

Federal Register

Wednesday
July 30, 1980

Highlights

- 50622 Education** ED invites individuals to apply to serve as field readers for program administered by OBEMLA; apply by 10-31-80
- 50623 Scholars Program** ED invites applications for new awards under the Mina Shaughnessy Scholars Program; apply by 10-17-80
- 50549 Natural Gas** USDA amends regulations certifying essential agricultural uses and requirements under the Natural Gas Policy Act; effective 8-29-80
- 50557 Natural Gas** DOE/FERC revises and publishes regulations regarding maximum lawful prices prescribed under Title I of NGPA; effective 7-25-80
- 50573 Procurement** NASA publishes regulations regarding NASA implementation of amendments to the Small Business Act and the Small Business Investment Act of 1958; effective 7-30-80
- 50688 Nuclear Power** NRC is developing limited number of internationally acceptable codes of practice and safety guides for nuclear power plants; comments by 8-20-80
- 50559 Home Loans** HUD/FHC publishes regulations regarding increased mobile home loan limits; effective 9-10-80

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

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- 50553 Banking** FHLBB publishes regulations regarding approval of applications for mergers involving institutions insured by the Federal Savings and Loan Insurance Corporation; effective 7-30-80
- 50560 Housing** HUD/FHC revises, simplifies and clarifies requirements for mortgagee approval; effective 9-10-80
- 50556 Banking** FHLBB amends regulations regarding mobile home loan consumer protection provisions; effective 7-31-80
- 50563 Courts** Justice amends statutes governing activities of U.S. magistrates have clarified and expanded their authority to act in civil and criminal cases; effective 7-21-80
- 50623 Coal** DOE has been requested by the President of the United States to form an Interagency Coal Export Task Force to explore possibility of increasing U.S. coal exports
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- 50613 Nuclear Facilities** NRC publishes proposal approving Action Plan in response to accident at Three Mile Island Unit No. 2; comments by 10-28-80
- 50614 Air Fares** CAB announces interim policy of broadened flexibility for airlines to set domestic passenger fares; comments by 8-7-80
- 50556 Exports** Commerce/ITA amends regulations to clarify jurisdiction of the Patent and Trademark Office in licensing exports of patents and amendments or supplements; effective 7-30-80
- 50685 Antidumping** ITA determines there is reasonable basis to believe or suspect that counter top microwave ovens from Japan are being, or are likely to be, sold in the United States at less than fair value; effective 7-10-80
- 50550 Financial Privacy** FDIC amends regulations dealing with the disclosure of confidential information; effective 7-30-80
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 945

Irish Potatoes Grown in Certain Designated Counties in Idaho and Malheur County, Oreg.

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation requires fresh market shipments of potatoes grown in certain counties in Idaho and Malheur County, Oregon, to be inspected and meet minimum grade, size, cleanliness, maturity and pack requirements. This regulation should promote orderly marketing of such potatoes and keep less desirable qualities and sizes from being shipped to consumers.

EFFECTIVE DATE: August 1, 1980.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, Fruit & Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447-2615.

The Final Impact Statement relative to this final rule 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 1955 to implement Executive Order 12044, and has been classified "not significant."

Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR Part 945), regulate the handling of potatoes grown in designated counties in Idaho and Malheur County, Oregon. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The Idaho-Eastern Oregon Potato Committee,

established under the order, is responsible for its local administration.

This regulation is based upon recommendations made by the committee at its public meeting in Twin Falls, Idaho, on June 5, 1980.

The regulation is similar to those issued during past seasons. The grade, size, cleanliness, maturity, pack and inspection requirements specified herein are necessary to prevent potatoes of low quality or undesirable sizes from being distributed to fresh market outlets. These specific requirements will benefit consumers and producers by standardizing and improving the quality of the potatoes shipped from the production area, thereby promoting orderly marketing, and will tend to effectuate the declared policy of the act.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements are inappropriate or unreasonable.

A specified quantity of potatoes may be exempt from maturity requirements to (1) permit growers to make test diggings without loss of the potatoes so harvested or (2) to allow a lot to be shipped which after regrading, meets the grade and size requirements but then fails to meet the maturity requirements, possibly due to further "skinning" as a result of running the potatoes over the grader again.

Shipments are permitted to certain special purpose outlets without regard to minimum grade, size, cleanliness, maturity and pack requirements, provided that safeguards are met to prevent such potatoes from reaching unauthorized outlets. Since no purpose is served by regulating potatoes used for charity purposes, such shipments are also exempt. Certified seed and seed pieces cut from stock eligible for certification are exempt, because requirements for this outlet differ greatly from those for fresh market.

Potatoes used for experimentation have special requirements and do not normally enter commercial channels of trade. Potatoes for most processing uses are exempt under the legislative authority for this part.

Requirements for export shipments differ from those for domestic markets. While the standard quality requirements are desired in foreign markets, smaller sizes are more acceptable. In commercial prepeeling, operators can use potatoes with surface defects which

are undesirable for the tablestock market, and smaller sizes are acceptable. Therefore, different requirements are set forth for export and prepeeling shipments.

Findings. After considering all relevant matters, including the proposal in the notice, it is found that the following handling regulation will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective date of this regulation until 30 days after its publication in the Federal Register (5 U.S.C. 553) in that (1) shipments of potatoes grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the marketing season, (3) notice was given in the June 25, 1980, Federal Register (45 FR 42626) allowing interested persons until July 24, 1980, to file comments, and none was filed, and (4) compliance with this regulation, which is similar to regulations issued during previous seasons, requires no special preparation by handlers subject to it which cannot be completed by the effective date.

The regulation is as follows:

Section 945.338 (44 FR 44146) is hereby terminated and § 945.339 is added to read as follows:

§ 945.339 Handling regulation.

During the period August 1, 1980, through August 15, 1981, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) through (d) of this section, or unless such potatoes are handled in accordance with paragraphs (e) and (f), or (g) of this section.

(a) *Minimum quality requirements—*(1) *Grade. All varieties—*U.S. No. 2 or better grade.

(2) *Size—*(i) *Round red varieties—*1 7/8 inches minimum diameter.

(ii) *All other varieties—*2 inches minimum diameter, or 4 ounces minimum weight.

(iii) *All varieties—*Size B if U.S. No. 1 grade.

(3) *Cleanliness. All varieties—*"fairly clean."

(b) *Minimum maturity requirements—*

(1) *White Rose and red skin varieties.* Each year from August 1 through December 31, "moderately skinned";

during other periods no maturity requirements.

(2) *Norgold varieties.* Each year from August 1 through August 15, "moderately skinned"; during other periods "slightly skinned."

(3) *All other varieties.* "Slightly skinned."

(4) *Exceptions.* (i) Subject to compliance with subdivision (iii) of this subparagraph, any lot of potatoes not exceeding a total of 50 hundredweight of each variety may be handled for any producer without regard to the foregoing maturity requirements.

(ii) If an officially inspected lot of potatoes meets the foregoing maturity requirements, but fails to meet the grade and size requirements, the lot may be regraded. If, after regrading, such lot then meets the grade and size requirements but fails to meet the maturity requirements, as indicated by the applicable Federal-State inspection certificate, such lot if not exceeding 100 hundredweight shall be exempt from the foregoing maturity requirements if the handler complies with subdivision (iii) of this subparagraph.

(iii) Prior to each shipment of potatoes exempt from the foregoing maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Pack.* (1) When 50-pound containers (except master containers) of long varieties of potatoes are marked with a count, size or similar designation they must meet the count, average count and weight ranges for the count designation listed below.

	Count	Range average count*	Weight
Larger than 50 size	10 pct over or under	5 pct over or under	15 oz. or larger
50 size	45-55	48-53	12-19
60 size	54-66	57-63	10-16
70 size	63-77	67-74	9-15
80 size	72-88	76-84	8-13
90 size	81-99	86-95	7-12
100 size	90-110	95-105	6-10
110 size	99-121	105-116	5-9
120 size	108-132	114-126	4-8
130 size	117-143	124-137	4-8
140 size	125-154	133-147	4-8
Smaller than 140 size	10 pct over or under	5 pct over or under	4-8

* Applicable to lots.

The following tolerances by weight, are provided for potatoes in any lot which fail to meet the weight range for the designated count:

- (i) Not to exceed 5 percent for undersize; and
- (ii) Not to exceed 10 percent for oversize.

(2) Potatoes packed in 50-pound cartons shall be U.S. No. 1 or better grade. However, potatoes of U.S. Extra No. 1 grade shall be no smaller than 110 size nor larger than 60 size.

(d) *Inspection.* (1) No handler shall handle potatoes unless such potatoes are inspected by either the Idaho Federal-State Inspection Service or Oregon Federal-State Inspection Service and are covered by a valid inspection certificate except when relieved of such requirement pursuant to paragraphs (e) and (f), or (g) of this section.

(2) Each lot moving by truck shall be accompanied by a copy of a valid inspection certificate.

(e) *Special purpose shipments.* (1) The minimum grade, size, cleanliness, maturity and pack requirements set forth in paragraphs (a), (b) and (c) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

- (i) Charity;
- (ii) Certified seed;
- (iii) Seed pieces cut from stock eligible for certification as certified seed;
- (iv) Experimentation; and
- (v) Canning, freezing and "other processing" as hereinafter defined: Except shipments of potatoes for the purpose specified in this subdivision (v) shall be exempt from inspection requirements specified in § 945.65 and paragraph (d) of this section and from assessment requirements specified in § 945.42.

(2) The minimum grade, size, cleanliness, maturity and pack requirements set forth in paragraphs (a), (b) and (c) of this section shall be applicable to shipments of potatoes for each of the following purposes:

(i) *Export.* Except potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than U.S. No. 2; and

(ii) *Prepeeling.* Except potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than Idaho Utility or Oregon Utility grade.

(f) *Safeguards.* (1) Each handler making shipments of potatoes for charity, seed pieces cut from stock eligible for certification, experimentation, export, or for prepeeling pursuant to paragraph (e) of this section shall:

- (i) First, apply to the committee for and obtain a Certificate of Privilege to make shipments for each purpose;
- (ii) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;
- (iii) At the time of applying to the committee for a Certificate of Privilege,

or promptly thereafter furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in the application and that such receiver will complete and return to the committee such periodic receiver's reports that the committee may require;

(iv) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment;

(v) Bill each shipment directly to the applicable receiver.

(2) Each handler making shipments of potatoes for canning, freezing, or "other processing" pursuant to paragraph (e) of this section shall:

(i) First apply to the committee for and obtain a Certificate of Privilege to make shipments for processing;

(ii) Make shipments only to those firms whose names appear on the committee's current list of manufacturers of potato products;

(iii) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(iv) Mail to the committee's office a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment;

(v) Bill each shipment directly to the applicable processor.

(3) Each receiver of potatoes for processing pursuant to paragraph (e) of this section shall:

(i) Complete and return an application form for listing as a manufacturer of potato products;

(ii) Certify to the committee and to the Secretary that potatoes received from the production area for processing will be used for such purposes and will not be placed in fresh market channels;

(iii) Report on shipments received as the committee may require and the Secretary approve.

(g) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, five hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment that exceeds five hundredweight of potatoes.

