOx	Comment
	1610	4500	16T5ABB	3407(P)	2934(P)	8	0	100	Active at 45K
	1612	4500	16T5AKBY	3639(P)	4062(P)	72	0	0	Terminated
	1613	4500	16T5ACB	3639(P)	4080(P)	85	100	0	Active at 40K
	1614	4500	16T5ADB	3407(P)	4079(P)	100	100	100	Active at 35K
	1615	4500	16T5ARB	3413(P)	2835(P)	98	53	100	Active at 35K

* the catalyst code is a GM designation. It is always prefixed by the letters HN. Different catalyst codes indicate different catalysts. The suffixes (P) mean that these are polleted catalysts.

Two vehicles (1600 and 1601) without modulated displacement have completed certification durability testing. One (1601) has emission levels below the 1981 standard of 0.41 HC, 3.4 CO, 1.0 NOx. The emission results of the vehicles are shown in table V-7 .

In summary, GM vehicles using the 6.0 liter, modulated displacement engine with throttle body injection are projected to pass the 1981 emission standard of 0.41 HC, 3.4 CO, 1.0 NOx based on the 1981 certification vehicle 1614.

Table V- 7

1981 Model Year Certification Durability Results of GM Vehicles
Using 6.0 Liter Engines and Throttle Body Injection
(Without Modulated Displacement)

VIN:	1600			1601		
FAMILY:	16T5AB			16T5AD		
MILES	HC	CO	NOX	MILES	HC	CO	NOX
4798.	0.233	1.49	0.70	4873.	0.212	2.51	0.72
10141.	0.293	2.28	0.73	10014.	0.217	2.04	0.84
15091.	0.298	1.77	0.73	14777.	0.243	2.19	0.79
19873.	0.345	2.44	0.71	20122.	0.250	2.29	0.92
24779.	0.327	1.56	0.70	25177.	0.260	1.79	0.87
30036.	0.344	1.74	0.69	29794.	0.260	2.14	0.87
30160.	0.385	2.68	0.70	29848.	0.258	2.34	0.84
35015.	0.341	1.47	0.77	35115.	0.291	2.67	0.75
40054.	0.422	1.91	0.80	39779.	0.308	2.41	0.97
44996.	0.407	2.10	0.80	44849.	0.243	1.72	1.05
49781.	0.544	2.42	0.79	49799.	0.290	2.50	0.77
4K(calc)	0.24	1.82	0.69	4K(calc)	0.22	2.23	0.79
50K(calc)	0.47	2.14	0.79	50K(calc)	0.29	2.25	0.92
df	2.00	1.18	1.14	df	1.34	1.01	1.16

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VI. Cost Analysis

The costing methodology used here is essentially the same as that used in the six previous CO waiver decisions [9], [10 at 40030], [11 at 53400], [12 at 69450], [13 at 7133], [14 at 17915]. Responses to the EPA subpoena of August 8, 1979 enabled EPA to revise cost estimates of certain emission control devices, notably monolithic three-way and oxidation catalysts. The subpoena requested prices that suppliers charge the automobile manufacturers for emission control devices or systems.

Described below are estimates of cost to the consumer for compliance with 3.4 vs 7.0 CO (due to lead time problems for certain emission control devices, separate estimates are often necessary for 1981 and 1982). The changes in cost were calculated by individual engine size. These changes are based on the differences in emission control hardware between systems targeted to meet 7.0 CO, as described by the manufacturer in its applications and systems judged capable by EPA of meeting 3.4 CO, based on the Monte Carlo analysis results or successful certification of similar vehicles.

GM 1.6 Liter Engine

Three development vehicles (Z–713A, Z–714A, and Z–716) were projected by Monte Carlo analysis to pass a 3.4 CO standard. These vehicles all utilized GM's first choice emission control system. However, vehicle Z–714A was equipped with a catalyst which was more heavily loaded than any of the certification durability vehicles. GM stated the following when questioned at the public hearing about their choice of catalyst loading:

". . . we feel one of the things that catalyst loading affects is emission levels and is evidenced by the vehicle in question, Z–714A. The emissions level with this loading was very low and that coupled with the cost and availability of precious metal in the world supply made that not a good candidate catalyst for further testing."
[1 at 47].