(h) *Definitions.* The terms "U.S. Extra No. 1," "U.S. No. 1," "U.S. No. 2," "Size B," "fairly clean," "moderately skinned," and "slightly skinned," shall have the same meaning as when used in the United States Standards for Potatoes (7 CFR 2851.1540-2851.1566), including the tolerances set forth therein. The term "prepeeling" means the commercial preparation in a prepeeling plant of clean, sound, fresh potatoes by washing,

peeling or otherwise removing the outer skin, trimming, sorting, and properly treating to prevent discoloration preparatory to sale in one or more of the styles of peeled potatoes described in § 2852.2422 of the United States Standards for Peeled Potatoes (7 CFR 2852.2421-2852.2433). The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, dicing, or applying material to prevent oxidation does not constitute "other processing." The terms "Idaho Utility" grade and "Oregon Utility" grade shall have the same meaning as when used in the standards for potatoes for the respective State. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 945, both as amended.

(i) *Applicability to imports.* Pursuant to § 8e of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the long varieties imported during the effective period of this section shall meet the grade, size, quality and maturity requirements specified in paragraphs (a) and (b) of this section.

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

Dated July 25, 1980, to become effective August 1, 1980.

D. S. Kuryloski,

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

[FR Doc. 80-22905 Filed 7-29-80; 8:45 am]

BILLING CODE 3410-02-M

Office of the Secretary

7 CFR Part 2900

Amendment of Certification of Essential Agricultural Uses and Requirements; Natural Gas Policy Act

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture hereby amends its regulations certifying essential agricultural uses and requirements under the Natural Gas Policy Act. This amendment adds SIC 3412—metal shipping barrels, drums, kegs, and pails (food related only) to the list of essential

agricultural uses certified by the Secretary of Agriculture.

EFFECTIVE DATE: This amendment will become effective on August 29, 1980.

FOR FURTHER INFORMATION CONTACT: Earle E. Gavett, Policy Analyst, Office of Energy, USDA, Room 116-A Administration Building, Washington, D.C. 20250, (202) 447-6667.

Actions of this kind were anticipated under the provisions of 7 CFR 2900 and are specifically considered in the combined Environmental Impact Statement and Final Impact Statement, and addendum, prepared for that action. Thus, the Combined Environmental Impact Statement and Final Impact Statement, as amended, describing the options considered in developing this final rule and the impact of implementing each option is available on request from the above named individual.

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

Under section 401 of the Natural Gas Policy Act (NGPA), the Secretary of Agriculture is required to certify to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) essential agricultural uses of natural gas and the amounts of natural gas for such essential agricultural uses necessary for full food and fiber production. A final rule containing such certification was issued by the Secretary of Agriculture on May 17, 1979 (44 FR 28782).

The Secretary of Energy and the FERC have incorporated the USDA certification in their rules promulgating and implementing agricultural priority in curtailment plans of interstate pipelines in accordance with the NGPA.

In accordance with 7 CFR 2901.5(b), on April 15, 1980, the Director, Office of Energy, USDA issued a proposed rule which would amend USDA certification of essential agricultural uses and requirements to include under 7 CFR 2900.3 SIC 3412-metal shipping barrels, drums, kegs, and pails (food related only) as an essential agricultural use.

The proposed amendment was in response to a petition submitted by the Steel Shipping Container Institute.

The public was invited to participate in any aspect of the proposed amendment by submitting data, views, or arguments with respect to the inclusion of metal shipping barrels, drums, kegs, and pails (food related only) as an essential agricultural use in USDA's certification. No public comments were received during the

comment period associated with the proposed rule. The USDA has based its determination on information provided in the petition for amendment and other relevant information, including its treatment of other analogous functions in its certification of "essential agricultural uses."

Section 401(f) of the NGPA defines "essential agricultural use" to include "when used with respect to natural gas, any use of natural gas—(a) for . . . food quality maintenance . . . which the Secretary of Agriculture determines is necessary for full food and fiber production."

As was indicated in the preamble to the proposed rule, certain foods, including highly perishable items such as bananas, tomatoes, and vegetable oils or delicate flavorings such as vanillas, clove oils and cola concentrates are stored in large coated metal shipping containers, which when properly sealed, create an environment where the foods may be safely stored without special temperatures for long periods of time. Moreover, some cheeses are actually processed and aged in metal drums. Many food products such as fruits and vegetables are first processed into large containers to rapidly place in safe storage large quantities of highly perishable commodities during extremely short harvest periods. Food processors later reprocess the product into consumer products. For example, much of the production of tomatoes grown for processing is initially processed into a tomato paste or puree and stored in large metal drums. Later, as needed, the drums are shipped to points near consumption and the product reprocessed into pizza sauces, catsup, and other tomato-food products and repackaged in various consumer size containers.

Since the development of the interior coated steel shipping container in the 1920-1930 period, a great number of foods and flavorings have been packaged only in metal containers either for economical advantages or because delicate flavorings cannot be maintained in other packages because of permeation, subtle migration or chemical reaction.

Based on the foregoing, USDA has determined that the use of natural gas in the fabrication of metal shipping barrels, drums, kegs, and pails (food related only) is a use of natural gas for food quality maintenance which is necessary for full food and fiber production.

§ 2900.3 [Amended]

Accordingly, Chapter XXIX of title 7, § 2900.3 Code of Federal Regulations is

amended by adding under "Food Quality Maintenance—Food Packaging," immediately after 3411 Metal Cans (food related only): 3412 Metal Shipping Barrels, Drums, Kegs, and Pails (food related only).

(Pub. L. 95-621, November 8, 1978, 92 Stat. 3350.15, U.S.C. 3301, et seq.)

Dated: July 24, 1980.

Weldon V. Barton,
Director, Office of Energy.

[FR Doc. 80-22802 Filed 7-29-80; 8:45 am]

BILLING CODE 3410-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 309

Amendment Conforming Existing Disclosure Regulations to the Right to Financial Privacy Act of 1978

AGENCY: Federal Deposit Insurance Corporation ("FDIC").

ACTION: Final rule.

SUMMARY: The Board of Directors of the FDIC is making several changes in Part 309 of FDIC's regulations dealing with the disclosure of confidential information. The changes are being made in order to bring Part 309 into conformance with federal legislation restricting access by federal agencies to bank customer financial records and the transfer of those records to other agencies once access is granted. These amendments are considered to be significant in that they provide protection for bank customer financial records.

In addition, the term "bank" as used in Part 309 is being expanded to include foreign banks. This change is necessitated by the passage of federal legislation affecting foreign banks operating in the United States.

DATE: The amendments are effective July 30, 1980.

FOR FURTHER INFORMATION CONTACT: Pamela E. F. LeCren, Attorney, Legal Division (202-389-4433), Room 4126E, 550 17th Street, Washington, D.C. 20429.

SUPPLEMENTARY INFORMATION: On November 10, 1978, Congress passed the Financial Institutions Regulatory and Interest Rate Control Act of 1978 "FIRIRCA" (Pub. L. 95-630, 92 Stat. 3641). The Right to Financial Privacy Act of 1978 (12 U.S.C. 3401 et seq. "Title XI" of FIRIRCA) which restricts federal government access to bank customer records, necessitated certain changes in Part 309 of FDIC's regulations. Part 309 establishes procedures for, and governs the ability of, the FDIC to disclose

information it holds to the public, to state agencies, and to other federal agencies.

On December 21, 1979 the FDIC published in the Federal Register proposed amendments to Part 309 to conform it to the requirements of Title XI regarding the handling of bank customer financial records (44 FR 75652). Public comment was invited for a sixty-day period. In general the proposed amendments provided that bank customer financial records would not be transferred by the FDIC to other federal agencies unless (1) the transfer was exempt from the restrictions of Title XI or (2) the bank customer was notified of the transfer within fourteen days and was sent a certification that the records were believed relevant to a legitimate law enforcement inquiry within the jurisdiction of the receiving agency.

A total of two written comments were received during the comment period which ended on February 17, 1980 and an additional two were taken over the telephone. One of the written comments opposed the amendments as unnecessary. The second written comment, which was signed by several members of Congress, objected to a portion of the amendments authorizing the FDIC to notify federal prosecuting or investigatory agencies of suspected crimes involving bank customers which may affect the safety or soundness of a bank. (See the text of the amendments contained in numbered paragraph six). Both telephone comments suggested that the term "customer" be defined.

After careful review of the comments and a report issued by the General Accounting Office ("GAO") regarding implementation of the Right to Financial Privacy Act, the FDIC has determined to adopt the amendments as published for comment with the changes noted below.

1. A definition of the term "customer" has been added which indicates that the term "customer" refers to individuals or partnerships of five or fewer persons. The meaning is the same as that used in Title XI and was adopted so as to afford protection to the same persons protected under Title XI.

2. Language has been added to make clear that the FDIC will not authorize a bank or other third party to release FDIC examination reports or other records containing bank customer records unless both the releasing and requesting party comply with the procedures required by Title XI. In making this change, it is the intent of the FDIC to ensure that the requirements of Title XI are met when FDIC records are disclosed by persons or agencies other than FDIC or its personnel, i.e., banks, state agencies, and other third persons.

3. A portion of the material contained in footnote 12 in the proposal has been moved to the text of the amendment to § 309.6(c)(4). (See numbered paragraph six of the text of the amendments). Section 309.6(c)(4) permits the FDIC to notify prosecuting or investigatory agencies that a crime affecting safety or soundness may have occurred at an insured nonmember bank. If the notice is limited to the information listed in § 309.6(c)(4)(i) the bank customer or customers whose financial records may be involved need not be notified that the matter was referred to a law enforcement agency. The law enforcement agency may then obtain more detailed information from the bank or the FDIC if an investigation is warranted. If this additional information is sought from the FDIC, the procedures contained in Title XI are to be used (i.e., the customer is notified after transfer unless an exception is applicable). If the information is sought from the bank, the customer is given notice prior to the transfer unless one of the exceptions to Title XI covers the transfer.

The comment objecting to the above amendment did so on the grounds that the procedure was contrary to the intent of the law. A similar objection was raised in the GAO report. The FDIC has adopted the procedure despite this objection only after careful review of the law, the GAO report, an interpretation issued by the Justice Department and communications from the United States Attorney General. The procedure conforms to that set out in an interpretation of Title XI issued by the Office of Legal Counsel for the Department of Justice which was forwarded to the FDIC on July 17, 1979 by the United States Attorney General. In his letter the Attorney General made reference to text of the opinion saying "from the time they were established, the (bank) supervisory agencies have possessed implied authority to refer to the Department of Justice suspected criminal violations inextricably bound up with the regulation of financial institutions * * * Congress did not, by enacting the Right to Financial Privacy Act, rescind this implied authority which has long been recognized and accepted by the Executive Branch, federal courts, and the Congress * * * I urge you to utilize your implied authority as a (bank) supervisory agency to make criminal referrals subject to the limitations set out in the attached documents."

In view of the fact that the United States Attorney General and the Justice Department have officially interpreted Title XI as set out in these amendments and urged the FDIC to proceed in that manner, the Board of Directors has

voted to amend its regulations as proposed.

4. A few additional technical changes have been made so that the exceptions contained in Title XI are accurately accounted for in the regulations.

5. In addition to the above, the term "bank" as used in § 309.6 is being amended to include foreign banks. This change is being made because of the passage on September 17, 1978 of the International Banking Act of 1978 (12 U.S.C. 3101 *et seq.*), and is intended to make clear that § 309.6 applies to foreign banks and branches of foreign banks.

As the amendments are strictly internal in nature (i.e., affect the manner in which FDIC personnel handle bank customer financial records) the changes in Part 309 will have no effect on any insured bank. They will not affect existing recordkeeping or reporting requirements nor affect the competitive status of banks. In view of this fact, it was determined that a cost-benefit analysis was unnecessary. Because the changes are mandated by law, alternatives other than an amendment to FDIC's existing disclosure regulations were not considered.

The amendments are being made effective immediately July 30, 1980, under the authority of § 553(d) of the Administrative Procedure Act which permits a regulation to be immediately effective if there is good cause. The Board of Directors of the FDIC has found that, because the amendments conform Part 309 to federal law and will ensure the public that the protections and rights given under Title XI are observed, it is in the public interest to cause the amendments to take immediate effect.

In consideration of the foregoing, and pursuant to the authority granted the FDIC by 12 U.S.C. 1819, certain parts of 12 CFR Part 309 are amended as follows:

PART 309—DISCLOSURE OF INFORMATION

1. Section 309.2 is amended so that paragraph (a) reads as follows:

§ 309.2 Definitions.

(a) The term "bank," as used in § 309.6, includes banks that have applied to the Corporation for federal deposit insurance, closed banks, presently operating banks, foreign banks, branches of foreign banks, and all affiliates of any of the foregoing.

2. Section 309.2(c) is revised to read as follows:

§ 309.2 Definitions.

(c) The words "disclose" or "disclosure," as used in § 309.6, mean to give access to a record, whether by producing the written record or by verbal discussion of its contents. Where the Corporation employee authorized to release Corporation documents makes a determination that furnishing copies of the documents is necessary, the words "disclose" or "disclosure" include the furnishing of copies of documents or records. In addition, "disclose" or "disclosure" as used in § 309.6 is synonymous with the term "transfer" as used in the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401 *et seq.*).

3. The following new paragraph (h) is added to § 309.2:

§ 309.2 Definitions.

(h) The term "customer financial records," as used in § 309.6, means an original of, a copy of, or information known to have been derived from, any record held by a bank pertaining to a customer's relationship with the bank but does not include any record that contains information not identified with or identifiable as being derived from the financial records of a particular customer. The term "customer" as used in § 309.6 refers to individuals or partnerships of five or fewer persons.

4. The first three sentences of § 309.6(c) are deleted and the following substituted therefor:

§ 309.6 Disclosure of exempt records by corporation personnel.

(c) *Disclosure authorized.* Exempt records of the Corporation may be disclosed in accordance with the following conditions and requirements. Except as otherwise provided hereafter, disclosures authorized by § 309.6(c)(1), (2)(i), (4) (i) and (ii), and (5) may be made on a routine or periodic basis. Routine or periodic disclosures may be made under the authority of § 309.6(c)(3), (4)(iii), and (6) without any further request only if a written request for the records is received which asks that the record be furnished to the requestor on a routine or periodic basis and the Corporation employee authorized to disclose the record determines that routine or periodic disclosure is appropriate. Except as otherwise provided in § 309.6(c)(3) or (4), no disclosure of customer financial records on a routine or periodic basis may be made to a federal agency under § 309.6(c)(3) or (4) unless certification

and notice as required by those sections are made with each separate disclosure.

5. Section 309.6(c)(3) is revised to read as follows:

§ 309.6 Disclosure of exempt records by corporation personnel.

(c) *Disclosure authorized.* * * *
(3) *Reports of examination and other exempt records—disclosure to Federal financial institution supervisory agencies.* (i) Except as provided in subdivision (ii) of this subparagraph, the Director of the Corporation's Division of Bank Supervision, or anyone designated by him in writing, may disclose to any officer or employee of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, any Federal Reserve Bank, the Federal Home Loan Bank Board, the Federal Savings and Loan Insurance Corporation, the Secretary of the Treasury, and the National Credit Union Administration any report of examination of a bank or any other exempt records. (ii) Examination reports or other exempt records containing information derived from customer financial records may be disclosed to any agency listed in subdivision (i) of this subparagraph if (A) the General Counsel, or anyone he designates in writing, has determined that disclosure is required by law; or (B) the requesting agency has authority to examine the financial condition or business operations of the bank which maintain the records and states in its written request for disclosure the statutory basis for this authority; or (C) the information derived from bank customer financial records is deleted or rendered unidentifiable with respect to any particular customer; or (D) the certification and notice requirements as set out in § 309.6(c)(4)(iv)(B) are met.¹¹ (iii) Before information is released pursuant to § 309.6(c)(3), it is the responsibility of the Corporation employee authorized to disclose the information to make a determination that the person making the request is authorized to request the record on behalf of the requesting agency and that the records are requested for a legitimate financial institution supervisory or regulatory purpose.

6. Section 309.6(c)(4) is revised to read as follows:

¹¹In addition, examination reports or other exempt records containing information derived from customer financial records may be disclosed to the Secretary of the Treasury where the request is in connection with the Bank Secrecy Act or the Currency and Foreign Transactions Reporting Act (Pub. L. 91-508, Title I and II).

§ 309.6 Disclosure of exempt records by corporation personnel.

(c) Disclosure authorized. * * *

(4) *Reports of examination and other exempt records—disclosure to non-financial institution supervisory agencies.* (i) Reports of apparent criminal irregularities pertaining to suspected violations of law which affect the safety or soundness of a bank may be disclosed to a federal prosecuting or investigatory authority without giving notice and certification as set out in § 309.6(c)(4)(iv)(B): *Provided*, That the contents of the report are limited to only the following information: The name(s) and address(es) of the suspect(s) and his/her (their) relationship with the financial institution or supervisory agency, if any; the identity of the financial institution(s) or office(s) involved; the specific offense(s) suspected; the name(s) and address(es) of the account holder(s) and the account number(s) and type(s) of account(s) in which evidence of the suspected offense(s) is located; and a general description (dates and any suspicious circumstances) of the transaction(s) involved in the suspected offenses.¹²

(ii) The Director of the Corporation's Division of Bank Supervision, or anyone designated by him in writing, may disclose to the proper federal or state prosecuting or investigatory authorities copies of exempt records pertaining to irregularities discovered in banks which are believed to constitute violations of any federal or state civil or criminal law, or unsafe or unsound banking practices, *Provided*, That whenever copies of exempt records are disclosed to federal prosecuting or investigatory authorities that are customer financial records, notice and certification as set out in § 309.6(c)(4)(iv)(B) are made.

(iii) Subject to the restrictions contained in subdivision (iv) of this subparagraph pertaining to disclosure of customer financial records to federal agencies, the Director of the Corporation's Division of Bank Supervision, or anyone designated by him in writing, may disclose to any authorized officer or employee of any federal or state agency or authority, for good cause shown, reports of any examination of a bank or other exempt records. Such records shall be disclosed only in response to a written request which: (A) Is signed by an authorized official of the agency making the

request; (B) identifies the record or records to which access is requested; and (C) gives the reasons for the request.

(iv) The Director of the Corporation's Division of Bank Supervision, or anyone he designates in writing, may disclose information known to have been derived from customer financial records to any federal agency: *Provided*, That (A) the General Counsel, or anyone he designates in writing, has determined that disclosure is required by law; or (B) disclosure is pursuant to a written request that indicates the information is relevant to a legitimate law enforcement inquiry within the jurisdiction of the requesting agency and: (1) The Director of the Division of Bank Supervision, or anyone designated by him in writing, certifies pursuant to section 1112(a)¹³ of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401 *et seq.*) that the records are believed relevant to a legitimate law enforcement inquiry within the jurisdiction of the receiving agency and (2) a copy of such certification and the notice required by section 1112(b)¹⁴ of the Right to Financial Privacy Act of 1978 is sent within fourteen days of the disclosure to the customer whose records are disclosed¹⁵ or (C) the information derived from bank customer financial records is deleted or rendered unidentifiable with any particular customer; or (D) the information is sought by the General Accounting Office in connection with an investigation, examination, or audit directed at a federal agency; or (E) the request falls within section 1113(g) or section 1113(h)(1)(B) of the Right to Financial Privacy Act. Notwithstanding the language of § 309.6(c)(4)(iv)(B), a written

¹³ The form of certification generally is as follows. Additional information may be added.

Pursuant to section 1112(a) of the Right to Financial Privacy Act of 1978 (12 U.S.C. § 3412), I, _____ [name and appropriate title] hereby certify that the financial records described below were transferred to (agency or department) in the belief that they were relevant to a legitimate law enforcement inquiry, within the jurisdiction of the receiving agency.

¹⁴ The form of notice generally is as follows. Additional information may be added.

Dear Mr./Mrs. _____: Copies of, or information contained in, your financial records lawfully in the possession of the Federal Deposit Insurance Corporation have been furnished to (agency or department) pursuant to the Right to Financial Privacy Act of 1978 for the following purpose: _____. If you believe that this transfer has not been made to further a legitimate law enforcement inquiry, you may have legal rights under the Right to Financial Privacy Act of 1978 or the Privacy Act of 1974.

¹⁵ Whenever a federal agency has obtained a court-ordered delay of the customer notice, the notice shall be sent immediately upon the expiration of the court-ordered delay.

request is not required for the Director of the Division of Bank Supervision, or anyone he designates in writing, to disclose records pursuant to § 309.6(c)(4)(iv)(B) so long as certification and notice as required by that subsection are made.

7. Section 309.6(c)(7)(iii) is revised by deleting the first sentence thereof and substituting the following therefor:

§ 309.6 Disclosure of exempt records by corporation personnel.

(c) Disclosure authorized. * * *

(7) *Reports of examination and other exempt records—disclosure by banks or other third parties. * * **

(iii) With respect to any disclosure that is authorized under § 309.6(c)(7), the Director of the Corporation's Division of Bank Supervision shall only permit disclosure of records upon determining that good cause exists. If the report of examination or other exempt record contains information derived from bank customer financial records, disclosure is to be authorized only upon the condition that the requesting party and the party releasing the records comply with any applicable provision of the Right to Financial Privacy Act of 1978.

8. Section 309.6(c)(8) is revised to read as follows:

§ 309.6 Disclosure of exempt records by corporation personnel.