The EPA technical staff believes that increased catalyst loadings may improve the emission performance of certification vehicles. Additionally, GM stated

"In hindsight, perhaps we should have selected a slightly higher catalyst loading . . ." [1 at 53].

GM stated that if the 1.6 liter engine received a CO waiver a less expensive emission control system would be certified [1 at 17]. A three way catalyst and pulse air system would be used in place of a dual-bed catalyst and air pump. GM gave a "ball park" estimate of the cost differential of this system change to be $30 to $40 [1 at 18].

The EPA estimates that GM's proposed 7.0 CO emission control system will cost $64 to $128 less than a system capable of meeting a 3.4 CO standard. The estimated cost includes the possible need to increase the catalyst loading of GM's first choice 3.4 CO system and the difference between the proposed 7.0 CO system versus the first choice 3.4 CO system.

GM 6.0 Liter Modulated Displacement Engine

The 6.0 liter modulated displacement engine is projected by the Monte Carlo analysis to pass a 3.4 g/mi CO standard based on data from vehicle number 1614. This projection was made without the addition of any emission improvement factors. GM did not indicate that any cost savings would be realized by certifying to a 7.0 g/mi CO standard versus a 3.4 g/mi CO standard. Therefore, the EPA technical staff estimates that no additional costs are required to meet the statutory standards with this engine.

Constraints, other than costs, may require substitution of the nonmodulated displacement engine for the modulated displacement engine. Deletion of the modulation feature will eliminate the need for the valve actuator devices. This will reduce the hardware costs per vehicle. However, GM projects that this possible engine substitution would substantially reduce vehicle sales and increase the likelihood of incurring a "gas guzzler" tax [5 at 17] [1 at 95].

VII. Driveability

The technological feasibility of meeting the 1981-1982 emission standards is, in part, determined by the applicant's ability to maintain acceptable driveability while attaining these standards.

General Motors—GM maintained that both the 1.6 liter engine and the 6.0 liter modulated displacement engine are incapable of meeting the 1981–1982 emissions standards. GM did not indicate that the waiver was requested because of an inability to maintain driveability at the 3.4 g/mile CO standard. No driveability data were submitted by GM. GM representatives stated at the public hearing that they cannot assess the effect on driveability of going from a 7.0 to a 3.4 g/mile CO standard because neither the 1.6 liter nor the 6.0 liter modulated displacement engine can achieve the 3.4 g/mi CO standard [1 at 84]. Therefore, based on available information, driveability is not an important factor in EPA's assessment of the ability of these GM engines to comply with a 3.4 g/mi CO standard.

VIII. Fuel Economy

General Motors 1.6 Liter Engine

GM stated at the public hearing that fuel economy of the 1.6 liter engine at a 3.4 versus 7.0 CO standard is not an issue with respect to this waiver request [1 at 83]. However, GM's sales weighted fuel economy would be reduced 0.329 miles per gallon if the 1.6 liter Chevette could not be produced and sold in model year 1981 [1 at 85]. This potential reduction, however, would not cause GM to incur any penalty for noncompliance with CAFE standards [1 at 85].

EPA concludes that the 1.6 liter engine is unlikely to incur a fuel economy penalty complying with a 3.4 CO standard in comparison to a 7.0 CO standard.

General Motors 6.0 Liter Modulated Displacement Engine

GM testimony indicates that for the 6.0 liter modulated displacement engine they do not anticipate a significant fuel economy penalty associated with meeting the statutory 3.4 g/mi CO standard versus a 7.0 g/mi CO standard [1 at 83]. A fuel economy penalty would be incurred if the non-modulated 6.0 liter engine had to be substituted for the modulated displacement 6.0 liter engine [1 at 83]. According to GM, this fuel economy penalty would create the potential of a "gas guzzler" tax being levied on Cadillac vehicles equipped with the non-modulated 6.0 liter engine [1 at 85]. Title II, Part I, Section 201 of the Energy Tax Act of 1978 (P.L. 95–618, 92 Stat. 3180) established the following schedule of taxes to be levied on the manufacturers of each 1981 year automobile which does not meet certain fuel economy targets:

If the fuel economy of the model type in which the automobile falls is:

The tax is:

At least 17	0
At least 16 but less than 17	$200
At least 15 but less than 16	350
At least 14 but less than 15	450
At least 13 but less than 14	550
Less than 13	650

Modulated displacement technology was credited by GM with the potential to increase fuel economy by seven per cent [2 at 12]. GM projected composite fuel economies for the modulated and non-modulated displacement 6.0 liter engines at 17.7 and 16.5 miles per gallon respectively [3 at 15]. However, at the public hearing, GM testified that these projected fuel economy numbers, "are not sophisticated at all" [1 at 9]. Development vehicle emission and fuel economy data submitted by GM do indicate an apparent fuel economy benefit from modulated displacement. However, these data do not conclusively show that either version of the 6.0 liter engine will be subject to a "gas guzzler" tax.

The EPA tested a prototype modulated displacement Cadillac for gaseous emissions and fuel economy. The test data indicated that for modulated displacement operation compared to continuous eight cylinder operation, the city fuel economy was equal and the highway fuel economy was increased approximately three per cent [16 at 10]. The average composite fuel economies for modulated versus non-modulated displacement operation were 14.5 mpg, and 14.2 mpg respectively. However, Cadillac Division personnel did emphasize that this was a prototype vehicle and that it had not been optimized for either fuel economy or emissions.

In summary, the fuel economy differential between 3.4 CO and 7.0 CO standards is not an issue for the 6.0 liter modulated displacement engine. Substitution of a non-modulated 6.0 liter engine may result in a reduction in fuel economy for those affected vehicles. This penalty does increase the likelihood that a "gas guzzler" tax may be levied on vehicles equipped with non-modulated displacement engines.

IX. Lead Time Considerations

GM 1.6 Liter Engine

Production of 1981 model year 1.6 liter engines cannot begin as scheduled at a CO standard of 3.4 g/mi. Successful completion of certification durability testing by vehicles presently running cannot be accomplished soon enough to satisfy start of production (SOP) lead time constraints [5 at 1] [1 at 19, 26].

Vehicle number 1104 has successfully completed durability testing for a 7.0 CO

standard. GM submitted PROM calibrations on June 3, 1980 which will permit a timely SOP at a 7.0 CO standard [7 at 1].

GM stated that two to three weeks would be required to finalize PROM calibrations following the completion of durability testing at 3.4 CO standard [7 at 1]. Both active vehicles (1109 and 1110) are projected to fail in the Modified Monte Carlo analysis, however, it is possible that one or both of the vehicles could still pass the 1981 emission standard of 0.41 HC, 3.4 CO, 1.0 NO_x. The failing probabilities in the Modified Monte Carlo analysis were 62 percent probability of pass for CO on vehicle 1109 and 70 percent for NO_x on vehicle 1110. If either vehicle 1109 or 1110 were to pass, a minimum of a five week delay in start of production would be encountered. A more likely estimate of the necessary delay in start of production would be about four months if new vehicles had to be run using catalysts like those on vehicle Z-714A. Additionally, GM stated that June 2, 1980 was the deadline to submit PROM calibrations to the electronics supplier [1 at 20].

Based on GM's estimated production rate of approximately 8,000 vehicles per week [7 at 2], this possible delay could result in a minimum production loss of 40,000 vehicles. GM representatives stated because the Chevette production rate is capacity limited, any production interruption could not be made up [1 at 30].

In addition to the technology currently being used to meet the statutory standard, several other areas are being developed to enhance the ability of the 1.6 liter Chevette to meet these standards. Development projects which will be available for the 1982 model year include; combustion chamber swirl ports, lower rolling resistance tires, improved air-fuel control algorithms and utilization of an AIR pump in conjuction with single-bed converter [5 at 4].