(c) Disclosure authorized. * * *

(8) *Production of exempt records and testimony of Corporation personnel.* (i) The Corporation's General Counsel, or anyone designated by him in writing, may (A) produce or authorize the production of any exempt record in response to a valid judicial subpoena, court order, or other legal process, and (B) authorize any officer, employee, or agent of the Corporation to appear and testify regarding an exempt record at any administrative or judicial hearing or proceeding where he has been served with a valid subpoena, court order, or other legal process requiring him to testify. Customer financial records may not be disclosed to any federal agency that is not a Federal financial supervisory agency pursuant to subdivision (i) of this subparagraph unless notice to the customer and certification as required by Section 1112 (a) and (b) of the Right to Financial Privacy Act of 1978 have been given *except where* disclosure is in connection with a proceeding to which the federal agency, employee, officer, or agent, and the customer are parties, or disclosure is

¹² This listing of information has been adopted in accordance with guidelines provided to the FDIC by the Department of Justice in a letter dated July 17, 1979 to FDIC Chairman Sprague and signed by United States Attorney General Benjamin K. Civiletti.

in response to a grand jury subpoena, or disclosure is in accordance with procedures authorized by the Internal Revenue Code, or the records are sought pursuant to an administrative subpoena issued by an administrative law judge in an adjudicatory proceeding subject to 5 U.S.C. 554 to which the receiving federal agency, employee, officer, or agent, and the customer are parties. (ii) The General Counsel, or anyone designated by him in writing, may produce or authorize the production of any exempt record sought in connection with any hearing or proceeding without the service of a judicial subpoena, or other legal process requiring production, if he determines that the records are relevant to the hearing or proceeding and that production is in the best interests of justice. In the case of customer financial records, disclosure to any federal agency pursuant to subdivision (ii) of this subparagraph that is not a federal financial supervisory agency may be made only when the records are sought under the Federal Rules of Civil or Criminal procedure or comparable rules of other courts and in connection with litigation to which the receiving federal agency, employee, officer, or agent, and the customer are parties. Where the General Counsel authorizes the production of any exempt record or the testimony of any officer, employee, or agent of the Corporation relative thereto pursuant to § 309.6(c)(8), he shall limit the authorization to so much of the record or testimony as is relevant to the issues at the hearing or proceeding, and he shall give his authorization only upon fulfillment of such conditions as he deems necessary to protect the confidential nature of the record consistent with any requirement that it be produced and made a part of the record of the hearing or proceeding.

(Sec. 9, "Seventh" and "Tenth", Pub. L. 797, 64 Stat. 881 (12 U.S.C. 1819))

By Order of the Board of Directors, July 24, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 80-22795 Filed 7-29-80; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 546, 563, and 571

[No. 80-446]

Federal Savings and Loan Institutions; Amendments Regarding Mergers

Dated: July 24, 1980.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final regulations.

SUMMARY: These amendments increase the scope of the Board's delegation of authority to its Principal Supervisory Agents to approve applications for mergers involving institutions insured by the Federal Savings and Loan Insurance Corporation. Existing regulations provide such a delegation under specified circumstances for mergers of institutions with assets less than specified amounts. These changes increase the specified asset limitations and liberalize other restrictions while continuing to ensure that mergers that may involve significant issues of competition are considered by the Board. The amendments are intended to facilitate the processing of merger applications.

EFFECTIVE DATE: July 30, 1980.

FOR FURTHER INFORMATION CONTACT: John R. Hall, Associate General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552 (202-377-6450).

SUPPLEMENTARY INFORMATION: Section 546.2 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 546.2) provides rules and procedures for mergers involving Federal savings and loan associations, and § 563.22 of the Rules and Regulations for Insurance of Accounts (12 CFR 563.22) provides rules for mergers involving institutions insured by the Federal Savings and Loan Insurance Corporation. Under those rules, Board approval for a merger may be given in specified circumstances by the Board's Principal Supervisory Agent, i.e., the president of the Federal Home Loan Bank of which the resulting institution in the proposed merger is a member. Approval under that delegation of authority may be given if:

(1) The merging (disappearing) institution, if insured has assets less than \$10,000,000, and if uninsured has assets less than \$5,000,000;

(2) The resulting institution would have assets less than \$40,000,000;

(3) In any county (or similar political subdivision) in which both institutions have offices the resulting institution would (i) hold less than 15 percent of total savings accounts (including savings accounts of under \$100,000 held by commercial banks) of financial institutions and (ii) would, based on mortgage recording data or other available evidence, account for less than 15 percent of the total residential mortgage loans made;

(4) The merging institution's net worth to savings ratio is at least 5 percent;

(5) The resulting institution would have an adequate net worth to savings ratio not less than 5 percent;

(6) Compensation to any officer, director, or controlling person of the merging institution by the resulting institution or its service corporation affiliate would not exceed the amount paid before commencement of merger negotiations by more than 15 percent or \$5,000, whichever is greater; and

(7) Any proposed advisory director fee would not exceed the fee received as a director of the disappearing association or \$50 per monthly meeting attended, whichever is greater.

The Principal Supervisory Agent may also recommend modifications of the plan of merger. If the recommendations are not accepted by the directors of both institutions, and if an institution requests it, the Principal Supervisory Agent must submit the merger application to the Board.

In approving a merger, the Principal Supervisory Agent may approve maintenance of an office of the merging institution as a facility of the resulting Federal association and may approve an application for insurance of accounts and Federal Home Loan Bank membership filed by an uninsured institution merging into a Federal association.

In order to facilitate its processing of merger applications the Board has determined to liberalize the limitations on mergers that may be approved by the Principal Supervisory Agent. The revised criteria emphasize the market share of the resulting institution rather than the size of the merging institutions.

The Board believes that mergers affecting a limited share of a market will not significantly alter the competitive structure of the market. The Board further believes that a merger involving direct competition which results in an institution holding less than 8 percent of savings or mortgages in each county in which both the disappearing institution and acquiring institution have an office does not raise issues of competition that need be considered by the Board. Also, geographic extension mergers that involve a disappearing association with a market share less than 10 percent need not be considered by the Board. Therefore, such mergers that are not protested, result in a financially healthy institution, and meet additional criteria intended to avoid the appearance of sale of control may be approved by the Principal Supervisory Agent. Similarly, the Principal Supervisory Agent may, with the concurrence of the Board's Office of Policy and Economic Research

and Office of General Counsel, approve mergers that produce an institution holding less than 12 percent of the savings or mortgages in each county in which the disappearing institution has offices. Board approval will continue to be required for mergers that exceed the specified limitations and for protested mergers. Under the revised limits the Principal Supervisory Agent may approve a merger application if:

(1) The merging (disappearing) institution has assets less than \$10,000,000 (regardless of whether it is an uninsured institution) or the resulting institution has assets less than \$150,000,000;

(2) The resulting institution would hold less than 8 percent of the total savings accounts (including savings accounts of under \$100,000 held by commercial banks) of financial institutions in each county (or similar political subdivision) in which, prior to the merger, both the merging institution and the acquiring institution have an office;

(3) The resulting institution would hold less than 10 percent of the total savings accounts (including savings accounts of under \$100,000 held by commercial banks) of financial institutions in each county (or similar political subdivision) in which, prior to the merger, the disappearing institution has an office;

(4) The resulting institution would hold less than 8 percent of the total residential mortgage loans made in each county (or similar political subdivision) in which, prior to the merger, both the merging institution and the acquiring institution have an office, based on mortgage recording data or such other criteria as is available;

(5) The resulting institution would account for less than 10 percent of the total residential mortgage loans made in each county (or similar political subdivision) in which, prior to the merger, the disappearing institution has an office, based on mortgage recording data or such other criteria as is available;

(6) The resulting institution's net worth would at least equal the amount required for that association under § 563.13 of the Insurance Regulations;

(7) Any proposed increase in compensation (over the amount paid prior to commencement of merger negotiations) to any officer, director, or controlling person of the disappearing institution by the resulting institution or any service corporation affiliate thereof would not exceed 15 percent or \$10,000 (previously \$5,000), whichever is greater;

(8) Any proposed advisory director fee would not exceed an amount more

than 15 percent greater than the fee per monthly meeting received as a director of the disappearing institution, or \$150 per monthly meeting attended, or the fee per monthly meeting attended that advisory directors of the acquiring institution, whichever is greater;

(9) The merger is not protested;

(10) The most recent CRA rating of each institution was at least satisfactory;

(11) The merger was not instituted for supervisory reasons; and

(12) The maximum percentage figures in items (2), (3), (4), and (5) shall be 12 percent provided the Principal Supervisory Agent, prior to giving approval, obtains the concurrence of the Board's Office of Policy and Economic Research and Office of General Counsel with respect to the determination that the proposed merger will not adversely affect competition.

Under the new criteria the resulting institution must meet the net worth requirements applicable to all insured institutions.

The amendments also revise the Board's Statement of Policy on mergers (§ 571.5 of the Insurance Regulations) to increase maximum amounts that are considered reasonable compensation for officers and advisory boards of resulting institutions following a merger.

These changes reflect the effect of inflation since the Policy Statement was adopted and conform to the maximum compensation permitted in connection with mergers that may be approved under delegated authority.

Because the changes affect internal Board procedures and will facilitate the processing of applications for mergers and because it is in the public interest to provide prompt action on applications to the Board, the Board believes it is in the public interest to implement the amendments without delay, and has therefore determined that notice and public procedure with respect to the amendments is not practicable under the provisions of Sec. 803 of the Financial Regulation Simplification Act of 1980, Pub. L. No. 96-221, and is contrary to the public interest and unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. § 553(b); and because publication of the amendments for the period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of the amendments would, in the the Board's opinion, likewise be unnecessary for the same reason, the Board hereby provides that the amendments shall become effective as provided herein.

Accordingly, the Board hereby amends 12 CFR 546.2 by revising paragraph (h) thereof, 12 CFR 563.22 by revising paragraph (e) thereof, and 12

CFR 571.5 by amending subparagraphs (e)(3) and (e)(5) thereof, as set forth below.

Federal Savings and Loan System

PART 546—MERGER, DISSOLUTION, REORGANIZATION, AND CONVERSION

1. Revise paragraph (h) of § 546.2 to read as follows:

§ 546.2 Procedure, effective date.

(h) The Principal Supervisory Agent may give Board approval (including recommending modification of a plan of merger, consolidation, or purchase of bulk assets) required by paragraph (c), if the following conditions are met:

(1) The merging association has assets less than \$10,000,000 or the resulting association would have assets of less than \$150,000,000;

(2) The resulting association would hold less than 8 percent of the total savings accounts (including savings accounts under \$100,000 held by commercial banks) of financial institutions in each county (or similar political subdivision) in which, prior to the merger, both the merging association and the resulting association have an office;

(3) The resulting association would hold less than 10 percent of the total savings accounts (including savings accounts of under \$100,000 held by commercial banks) of financial institutions in each county (or similar political subdivision) in which, prior to the merger, the disappearing association has an office;

(4) The resulting association would account for less than 8 percent of the total residential mortgage loans made in each county (or similar political subdivision) in which, prior to the merger, both the merging association and the resulting association have an office, based on mortgage recording data or such other evidence as is available;

(5) The resulting association would account for less than 10 percent of the total residential mortgage loans made in each county (or similar political subdivision) in which, prior to the merger, the disappearing association has an office, based on mortgage recording data or such other evidence as is available;

(6) The resulting association's net worth would at least equal the amount required for that association under § 563.13 of this chapter;

(7) Any proposed increase in compensation (over the amount paid prior to commencement of merger negotiations) to any officer, director, or

controlling person of the merging association by the resulting association or any service corporation would not exceed 15 percent or \$10,000 whichever is greater;

(8) Any proposed advisory director fee would not exceed the greater of the following amounts: (i) 115 percent of the fee per monthly meeting attended received as a director of the merging institution, (ii) \$150 per monthly meeting attended, or (iii) the fee per monthly meeting attended that advisory directors of the resulting association receive;

(9) No association involved in the merger received on its most recent examination a rating less than satisfactory with regard to its compliance with the Community Reinvestment Act and regulations issued thereunder;

(10) The merger was not instituted for supervisory reasons;

(11) The merger is not protested; and

(12) The percentages in subparagraphs (h)(2), (3), (4) and (5) of this section shall be 12 percent, provided that the Principal Supervisory Agent, prior to giving approval, obtains the concurrence of the Board's Office of Policy and Economic Research and Office of General Counsel with respect to the determination that the proposed merger will not adversely affect competition. If the Principal Supervisory Agent's modifications are not accepted by the directors of both associations, and if an association requests it, the Principal Supervisory Agent shall submit the merger application to the Board. Only the Board may disapprove a merger application. In approving a merger under this paragraph (h), the Principal Supervisory Agent may approve maintenance of an office of the merging association as a facility of the resulting Federal association and may approve an application for insurance of accounts and Bank membership filed by an uninsured association merging into a Federal association.

Federal Savings and Loan Insurance Corporation

PART 563—OPERATIONS

2. Revise paragraph (e) of § 563.22 to read as follows:

§ 563.22 Merger, consolidation, or purchase of bulk assets.

(e) The approval of the Corporation (including recommending modifications of the plan of merger, consolidation, or purchase of bulk assets) required by paragraph (a) of this section may be given by the Principal Supervisory

Agent (as defined in § 545.14(a)(3) of this chapter) if all of the following conditions are met:

(1) The merging institution has assets less than \$10,000,000 or the resulting institution would have assets less than \$150,000,000;

(2) The resulting institution would hold less than 8 percent of the total savings accounts (including savings accounts under \$100,000 held by commercial banks) of financial institutions in any county (or similar political subdivision) in which, prior to the merger, both the merging institution and the resulting institution have an office;

(3) The resulting institution would hold less than 10 percent of the total savings accounts (including savings accounts of under \$100,000 held by commercial banks) of financial institutions in each county (or similar political subdivision) in which, prior to the merger, the merging institution has an office;

(4) The resulting institution would account for less than 8 percent of the total residential mortgage loans made in any county (or similar political subdivision) in which, prior to the merger, both the merging institution and the resulting institution have an office, based on mortgage recording data or such other evidence as is available;

(5) The resulting institution would account for less than 10 percent of the total residential mortgage loans made in each county (or similar political subdivision) in which, prior to the merger, the merging institution has an office, based on mortgage recording data or such other evidence as is available;

(6) The resulting institution's net worth would at least equal the amount required for that association under § 563.13 of this chapter;

(7) Any proposed increase in compensation (over the amount paid prior to commencement of merger negotiations) to any officer, director, or controlling person of the disappearing institution by the resulting institution or any service corporation affiliate thereof would not exceed 15 percent or \$10,000, whichever is greater;

(8) Any proposed advisory director fee would not exceed the greater of the following amounts: (i) 115 percent of the fee per monthly meeting attended received as a director of the merging institution, (ii) \$150 per monthly meeting attended, or (iii) the fee per monthly meeting attended that the advisory directors of the resulting institution receive;

(9) No institution involved in the merger received on its most recent examination a rating less than

satisfactory with regard to its compliance with the Community Reinvestment Act and regulations issued thereunder;

(10) The merger was not instituted for supervisory reasons;

(11) The merger is not protested; and

(12) The percentages in subparagraphs (e) (2), (3), (4) and (5) of this section shall be 12 percent, provided that the Principal Supervisory Agent, prior to giving approval, obtains the concurrence of the Board's Office of Policy and Economic Research and Office of General Counsel with respect to the determination that the proposed merger will not adversely affect competition.

If the Principal Supervisory Agent recommends modifications of the application which are not accepted by the directors of both institutions, the application shall be submitted by the Principal Supervisory Agent to the Corporation if one of the institutions requests it.

PART 571—STATEMENTS OF POLICY

1. Amend § 571.5 by amending the penultimate sentence of subparagraph (e)(3) thereof by changing the figure "\$5,000" to "\$10,000," and by revising the third, fourth and fifth sentences of subparagraph (e)(5), to read as follows:

§ 571.5 Mergers.

(e) *Factors relating to fairness and disclosure of the plan.*

(3) *Compensation to officers.* * * * An increase in such compensation in excess of the greater of 15% or \$10,000 gives rise to presumptions of unreasonableness and sale of control. * * *

(5) *Advisory boards.* * * * The plan will be particularly scrutinized where proposed advisory board fees exceed by more than 15 percent the director fees paid by the disappearing institution prior to commencement of merger negotiations. Such an excess in advisory director fees gives rise to presumptions of unreasonableness and sale of control. In the case of such an excess, evidence sufficient to rebut such presumptions should be submitted, unless the advisory board fees do not exceed the fee per monthly meeting attended that the advisory directors of the acquiring institution receive or \$150, whichever is greater. * * *

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. § 1464); secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. § 1725, 1726,

1730). Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 80-22901 Filed 7-29-80; 8:45 am]

BILLING CODE 6720-01-M

12 CFR Part 590

[No. 80-447]

Preemption of State Usury Laws; Mobile Home Loan Consumer Protection Provisions

Dated: July 24, 1980.

AGENCY: Federal Home Loan Bank Board.

ACTION: Amendment to final regulations.

SUMMARY: The Board amends paragraph 590.4 of the Regulations for Federally-Related Mortgage Loans to clarify which charges received with respect to usury-exempt mobile home loans must be rebated if the loan is prepaid in full.

EFFECTIVE DATE: July 31, 1980.

FOR FURTHER INFORMATION, CONTACT:

James C. Stewart (Telephone: 202-377-6457), Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: By Resolution No. 80-393, dated June 19, 1980, the Federal Home Loan Bank Board adopted final regulations specifying what consumer protections must be included in mobile home loans before these loans will be eligible for the state interest ceiling preemption contained in Part 590. See 45 Fed. Reg. 43681 (June 30, 1980). Under § 590.4(c) of those final regulations, creditors are required to refund unearned precomputed finance charges in the event a precomputed mobile home loan is fully prepaid. Since the final regulations were adopted the Board has received a number of questions regarding finance charges subject to this rebate. The primary inquiry has been whether initial charges such as points must be refunded. Although the definition of precomputed finance charges contained in § 590.4(a)(3) does not include points, the number of inquiries received indicates that a clarification of the definition may be desirable.

Since the amendment represents a clarification of the existing rule, the Board believes that notice and public procedure is not warranted with respect to this change. The Board also determines that it is in the public interest to make this amendment effective as expeditiously as possible.

Continued uncertainty in this matter would seriously disrupt mobile home lending. Accordingly, implementation in this manner comports with § 803 of Financial Regulation Simplification Act of 1980, Pub. L. No. 96-221, 94 Stat. 191 and is authorized under § 508.11 and 14 of the General Regulations (12 CFR § 508.11 and 14) and the rulemaking provisions of the Administrative Procedure Act, 5 U.S.C. § 553(b) and (d).

Accordingly, the Federal Home Loan Bank Board amends § 590.4 of the Regulations for Federally-Related Mortgage Loans (12 CFR 590.4) by addition of a new subparagraph (a)(3) thereto, to take effect July 31, 1980.

Regulations for Federally-Related Mortgage Loans

PART 590—PREEMPTION OF STATE USURY LAWS

§ 590.4 Consumer protection rules for Federally-related loans, mortgages, credit sales and advances secured by first liens on residential manufactured homes.

(a) Definitions.

(3) *Precomputed Finance Charge.* The term "precomputed finance charge" means interest or a time/price differential as computed by the add-on or discount method. Precomputed finance charges do not include loan fees, points, finder's fees, or similar charges.

(Sec. 501, Pub. L. No. 96-221, 94 Stat. 161).

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 80-22902 Filed 7-29-80; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 370 and 379

Exports Not Controlled by the Office of Export Administration

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

ACTION: Final rule.

SUMMARY: The Export Administration Regulations are amended to clarify the jurisdiction of the Patent and Trademark Office, in licensing exports of patents and amendments or supplements thereto.

DATES: This rule is effective July 30, 1980.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: This announcement has been coordinated with and agreed upon by the Patent and Trademark Office. These changes are also being announced in 37 CFR Part 5, Regulations of the Patent and Trademark Office.

RULEMAKING REQUIREMENTS:

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" by 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.

Accordingly, the *Export Administration Regulations* (15 CFR Subchapter B) are amended as follows:

PART 370—EXPORT LICENSING GENERAL POLICY AND RELATED INFORMATION

1. Section 370.10 is amended by adding a new paragraph (j) as follows:

§ 370.10 Exports which are not controlled by the Office of Export Administration.

(j) *Patent Applications.* Regulations issued by the Patent and Trademark Office in 37 CFR Part 5 govern the export to a foreign country of unclassified technical data in the form of a patent application or an amendment, modification, or supplement thereto or division thereof. These regulations are issued under the authority of 35 U.S.C. 6, 181-188.

2. Section 379.3(c) is revised to read as follows:

§ 379.3 General License GTDA: Technical data available to all destinations.

(c) *Patent Applications.* Data contained in a patent application, prepared wholly from foreign-origin technical data where such application is being sent to the foreign inventor to be executed and returned to the United States for subsequent filing in the U.S. Patent and Trademark Office. (No validated export license from the Office of Export Administration is required for data contained in a patent application, or an amendment, modification, supplement or division thereof for filing in a foreign country in accordance with the regulations of the Patent and Trademark Office in 37 CFR Part 5. See § 370.10(j).)

(Secs. Sections 13 and 15, Pub. L. 96-72, to be codified at 50 U.S.C., App. 2401 *et seq.*; Executive Order 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10-3 (45 FR 6141, January 25, 1980); Department Organization Order 41-1 (45 FR 11862, February 22, 1980); 35 U.S.C. 6, 181-188)

Dated: July 23, 1980.

Eric L. Hirschhorn,
Deputy Assistant Secretary for Export
Administration.

[FR Doc. 80-22787 Filed 7-29-80; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF ENERGY

**Federal Energy Regulatory
Commission**

18 CFR Part 271

[Docket No. RM80-53]

**Ceiling Prices; Order of Publication of
Maximum Lawful Prices Under Title I
of the NGPA**

July 25, 1980.

AGENCY: Federal Energy Regulatory
Commission.

ACTION: Final rule.

SUMMARY: Pursuant to the authority delegated by 18 CFR 375.307(1), the Director of the Office of Pipeline and Producer Regulation revises and publishes the maximum lawful prices prescribed under Title I of the NGPA. Section 101(b)(6) of the NGPA requires that the Commission compute and publish maximum lawful prices under Title I at the beginning of each month for which such figures apply.

EFFECTIVE DATE: July 25, 1980.

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

Section 101(b)(6) of the NGPA requires that the Commission compute and make available maximum lawful prices prescribed in Title I and inflation adjustments before the beginning of any month for which such figures apply.

Pursuant to that mandate and pursuant to § 375.307(1) of the Commission's regulations, delegating the publication of such prices and inflation adjustments to the Director of the Office of Pipeline and Producer Regulation, the maximum lawful prices for the months of August, September, and October 1980, are issued by the publication of price tables for the applicable quarter. Pricing tables may be found in § 271.101(a) of the Commission's regulations. Table I of § 271.101(a) specifies the maximum lawful prices for gas subject to sections 102, 103, 106(b)(1)(B), 108 and 109 of the NGPA. Table II of § 271.101(a) specifies the maximum lawful prices for section 104 and 106(a); Table III of § 271.102(a) sets forth the inflation adjustment.

Paul D. Hubbard,

Acting Director, Pipeline and Producer
Regulation.

§ 271.101 [Amended]

1. Section 271.101(a) is amended in paragraph (a) by inserting the maximum lawful prices for August, September, October of 1980 in Tables I and II.