In summary, the 1.6 liter engine can begin production as originally scheduled by GM at a 7.0 CO standard, but not a 3.4 CO standard. Compliance with a 3.4 standard will delay SOP a minimum of five weeks and the resultant production loss may not be recouped. The 1.6 liter engine should be capable of meeting the statutory standard in model year 1982.

GM 6.0 Liter Modulated Displacement Engine

GM has not successfully completed durability testing for a CO standard of either 3.4 CO or 7.0 CO. Vehicle number 1614 is projected by the Monte Carlo analysis to pass a 3.4 CO standard without any factors and testing completion is scheduled for July 4, 1980 [8 at 5]. Vehicle number 1615 will likely pass a 7.0 CO standard and testing completion is scheduled for June 29, 1980 [8 at 5]. These vehicles represent GM's earliest opportunities to successfully complete durability testing.

The non-modulated displacement 6.0 liter engine has successfully completed durability testing at a 3.4 CO standard [1 at 88]. GM released a non-modulated PROM calibration to Delco on May 19, 1980 [7 at 1]. SOP could proceed as scheduled if the non-modulated displacement engine is used.

The inability of the modulated displacement 6.0 liter engine to meet the statutory standards was attributed to air-fuel ratio control problems when switching cylinders on and off [1 at 110, 111].

GM representatives were not aware of any GM production vehicles which would utilize modualted displacement technology in model year 1982 or beyond [1 at 98]. The lack of future modulated displacement applications leads the EPA technical staff to believe the level of effort expended on solving the control systems problem may have been somewhat limited.

The most demanding lead time constraint for this engine is the release of the PROM calibration to Delco Electronics. The latest possible release date which will allow a timely SOP is July 1, 1980 [1 at 103]. Considering the slight difference in the projected completion dates of the 3.4 CO and 7.0 CO durability vehicles, the EPA technical staff cannot foresee a significant lead time penalty associated with compliance with the statutory standards.

X. References

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3. *General Motors Application for Waiver of 1981 and 1982 Carbon Monoxide Emission Standard (1.6 Liter Engine Family),* April 1980.

4. Letter to Mr. Jeffrey G. Miller (EPA) from Mr. T. M. Fisher (GM) dated May 8, 1980.

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8. Letter to Mr. B. R. Patok (EPA) from R. C. Krueger (GM) dated June 9, 1980.

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10. **Federal Register,** Vol. 45, No. 115, June 12, 1980.

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Federal Register

Vol. 45, No. 145

Friday, July 25, 1980

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523-4534	Special Projects
523-3517	Privacy Act Compilation

FEDERAL REGISTER PAGES AND DATES, JULY

44245-44916.....1
44917-45246.....2
45247-45564.....3
45565-45886.....7
45887-46060.....8
46061-46334.....9
46335-46768.....10
46769-47110.....11
47111-47414.....14
47415-47652.....15
47653-47836.....16
47837-48076.....17
48077-48572.....18
48573-48846.....21
48847-49076.....22
49077-49232.....23
49233-49502.....24
49503-49900.....25

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.

1 CFR

51.....47111

Proposed Rules:

18.....46328, 49085
302.....46771
305.....46771

3 CFR

Administrative Orders:

Presidential Determinations:

No. 80-20 of June 10, 1980.....45567
No. 80-21 of July 1, 1980.....46769

Executive Orders:

5327 (Amended by PLO 5732).....45911
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
11896 (Amended by EO 12227).....49237
12044 (Amended by 12163 (Amended by EO 12226).....49235
12196 (Amended by EO 12223).....45235
12201 (Amended by EO 12225).....45571
12220.....44245
12221.....44249
12222.....45233
12223.....45235
12224.....45243
12225.....45571
12226.....49235
12227.....49237

Proclamations:

4663 (Amended by Proc. 4770).....45245
4707 (Superseded in part by Proc. 4768).....45135
4768.....45135
4769.....45237
4770.....45245
4771.....45247
4772.....45249
4773.....45565
4774.....45569
4775.....49233

4 CFR

417.....48753

Proposed Rules:

2.....44954
3.....44954
4.....44954
5.....44954
6.....44954
7.....44954
8.....44954
9.....44954
403.....49573
410.....49274

5 CFR

213.....48077-48096
353.....46777
410.....48096
581.....48847
752.....46778
831.....46782
890.....48098
2424.....48575
2502.....47112

Proposed Rules:

350.....48904
351.....44304, 48904
530.....49577
531.....49577
540.....49577
551.....49580

6 CFR

Proposed Rules:

705.....47052

7 CFR

2.....48575
28.....46782
29.....44292, 47115
68.....45868, 46332
272.....46036
273.....46036, 48099
275.....46784
301.....46784
319.....49503
354.....46785
371.....48099
401.....49504
414.....49510
415.....49515
422.....49504
701.....49520

905.....45251
908.....45252, 45573, 46335, 47844, 49239
910.....45301, 46785, 48100, 49077, 49534
911.....44302, 44303, 47653
915.....47653
916.....45252
917.....44917, 47115, 47837
919.....46061
921.....48864
922.....48864
923.....48100, 48864
924.....48864
928.....46786
930.....45573, 46061, 48102
945.....45574
946.....47653
947.....46335, 48575
948.....46336
958.....45574
967.....46336
1425.....47837, 48102
1427.....44293
1435.....48865
1701.....46787
1944.....47654
1951.....49534
2900.....45887

Proposed Rules:

180.....45914
253.....46809
283.....46809
319.....48905
410.....44305
413.....44311
713.....48151
730.....48151
917.....47154
922.....48152
948.....48153
958.....47692
965.....47155, 47846
967.....47693
999.....44960
1007.....47432, 48638, 49584
1011.....47432, 49584
1030.....47432, 49584
1032.....47432, 49584
1046.....47432, 49584
1049.....47432, 49584
1050.....47432, 49584
1062.....47432, 49584
1064.....47432, 49584
1065.....47432, 49584
1068.....47432, 49584
1071.....47432, 49584
1073.....47432, 49584
1076.....47432, 49584
1079.....47432, 49584
1094.....47432, 49584
1096.....47432, 49584
1097.....45302, 47432, 48154, 49584
1098.....47432, 49584
1099.....47432, 49584
1102.....45302, 47432, 49584
1104.....47432, 49584
1106.....47432, 49584
1108.....45302, 47432, 48154, 49584
1120.....47432, 49584
1126.....47432, 49584
1131.....47432, 49584
1132.....47432, 49584
1138.....47432, 49584
1430.....49085
1701.....46811, 47436–47437, 48909, 48910, 49585, 49586
1942.....49275
2859.....44317

8 CFR

204.....44251
214.....44918, 48866
238.....45575
334.....45575

9 CFR

78.....44253
82.....48103
92.....45888
327.....45889

Proposed Rules:

92.....48159
308.....44317
381.....44317, 45915

10 CFR

Ch. I.....45595
Ch. II.....48577
2.....45253, 45890, 49535
25.....45256
95.....45256
205.....46787
211.....46752, 47671
212.....46752, 47406, 47622
436.....44558
461.....47388
600.....46044, 46074

Proposed Rules:

20.....45302
50.....45916
210.....44961, 48646
211.....44961, 48646, 48931
212.....44961, 46811
376.....49586
378.....46742
390.....49586
430.....46075, 46762, 47396
435.....49086
503.....45303
504.....45303
506.....45303
580.....45098, 49087, 49276
781.....48910

11 CFR

9033.....45257

12 CFR

Ch. II.....44574
Ch. VII.....47119
4.....49537
7.....49239
204.....46063
207.....44256
225.....45257
226.....46064
229.....46064, 46337
265.....46338
308.....48579
522.....47117
526.....47118
545.....46338, 47118
563.....47118
590.....46339
700.....47120
701.....45576, 47120, 47415
725.....47120
742.....47120
1101.....46793
1204.....44919

Proposed Rules:

Ch. VII.....47694
7.....49276
204.....44962, 45303, 47846
225.....44963
526.....46431
545.....46431
563.....46431
611.....45595
612.....45917
701.....47846
761.....47846
1204.....45303