2. Section 271.101(a) is further amended in paragraph (a) by striking "(below 15,000 only)" from Table I and inserting "(produced from tight formations)" on the line below Subpart "G", "High Cost Gas".

3. Section 271.101(a) is further amended in paragraph (a) by striking the published prices from Table I, Subpart "G" on the line beginning "High Cost Gas".

4. Section 271.101(a) is further amended in paragraph (a) by amending footnote number "2" in Table I on the line beginning Subpart "G", after "High Cost Gas" to read as follows:

"Commencing November 1, 1979, the price of natural gas finally determined to be eligible as high-cost gas under section 107(c)(1)-(4) of the NGPA is deregulated. The prices published in Table I for previous quarters apply to the interim collection of the section 107(c)(1)-(4) category of high-cost gas. Further publication of the interim collection price for the section 107(c)(1)-(4) category of high cost gas is being discontinued. The regulations applicable to NGPA, section 107(c)(1)-(4) are in Part 272 of the regulations. Commencing this quarter, Table I, Part 271, Subpart G refers to new tight formation gas. The maximum lawful prices for new tight formation gas may be found in § 271.702 of the regulations."

§ 271.102 [Amended]

5. Section 271.102 is amended in paragraph (c) by the insertion of the inflation adjustment for the months of August, September and October of 1980 in Table III.

Table I.—Natural Gas Ceiling Prices (Other Than NGPA §§ 104 and 106(a))

			Maximum lawful price per MMBtu for deliveries in—											
Subpart of	NGPA section	Category of gas	Dec. 1978	Jan. 1979	Feb. 1979	Mar. 1979	Apr. 1979	May 1979	June 1979	July 1979	Aug. 1979	Sept. 1979	Oct. 1979	
Part 271														
B.....	102.....	New, Natural Gas, Certain OCS Gas	\$2.078	\$2.096	\$2.116	\$2.136	\$2.156	\$2.177	\$2.198	\$2.220	\$2.244	\$2.268	\$2.292	
C.....	103.....	New, Onshore Production Wells	1.969	1.980	1.993	2.006	2.019	2.033	2.047	2.062	2.079	2.096	2.113	
F.....	106(b)(1)(B).....	Alternative Maximum Lawful Price for Certain Intrastate Rollover Gas ¹	1.121	1.128	1.136	1.144	1.152	1.160	1.168	1.176	1.185	1.195	1.205	
G.....	107.....	High-Cost Gas ² (produced from tight formations)												
H.....	108.....	Stripper Gas	2.224	2.243	2.264	2.285	2.306	2.329	2.352	2.375	2.400	2.426	2.452	
I.....	109.....	Not Otherwise Covered	1.630	1.639	1.650	1.661	1.672	1.684	1.696	1.708	1.722	1.736	1.750	

Table I.—Natural Gas Ceiling Prices (Other Than NGPA §§ 104 and 106(a))

Subpart of Part 271	NGPA section	Category of gas	Maximum lawful price per MMBtu for deliveries in—											
			Nov. 1979	Dec. 1979	Jan. 1980	Feb. 1980	Mar. 1980	Apr. 1980	May 1980	June 1980	July 1980	Aug. 1980	Sept. 1980	Oct. 1980
B.....	102.....	New Natural Gas, Certain OCS Gas.	\$2.314	\$2.336	\$2.358	2.381	2.404	2.428	2.453	2.478	2.504	2.532	2.560	2.588
C.....	103.....	New Onshore Production Wells.	2.128	2.143	2.158	2.173	2.188	2.204	2.221	2.238	2.255	2.274	2.293	2.312
F.....	106(b)(1)(B).....	Alternative Maximum Lawful Price for Certain Intrastate Rollover Gas ¹ .	1.213	1.221	1.229	1.238	1.247	1.256	1.266	1.276	1.286	1.297	1.308	1.319
G.....	107.....	High Cost Gas ² (produced from tight formations).												
H.....	108.....	Stripper Gas.....	2.478	2.499	2.523	2.548	2.573	2.598	2.625	2.652	2.680	2.710	2.740	2.770
I.....	109.....	Not Otherwise Covered.	1.762	1.774	1.786	1.799	1.812	1.825	1.839	1.853	1.867	1.883	1.899	1.915

¹ Section 271.602(a) provides that for certain gas sold under an intrastate rollover contract the maximum lawful price is the higher of the price paid under the expired contract, adjusted for inflation or an alternative maximum lawful price specified in this table. This alternative maximum lawful price for each month appears in this row of Table I.

² Commencing November 1, 1979, the price of natural gas finally determined to be eligible as high-cost gas under section 107(c)(1)–(4) of the NGPA is deregulated. The prices published in Table I for previous quarters apply to the interim collection of the section 107(c)(1)–(4) category of high-cost gas. Further publication of the interim collection price for the section 107(c)(1)–(4) category of high cost gas is being discontinued. The regulations applicable to NGPA, section 107(c)(1)–(4) are in Part 272. Commencing this quarter, Table I, Part 271, Subpart G refers to new tight formation gas. The maximum lawful prices for new tight formation gas may be found in § 271.702 of the regulations.

Table II.—Natural Gas Ceiling Prices: NGPA §§ 104 and 106(a) (Subpart D, Part 271)

Category of natural gas	Type of sale or contract	Maximum lawful price per MMBtu for deliveries made in—												
		Dec. 1978	Jan. 1979	Feb. 1979	Mar. 1979	Apr. 1979	May 1979	June 1979	July 1979	Aug. 1979	Sept. 1979	Oct. 1979	Nov. 1979	Dec. 1979
Post-1974 gas.....	All producers.....	\$1.630	\$1.639	\$1.650	\$1.661	\$1.672	\$1.684	\$1.696	\$1.708	\$1.722	\$1.736	\$1.750	\$1.762	\$1.774
1973–1974 Biennium gas.....	Small producer.....	1.379	1.387	1.396	1.405	1.414	1.424	1.434	1.444	1.456	1.468	1.480	1.490	1.500
	Large producer.....	1.058	1.064	1.071	1.078	1.085	1.093	1.101	1.109	1.118	1.127	1.136	1.144	1.152
Interstate Rollover gas ¹	Small producer.....	.702	.715	.715	.715	.715	.715	.715	.715	.715	.715	.715	.715	.715
	Large producer.....	.603	.607	.611	.615	.619	.623	.627	.631	.636	.641	.646	.650	.654
Replacement contract gas or recompletion gas.....	Small producer.....	.771	.775	.780	.785	.790	.796	.802	.808	.815	.822	.829	.835	.841
	Large producer.....	.593	.596	.600	.604	.608	.612	.616	.620	.625	.630	.635	.639	.643
Flowing gas.....	Small producer.....	.393	.395	.398	.401	.404	.407	.410	.413	.416	.419	.422	.425	.428
	Large producer.....	.332	.334	.336	.338	.340	.342	.344	.346	.349	.352	.355	.357	.359
Certain Permian Basin gas.....	Small Producer.....	.462	.465	.468	.471	.474	.477	.480	.486	.487	.491	.495	.498	.501
	Large producer.....	.405	.407	.410	.413	.416	.419	.422	.425	.428	.431	.434	.437	.440
Certain Rocky Mountain Gas.....	Small producer.....	.462	.465	.468	.471	.474	.477	.480	.483	.487	.491	.495	.498	.501
	Large producer.....	.393	.395	.398	.401	.404	.407	.410	.413	.416	.419	.422	.425	.428
Certain Appalachian Basin gas.....	North subarea contracts dated after 10-7-69	.368		.372	.374	.376	.379	.382	.385	.388	.391	.394	.397	.400
	Other Contracts	.344	.370	.372	.374	.376	.379	.382	.385	.388	.391	.394	.397	.400
Minimum Rate Gas ²	All producers.....	.203	.204	.205	.206	.207	.208	.209	.210	.212	.214	.216	.217	.218

Category of natural gas	Type of sale or contract	Maximum lawful price per MMBtu for deliveries made in—									
		Jan. 1980	Feb. 1980	Mar. 1980	Apr. 1980	May 1980	June 1980	July 1980	Aug. 1980	Sept. 1980	Oct. 1980
Post-1974 gas.....	All producers.....	\$1.786	\$1.799	\$1.812	\$1.825	\$1.839	\$1.853	\$1.867	\$1.883	\$1.899	\$1.915
1973–1974 Biennium gas.....	Small producer.....	1.510	1.521	1.532	1.543	1.555	1.567	1.579	1.592	1.605	1.619
	Large producer.....	1.160	1.168	1.176	1.184	1.193	1.202	1.211	1.221	1.231	1.241
Interstate Rollover gas ¹	Small producer.....	.728	.728	.728	.728	.728	.728	.728	.728	.728	.728
	Large producer.....	.659	.664	.669	.674	.679	.684	.689	.695	.701	.707
Replacement contract gas or recompletion gas.....	Small producer.....	.847	.853	.859	.865	.872	.879	.886	.893	.901	.909
	Large producer.....	.647	.652	.657	.662	.667	.672	.677	.683	.689	.695
Flowing gas.....	Small producer.....	.431	.434	.437	.440	.443	.446	.449	.453	.457	.461
	Large producer.....	.361	.364	.367	.370	.373	.376	.379	.382	.385	.388
Certain Permian Basin gas.....	Small producer.....	.504	.508	.512	.516	.520	.524	.528	.532	.536	.541
	Large producer.....	.443	.446	.449	.452	.455	.459	.463	.467	.471	.475
Certain Rocky Mountain gas.....	Small producer.....	.504	.508	.512	.516	.520	.524	.528	.532	.536	.541
	Large producer.....	.431	.434	.437	.440	.443	.446	.449	.453	.457	.461
Certain Appalachian Basin gas.....	North subarea contracts dated after 10-7-69	.403	.406	.409	.412	.415	.418	.421	.425	.429	.433
	Other Contracts	.379	.382	.385	.388	.391	.394	.397	.400	.403	.406
Minimum Rate Gas ²	All producers.....	.220	.222	.224	.226	.228	.230	.232	.234	.236	.238

¹ The price for interstate rollover gas is the higher of the price listed in this table or the just and reasonable price under the expired contract as adjusted for inflation. (See § 271.402(c)(3)).

² Prices for minimum rate gas are expressed in terms of dollars per MCF, rather than MMBtu.

Table III.—Inflation Adjustment

Month of delivery	Factor by which price in preceding month is multiplied
1977	
May	1.00636
June	1.00636
July	1.00431
August	1.00431
September	1.00431
October	1.00463
November	1.00463
December	1.00463
1978	
January	1.00597
February	1.00597
March	1.00597
April	1.00889
May	1.00889
June	1.00889
July	1.00581
August	1.00581
September	1.00581
October	1.00581
November	1.00581
December	1.00581
1979	
January	1.00581
February	1.00667
March	1.00667
April	1.00667
May	1.00713
June	1.00713
July	1.00713
August	1.00805
September	1.00805
October	1.00805
November	1.00690
December	1.00690
1980	
January	1.00690
February	1.00713
March	1.00713
April	1.00713
May	1.00774
June	1.00774
July	1.00774
August	1.00843
September	1.00843
October	1.00843

[FR Doc. 80-22854 Filed 7-29-80; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 201

[Docket No. R-80-717]

Property Improvement and Mobile Loans; Increased Mobile Home Loan Limits

AGENCY: Office of the Assistant

Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (HUD).