13 CFR

101.....47122, 49241
121.....46795, 47415
305.....44257, 46065
309.....44257, 46065
315.....46065
400.....44258, 44919

Proposed Rules:

Ch. I.....46432
107.....48916
540.....49278

14 CFR

11.....47837
39.....45257–45264, 45576, 46341, 47128, 47838, 47839, 48595–48597, 49241–49244
65.....46736
71.....45265–45268, 45577, 46348, 47132, 47840, 48598 49245
75.....45268
91.....46736, 47837
97.....47134, 49245
121.....46736, 47837, 48599
135.....47837
137.....47837
159.....45578
207.....46796
208.....46797
212.....46797
214.....46797
223.....46797
225.....47674
241.....48867
250.....49540
253.....48599
302.....47136
380.....46801
385.....48879
399.....48600
1204.....48103
1214.....48879
1261.....48103

Proposed Rules:

Ch. I.....45305, 48649
25.....45595, 47156
39.....46434, 47157
47.....49291
49.....49291
71.....45305–45310, 46435 47158, 48651–48653
207.....46812
208.....46812
212.....46812
214.....46812
241.....49291
314.....49291
315.....47698
399.....48654

15 CFR

Ch. III.....44574
366.....48606
370.....45891
372.....45891
373.....45894
374.....45897
375.....45897
376.....45898
377.....46066
385.....47416
386.....45898, 46802, 49542
387.....45897
390.....46067
399.....47416

Proposed Rules:

8a.....46437
19.....47437
377.....47701

16 CFR

3.....45578
13.....44259, 44260, 44920, 44921, 45901, 46351, 47416–47421, 47674, 48606
300.....44260, 49542
301.....44260, 49542
303.....44260, 49542

Proposed Rules:

13.....44317, 44322, 44324, 47438, 49589
437.....47705

17 CFR

180.....47136
200.....46352
231.....47138
240.....44922
241.....47138

Proposed Rules:

Ch. I.....49589
Ch. II.....45554
240.....47159
249.....47853

18 CFR

1.....44965, 45902
35.....46352, 47841
36.....46352
141.....47705
270.....49077
272.....45904
274.....45905
280.....49247
282.....48110, 48111
284.....49247

Proposed Rules:

Ch. I.....45597, 49102
4.....49591
260.....46075
271.....47863
273.....45598, 47863
274.....47863
282.....44923
703.....48800
740.....48800
925.....47856

19 CFR

101.....44263, 45578
148.....45579

355 48607

Proposed Rules:

12 48817
19 46442
24 46442
177 49591

20 CFR

404 48114
416 48118
616 47108
675 47421
676 47421
677 47421
678 47421
679 47421
680 47421
725 44264

Proposed Rules:

404 ..... 47162, 47441
416 47162

21 CFR

Ch. I 48881
146 45905
172 48123
175 48124
176 ..... 48124, 48125
193 ..... 47142, 49542
310 47422
510 ..... 45905, 48125
520 ..... 44264, 48125–48127
522 47422
524 ..... 47422, 48128, 49543
540 48128
558 ..... 45905–45909, 47423
561 46067
1002 47416
1220 44265
1304 44266
1306 44266
1308 48881

Proposed Rules:

109 44325
110 44325
211 48918
225 44325
226 44325
320 48160
346 48920
349 48920
500 44325
509 44325
589 44326
610 48918
640 45924
1312 49295

22 CFR

214 45598
301 47674

Proposed Rules:

301 47710
501 49103

23 CFR

1252 47144

24 CFR

201 46802
203 46377
205 46803
207 ..... 46068, 46803
213 46803
220 46803
221 ..... 46377, 46803
222 46377
232 46803
235 ..... 46377, 46803
236 46803
241 46803
242 46803
244 46803
250 46803
255 45116
570 46378
841 44267
860 44267
865 46380

Proposed Rules:

16 48654
24 46012
200 ..... 47441, 49595
203 ..... 47442, 49109
207 49109
220 49109
570 46443
885 48654
888 49110

25 CFR

55b 49224
161 45909
256 47410

Proposed Rules:

71 47869
72 47869

26 CFR

1 ..... 46069, 47675, 48882
48 49544
140 49544
301 49547

Proposed Rules:

1 ..... 45311, 45924, 46082, 46444, 46815, 47871, 48921, 49596
7 46082
20 48922
25 48922
48 44965
301 45926

27 CFR

296 48609

28 CFR

0 44267
2 44924
55 ..... 44268, 46380, 47423

Proposed Rules:

Ch. I 45311
2 ..... 44966, 44967

29 CFR

102 44302
1601 48614
2602 ..... 47423, 48129
2700 44301

Proposed Rules:

4 49628

30 CFR

Ch. VII 49872
45 44494
49 46992
715 48129
761 47424
816 48129
817 48129

Proposed Rules:

Ch. VII 45313, 46818, 47712, 49597
211 47712
722 44326
732 ..... 45313, 47162
884 47166
918 45604
921 48661
922 48661
924 46449
925 47713
926 47166
937 48661
939 48661
943 44967
950 45927

31 CFR

211 47677
321 44590
322 44590
330 44600
535 45594

Proposed Rules:

535 45609

32 CFR

1–39 ..... 44604, 44758, 44818, 44902
100 48618
208 45580
246 46806
257 47424
359 46071
706 ..... 46380, 49548
1611 48130
1612 48130
1613 48130
1615 48130
1617 48130
1619 48130
1621 48130
1900 48131

Proposed Rules:

1900 49296

32A CFR

Ch. I 44575
Ch. VI 44574
Ch. VII 44574, 45269
Ch. XV 44574
Ch. XVIII 44587
801 44574

33 CFR

3 47842
117 ..... 46381, 48618, 49619
161 ..... 48826, 48827
165 ..... 45269, 46382, 49253
175 45269

Proposed Rules:

110 48662
161 48822
175 47876
207 46093

36 CFR

7 ..... 46071, 49549
14 47092
1151 44925

Proposed Rules:

7 44969
251 48663

37 CFR

201 45270

38 CFR

14 47678
17 47679
21 ..... 48885, 48886

Proposed Rules:

3 ..... 47166, 49297

39 CFR

265 44270
266 44270
268 44270
601 47681

Proposed Rules:

3001 48663

40 CFR

52 ..... 44273, 45275, 45581, 46072, 46382, 46806, 47424, 47682, 48131, 48887, 49550
60 47146
65 ..... 45277, 46385
81 ..... 46807, 48132, 48133
86 ..... 48133, 49254, 49876
122 48620
180 ..... 46073, 47146
261 ..... 47832, 48142
406 45582
421 44926
600 49256

Proposed Rules:

Ch. I 48510
Ch. V 47442
51 49110
52 ..... 44970, 45080, 45314, 45318, 45927, 46826, 47166, 47877, 48164, 48168, 48169, 49112, 49298, 49599
58 44327
60 ..... 44329, 44970
61 49298
62 49115
81 ..... 45080, 49117
85 48812
116 46094
117 46097
162 49600
163 ..... 46097, 48170, 49600
167 46100
169 46100
180 ..... 47168, 48171, 49117, 49600
261 47835
264 48171
265 48171
401 46103
413 45322
415 49450
717 47008
761 47168
770 48512
773 48524

41 CFR

Ch. 1 49262
Ch. 7 44275
Ch. 101 ..... 44951, 44953, 48143, 49082
101–36 47427
101–37 49263
1–15 47685

5A–1.....48142
5A–16.....48142
5B–2.....47148
3–1.....49553
3–7.....49553
7.....48888
7–6.....44283, 48888
7–7.....44283, 48888
8–3.....46387
15–2.....46387
34.....49032
101.....47149
101–25.....46388

Proposed Rules:
Ch. 5.....46827
3–1.....47169
109–40.....49601

42 CFR

51b.....48622
54.....48478
58.....48623
72.....48626
405.....44287, 49440
442.....49440
447.....49440
460.....48620

Proposed Rules:
51b.....47878
54.....48507
91.....47878
124.....48667
405.....47368
442.....47368
483.....47368

43 CFR

1880.....47618
2800.....44518
4100.....47104
4700.....47842
5734.....48629
8340.....47843

Public Land Orders:
693 (Amended by PLO 5731).....45910
4522 (Amended by PLO 5732).....45911
4544 (Revoked by PLO 5736).....49267
5731.....45910
5732.....45911
5733.....46388
5735.....49267
5736.....49267
5737.....49268

Proposed Rules:
35.....44972
9210.....48054

44 CFR

Ch. I.....44574
Ch. IV.....44574, 45269
64.....46389
65.....48629, 48888, 49556, 49570
67.....46401
70.....48888–48901, 49268, 49269
205.....45862

Proposed Rules:
12.....49299
67.....46106, 46451, 47171 49303–49308, 49604, 49620, 49621

45 CFR

71.....46808
116d.....48144
220.....48144
222.....48144
228.....48144
233.....45911
1202.....47689
1328.....48380

Proposed Rules:
Ch. XII.....45598
177.....45130

46 CFR

Ch. II.....44587
160.....45278
502.....45280
541.....46073

Proposed Rules:
30.....48058
91.....48058
153.....48058
503.....48172
510.....45599
536.....45599

47 CFR

1.....45582
22.....46404
64.....46404, 47427, 49082
73.....45593, 46405, 47149, 47428–47429
81.....46409
83.....46409
95.....45594

Proposed Rules:
Ch. I.....46121
2.....45600, 45601, 47171
15.....46827
19.....47885
21.....45600, 45601, 47442
22.....47171
43.....47442
61.....47442
63.....49624
73.....45601, 45602, 46452–46457, 47444, 47885, 48172, 49625, 49626
74.....45600, 45601
76.....47445
81.....46458
94.....45600, 56601

48 CFR

Proposed Rules:
Subpart 42.9.....48667

49 CFR

Ch. III.....46423
1.....48630
23.....45281
171.....46417, 47843
172.....46417, 48631
173.....46419, 48631
175.....47843
178.....46419, 48631
223.....49269
389.....46423
391.....46423
392.....46423
393.....46423
395.....46423
396.....46423–46425
571.....45287, 47150
575.....47152
1002.....45526, 45534
1003.....45534
1004.....45528
1011.....45525, 48631, 48902
1033.....45288, 45289, 45912, 47844, 48149, 48631, 48632, 48636, 48902
1045A.....45534
1047.....45524
1056.....45534
1062.....45534
1100.....45529, 45534, 48149, 48792, 48902, 49082
1101.....45525, 48902
1104.....48149
1130.....45534
1131.....45525, 48902
1136.....45526
1150.....45534
1243.....49083
1249.....49083

Proposed Rules:
Ch. X.....44351, 45545, 45932, 46459, 48676, 48796
173.....48668, 48671
179.....48668, 48671
531.....46459
533.....46459
537.....46459
571.....45334, 45336, 46459
575.....46459
581.....46459
1033.....47172
1039.....47172
1048.....49627
1102.....49118
1111.....46459

50 CFR

17.....44935, 44939, 47352, 47355
20.....49062
32.....45289, 46428, 47430, 49271–49273
91.....47689
225.....49083
285.....48637
296.....44942, 48903
450.....49083
451.....49083
452.....49083
453.....49083
611.....45291, 45296, 49571
651.....49084
655.....45296
656.....45291
672.....49571
674.....44292, 47690

Proposed Rules:
Ch. II.....45604
14.....47172
17.....46141, 47365, 47715, 49844, 49850, 49854, 49858
20.....44540
23.....46464, 48677, 48830
32.....47174, 47716
33.....47716
219.....44352
611.....46141, 48930
651.....45336, 47174, 48173
657.....48930
664.....44972

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Rules Going Into Effect Today

ACTION

39270 6–10–80 / VISTA Volunteer Grievance Procedure

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Last Listing July 22, 1980

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S. 2009 / Pub. L. 96–312 Central Idaho Wilderness Act of 1980. (July 23, 1980 94 Stat. 948) Price $1.

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