ACTION: Final rule.

SUMMARY: This rule: (1) Permits the basic mobile home loan advance to be computed on the basis of 116 percent of the manufacturers invoice, instead of the present 113 percent; (2) increases the maximum setup allowances for single and double-wide mobile homes to \$500 and \$1,000 respectively ("setup" here refers to the mobile home's being properly anchored together with the installation of plumbing, heating and electrical systems); (3) increases the allowance for skirting on mobile homes to \$300; (4) increases the maximum allowance for central air conditioning, including heat pumps, in mobile homes to the dealer's actual cost plus installation; (5) increased the interest amount that may be paid to lenders on claims; (6) increases the repossession allowance on double-wide mobile homes to \$1,000.

EFFECTIVE DATE: September 10, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Brady, Acting Director, Office of Title I Insured Loans, Department of Housing and Urban Development, Room 9178, 451 7th Street SW., Washington, D.C. 20410, (202) 755-6680. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: On September 26, 1979, revisions to Subpart B, Mobile Home Loans, were published as an Interim Rule (44 FR 55332) which became effective on November 10, 1979. Interested parties were given until October 26, 1979 to submit views and comments. All comments were carefully considered in developing this final rule which on the above effective date, supersedes the Interim Rule. A total of seven comments were received. Four commenters stated that they favored greater increases in permissible charges but otherwise approved the amendments.

Two commenters indicated

disapproval of the charges but did not state specific reasons for disapproval.

A commenter inquired as to code requirements relating to heat pumps. Heat pumps financed under this part must meet all code requirements.

A commenter requested clarification of the amendment to § 201.680(b) which provides for increased interest payments on claims. This section has been clarified to provide that it will be applicable to all loans in default on or after November 10, 1979.

Section 201.530, maximum loan amount, was amended on January 25, 1980 (44 FR 6088) and February 20, 1980 (45 FR 11128) to implement increased loan limits authorized by the Housing and Community Development Amendments Act of 1979.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this finding is available in the office of the Rules Docket Clerk, Office of the General Counsel, room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. This rule is not listed in the Department's semi-annual agenda of significant rules, published pursuant to Executive Order 12044.

Accordingly, 24 CFR Part 201 is amended by revising § 201.530 and the introductory paragraph of § 201.680(b) and § 201.680(c)(1) to read as follows:

§ 201.530. Maximum loan amounts.

(a) *Basic limitation.* The mobile home loan proceeds shall not exceed the lesser of \$18,000 (\$27,000 if the mobile home is composed of two or more modules) or 116 percent of the total price for such home, as stated in the manufacturer's invoice (ninety percent of the appraised value of a used mobile home if the used mobile home was previously financed with a loan under this part). The appraised value of a used mobile home shall be determined by a HUD-approved mobile home appraiser.

(b) *Permissible charges and fees.* The following charges and fees are authorized:

(1) Filing or recording fees and charges.

(2) Documentary stamp taxes.

(3) State and local sales taxes.

(4) Costs of comprehensive and extended coverage insurance and a vendor's single interest coverage. The term of the initial policy shall not exceed five years.

(5) Itemized setup charges, including costs of "tie-downs", by the dealer for installing the mobile home on site and transportation costs from the dealer's lot to the site, provided that allowable charges shall not exceed \$500 for a single-wide mobile home or \$1,000 when the mobile home consists of two or more modules.

(6) Cost of skirting not to exceed actual cost, or \$300, whichever amount is the lesser.

(7) Cost of central air conditioning or heat pumps, if not installed by the mobile home manufacturer, not to exceed 100 percent of the dealer's actual cost, plus installation.

(c) The charges and fees authorized in paragraph (b) of this section may be added to the loan, if the inclusion of such items does not increase the total loan proceeds to more than \$18,000 (\$27,000 when the mobile home is composed of two or more modules).

§ 201.680 Amount of claim.

(b) On loans in default on or after November 10, 1979, add to 90 percent of the principal balance determined under paragraph (a) of this section, 90 percent of the interest at 7 percent per annum on the outstanding principal balance computed from the date of default. On loans in default prior to November 10, 1979, add to 90 percent of the amount determined under paragraph (a) of this section, 90 percent of the interest at 7 percent per annum determined under paragraph (a) of this section, computed from the date of default:

(c) Add to the amount obtained under paragraph (b) of this section the following allowances for expenditures made by the insured:

(1) On loans in default on or after November 10, 1979, the costs of repossessing and refurbishing the mobile home, not to exceed \$500 for a single-wide unit and \$1,000 for a double-wide unit. On loans in default prior to November 10, 1979 the cost of repossessing and refurbishing the mobile home not to exceed \$500.

(Sec. 7(d) Department of Housing and Urban Development Act (42 U.S.C. 3535(d); Title I, Section 2, 48 Stat. 1246) (12 U.S.C. 1703 as amended))

Issued at Washington, D.C., July 24, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 80-22890 Filed 7-29-80; 8:45 am]

BILLING CODE 4210-01-M

24 CFR Part 203

[Docket No. R-80-844]

Mortgagee Approval; Eligibility Requirements: Mortgagee Approval

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development.

ACTION: Interim rule.

SUMMARY: The Department is revising, simplifying and clarifying the requirements for mortgagee approval. There are a number of significant changes. These amendments would revise the present sequence of the mortgagee approval requirements for improved organization. These Regulations will restate and update the language and provisions of the regulations to provide greater definition and more comprehensive guidance to the Department and the residential mortgage lenders in the application and administration of the mortgagee approval requirements.

EFFECTIVE DATE: September 10, 1980.

COMMENTS DUE: Comments must be received on or before September 29, 1980.

ADDRESS: Interested persons are invited to submit written comments, suggestions or data regarding the proposed regulations to the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Communications should refer to the above docket number and title. All relevant material received will be considered before adoption of a final rule. A copy of each communication submitted will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Andrew Zirneklis, Office of Mortgage Activities, Dept. of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, (202)755-7330. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: These regulations are being promulgated as an interim rule as the Department has made a determination that it is in the best interests of the public to implement immediately the provisions of these

regulations which require all approved mortgagees to implement and maintain a quality control plan with respect to their loan origination and servicing activities and to pay application and annual fees. Section 203.1 spells out general criteria for mortgagee approval. These are not new requirements but they are important and that they be placed in the regulations for clarity and notice. These regulations will provide that a mortgagee may be approved to originate either multifamily or single family mortgages or both and the approval may be restricted to designated geographic areas. The "kickback" prohibition previously included in § 203.7 entitled *Withdrawal of Approval* is now included in this paragraph. Section 203.1 also includes the prohibition against referral fees, which were not previously listed in § 203.7. The provisions for withdrawal of approval of mortgagees are set out in Part 25 of this title. These provisions are being taken out of § 203.7. Approval for participation in the Title II Coinurance Program or in the Title I Loan Programs requires separate approval.

Section 203.2 sets out requirements for full approval. Three requirements are new. A limited partnership, which has not more than one general partner which is a chartered institution and which has as its principal activity the management of the affairs of the partnership, may be approved as a mortgagee. This provision is intended to increase participation in the Department's programs. All approved mortgagees are required to implement a written quality control plan regarding the origination and servicing of HUD-FHA insured mortgages. Also, all approved mortgagees with the exception of government institutions and National Mortgage Associations are required to pay application and annual fees to the Department to assist in defraying the cost of approving and supervising mortgagees, including their branch offices. A schedule of such fees will be promulgated to the industry.

Section 203.3. All supervised mortgagees that are not members of the Federal Reserve System or institutions whose accounts are not insured by the Federal Savings and Loan Corporation, the Federal Deposit Insurance Corporation or the National Credit Union Administration will be required to have and maintain a net worth of at least \$100,000. Those mortgagees previously approved with a net worth of less than \$100,000 will have three years within which to obtain the required net worth. Supervised mortgagees will be required to obtain approval for branch offices authorized to submit applications

for mortgage insurance. These regulations make no provision for approved mortgagees in the supervised category to designate HUD approved authorized agents that are not also approved mortgagees. After July 30, 1983 these regulations will prohibit the use of authorized agents in the origination of HUD-insured mortgages that are not approved mortgagees. During this three-year period all previously HUD approved authorized agents will have to qualify as approved mortgagees in order to participate in the Department's housing programs.

Section 203.4 states the special requirements for nonsupervised mortgagees. The requirement for having and maintaining an adjusted net worth of at least \$100,000 is established even for mortgagees previously approved with less than \$100,000. Mortgagees previously approved with different financial requirements will have three years within which to increase their net worth.

The requirements for establishment of warehouse lines of credit (or equivalent) for use in the origination of mortgages appears in the regulations for the first time. These regulations also restate the requirement that non-supervised mortgagees must obtain approval for branch offices authorized to submit applications for mortgage insurance. The remaining provisions are not new. They provide clarity and notice.

Section 203.5 states in greater detail than before the requirements for loan correspondent mortgagees. A loan correspondent may have many sponsors but it cannot sell mortgages to any mortgagee other than its sponsor without prior HUD approval. A loan correspondent must retain at least one sponsor or its approval will be withdrawn.

In § 203.6 the category of mortgagees known as charitable or nonprofit has been combined in one section with investing mortgagees. The requirements for both are quite similar. They may purchase, hold and sell mortgages but they may not originate mortgages. The mortgagee must have someone on its staff that has experience in investing in real estate mortgages.

Sections 203.7 and 203.8 provide for approval of governmental institutions and special purpose mortgagees.

Section 203.9 is revoked and reserved. The requirements previously included in § 203.9 entitled *Staffing and Facilities* are now included in § 203.2.

A finding of inapplicability with respect to environmental impact has been prepared in accordance with HUD "Procedures for Protection and Enhancement of Environmental

Quality". A copy of the finding is available for inspection and copying in the Office of the Rules Docket Clerk at the above address.

It is hereby certified that the economic and inflationary impacts of these regulations have been carefully evaluated in accordance with Executive Order 11821.

This rule is listed as item number H-64-78 in the Department's semiannual agenda of significant rules, published pursuant to Executive Order 12044.

Accordingly, in 24 CFR Part 203, §§ 203.1 through 203.8 are amended and § 203.9 is reserved as follows:

§ 203.1 Approval of mortgagees.

(a) *General.* (1) A mortgagee may be approved for participation in the HUD/FHA mortgage insurance programs upon filing a request for approval on a form prescribed by the Commissioner. Approval of the application shall constitute an agreement between the mortgagee and the Commissioner which shall govern the mortgagee's continued approval subject to the provisions of this part.

(2) Approval may be restricted to participation in the home mortgage insurance programs or the multifamily mortgage insurance programs and to geographic areas designated by the Commissioner.

(3) Separate approval is required under the National Housing Act for participation in the Title I Program and additional approval is required for participation in the Title II Coinsurance Program.

(b) *Prohibited payments.* A mortgagee may not pay anything of value, directly or indirectly, in connection with any insured mortgage transaction or transactions to any person including but not limited to an attorney, escrow agent, title company, consultant, mortgage broker, seller, builder, or real estate agent if such person has received any other compensation from the mortgagor, the seller, the builder, or any other person for services related to such transactions or from or related to the purchase or sale of the mortgaged property, except that compensation may be paid for the actual performance of such services as may be approved by the Commissioner. The mortgagee shall not pay a referral fee to any person or organization.

(c) *Withdrawal of Approval.* (1) Approval of a mortgagee may be withdrawn by the Mortgagee Review Board as provided in Part 25 of this title.

(2) Withdrawal of a mortgagee's approval shall not affect the insurance on mortgages accepted for insurance.

§ 203.2 Approval requirements.

(a) A mortgagee approved for participation in the HUD/FHA mortgage insurance programs shall establish to the satisfaction of the Commissioner that it meets the following general requirements and the specific requirements of §§ 203.3 through 203.8, as appropriate.

(1) It is chartered institution, a permanent organization having succession, or a trust.

(2) It employs trained personnel competent in all aspects of mortgage lending activities including origination, servicing and collection activities, and adequate staff and facilities to originate and service mortgages in accordance with this Part, to the extent the mortgagee engages in such activities.

(3) All employees who will sign applications for mortgage insurance on behalf of the mortgagee shall be corporate officers or will otherwise be authorized to bind the mortgagee in matters involving the origination of mortgage loans.

(4) It shall not use escrow funds for any purpose other than that for which they were received.

(5) It shall comply with the provisions of the Civil Rights Act of 1968, the Equal Credit Opportunity Act, the Real Estate Settlement Procedures Act and all other federal laws relating to the lending or investing of funds in real estate mortgages.

(6) It shall comply with the servicing responsibilities contained in Subpart C of this Part, with all other applicable regulations contained in this title and with such additional conditions and requirements as the Commissioner may impose.

(7) It shall provide prompt notification on a form prescribed by the Commissioner of all corporate changes, including, but not limited to: mergers, terminations, name, location, control of ownership, and character of business.

(8) It shall file a yearly verification of its status and operations on a form prescribed by the Commissioner.

(9) It shall, upon request, submit a copy of its latest financial statement, submit such information as the Commissioner may request, and submit to an examination of that portion of its records which relate to its insured mortgage activities.

(10) It shall implement a written Quality Control Plan which assures compliance with the rules, regulations, and other issuances of the Commissioner regarding loan origination and servicing.

(11) A mortgagee, other than one meeting the requirements of § 203.7, shall pay an application and annual

fees, including additional fees for each branch office authorized to submit applications for mortgage insurance, in such amounts and at such time as the Commissioner may require to assist in defraying the cost of approving and supervising mortgagees.

(b) A limited partnership will be considered a permanent organization having succession for purposes of this section provided:

(1) The partnership has not more than one general partner which shall be a chartered institution and which has as its principal activity the management of the affairs of the partnership.

(2) The general partner shall employ trained personnel competent in all aspects of mortgage lending activities including origination, servicing and collection activities, and adequate staff and facilities to originate and service mortgages in accordance with this Part, to the extent the mortgagee engages in such activities.

(3) All employees who will sign applications for mortgage insurance on behalf of the partnership will be officers of the general partner or will otherwise be authorized by the general partner to bind the mortgagee in matters involving the origination of mortgage loans.

§ 203.3 Supervised mortgagees.

(a) A supervised mortgagee may submit applications for the insurance of mortgages and may purchase, hold, service and sell insured mortgages.

(b) A member of the Federal Reserve System and institutions whose accounts are insured by the Federal Savings and Loan Insurance Corporation, the Federal Deposit Insurance Corporation or the National Credit Union Administration and which meets the requirements of § 203.2 may be approved as a supervised mortgagee on application to the Commissioner.

(c) An institution which is subject to the inspection and supervision of a governmental agency which is required by law to make periodic examinations of its books and accounts may be approved as a supervised mortgagee provided it meets the requirements of § 203.2 and the following additional requirements:

(1) It shall promptly notify the Commissioner in the event of termination of its supervision by its supervising agency.

(2) It shall have and maintain a net worth or a trust estate of not less than \$100,000 provided that with respect to mortgagees previously approved with a net worth of less than \$100,000, such amount shall be increased to not less than \$100,000 on or before July 30, 1983.

(d) A supervised mortgagee may, on application to the Commissioner, maintain branch offices for the submission of applications for mortgage insurance. The mortgagee shall remain fully responsible to the Commissioner for the actions of its branch offices.

(e) A supervised mortgagee may, with the approval of the Commissioner, designate another approved mortgagee as Authorized Agent for the purpose of submitting applications for mortgage insurance in its name and on its behalf. After July 30, 1983, applications will not be accepted from previously approved Authorized Agents which are not approved mortgagees.

(f) Approval of a banking institution or a trust company as a supervised mortgagee shall constitute approval of such institution or company when lawfully acting in a fiduciary capacity in investing fiduciary funds which are under its individual or joint control. Upon termination of such fiduciary relationship, whether by revocation or otherwise, any insured mortgages held in the fiduciary estate shall be transferred to a mortgagee approved under this section and the fiduciary relationship must be such as to permit such transfer.

§ 203.4 Nonsupervised mortgagees.

(a) A nonsupervised mortgagee is an institution which has as its principal activity the lending or investment of funds in real estate mortgages and is not subject to the inspection and supervision of a governmental agency as provided in § 203.3. It may submit applications for the insurance of mortgages and purchase, hold, service and sell insured mortgages.

(b) A mortgagee may be approved as a nonsupervised mortgagee provided it meets the approval requirements of § 203.2 and the following special requirements:

(1) It shall have and maintain a net worth or a trust estate of not less than \$100,000 in assets acceptable to the Commissioner provided that with respect to mortgagees previously approved with a net worth or a trust estate of less than \$100,000, such amount shall be increased to not less than \$100,000 on or before July 30, 1983.

(2) It shall have and maintain a reliable warehouse line of credit or other mortgage funding program acceptable to the Commissioner in an amount of not less than \$250,000 available for use in the origination of mortgages.

(3) It shall segregate escrow commitment deposits, work completion deposits, and all periodic payments received under insured mortgages on

account of ground rents, taxes, assessments, and insurance premiums and shall deposit such funds in a special account or accounts with a financial institution whose accounts are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation or the National Credit Union Administration.

(4) It shall file with the Commissioner within 75 days of the close of its fiscal year and at such other times as may be requested an audit report based on an audit performed by a Certified Public Accountant, or by an Independent Public Accountant licensed by a regulatory authority of a State or other political subdivision of the United States on or prior to December 31, 1970, which shall include:

(i) A financial statement in a form acceptable to the Commissioner, including a balance sheet, statement of operations and retained earnings, and analysis of the mortgagee's net worth adjusted to reflect only assets acceptable to the Commissioner and an analysis of escrow funds.

(ii) A report on compliance tests prescribed by the Commissioner.

(iii) Such other information as the Commissioner may require.

(c) A nonsupervised mortgagee may, on application to the Commissioner, maintain branch offices for the submission of applications for mortgage insurance. The mortgagee shall remain fully responsible to the Commissioner for the actions of its branch offices.

§ 203.5 Loan correspondents.

(a) A loan correspondent is an institution which lends or invests funds in real estate mortgages for sale to its sponsor or sponsors. It may submit applications for the insurance of mortgages and may purchase, service and sell insured mortgages. However, except with the prior approval of the Commissioner, it may not retain insured mortgages in its own portfolio nor sell them to any mortgagee other than its sponsor(s).

(b) A mortgagee may be approved as a loan correspondent provided it meets the approval requirements of § 203.4, except as follows:

(1) It shall have and maintain a net worth or a trust estate of not less than \$5,000.

(2) Its approval is requested by one or more supervised mortgagees.

(3) It, and its sponsor or sponsors, shall notify the Commissioner promptly upon termination of the loan correspondent agreement.

(4) Termination of the relationship with all sponsors shall be cause for

withdrawal of the loan correspondent's approval.

§ 203.6 Investing mortgagees.

(a) An investing mortgagee is an organization, including charitable and nonprofit institutions, pension funds and trusts, which is not approved under other sections of this Part and which invests funds under its own control. It may purchase, hold and sell insured mortgages but it may not submit applications for the insurance of mortgages. It may not service insured mortgages without prior approval of the Commissioner.

(b) An organization may be approved as an investing mortgagee provided it meets the approval requirements of Section 203.2, and the following special requirements:

(1) It has experience in investing in real estate mortgages.

(2) It has lawful authority to purchase insured mortgages in its own name.

(3) It has or has arranged for funds sufficient to support a projected investment in real estate mortgages of at least \$1 million provided that with respect to charitable and nonprofit institutions previously approved with less than \$1 million, such amount shall be increased to \$1 million on or before July 30, 1983.

(4) It will provide or arrange for the servicing of all mortgages it acquires.

§ 203.7 Governmental institutions and national mortgage associations.

(a) A Federal, State or municipal governmental agency, a Federal Reserve Bank, a Federal Home Loan Bank and a National Mortgage Association which meets the approval requirements of § 203.2 and is empowered to hold mortgages insured under the National Housing Act may submit applications for the insurance of mortgages and purchase, hold, service and sell insured mortgages.

(b) It may with the approval of the Commissioner, designate another approved mortgagee as Authorized Agent for the purpose of submitting applications for mortgage insurance in its name and on its behalf on application to the Commissioner. After July 30, 1983, applications will not be accepted from previously approved authorized Agents which are not approved mortgagees.

§ 203.8 Special purpose mortgagees.

The following institutions may be approved as mortgagees for the special purposes indicated and under such conditions as the Commissioner may prescribe:

(a) Public Housing Agencies for the purpose of originating and holding

insured project mortgages funded by issuance of tax exempt obligations by the Agency provided the housing project will be assisted under Section 8 of the United States Housing Act of 1937.

(b) State Housing Agencies or insured depository institutions as defined in section 244(g)(5) of the National Housing Act for the purpose of originating and holding coinsured project mortgages pursuant to section 244 of that Act.

§ 203.9 [Reserved]

(Secs. 203, 211, 52 Stat. 10, as amended, 23; 12 U.S.C. 1709, 1715(b); Sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713; Sec. 7(d), 79 Stat. 670; 42 U.S.C. 3535)

Issued at Washington, D.C. on July 24, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 80-22889 Filed 7-29-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY Internal Revenue Service

26 CFR Part 1

[T.D. 7706; EE-21-78]

Income tax; Exception for Certain Insurance Contract Plans From Minimum Funding Standards

Correction

In FR Doc. 80-21197 appearing on page 47675 in the issue of Wednesday, July 16, 1980, make the following correction:

On page 47676, third column, the fourth line of paragraph (ii) of § 1.412(i)-1(b)(2), should have read as follows:

"... annual, or more frequent, premium payments to be paid under the plan for . . ."

BILLING CODE 1505-01-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Parts 50 and 52

[Order No. 903-80]

Proceedings Before U.S. Magistrates

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: Recent amendments to the statutes governing the activities of United States magistrates (28 U.S.C. 631 et seq., 18 U.S.C. 3401, 3402) have clarified and expanded their authority to act in civil and criminal cases. The following is intended to guide the legal

divisions of the Department of Justice and United States Attorneys in handling civil and criminal proceedings subject to the jurisdiction of magistrates. Policies delineated are pertinent to: (1) civil pretrial and trial jurisdiction; (2) appeal in civil cases; and (3) removal of a misdemeanor from the magistrate's jurisdiction.

EFFECTIVE DATE: July 21, 1980.

FOR FURTHER INFORMATION CONTACT:

Stephen Berry, Office for Improvements in the Administration of Justice, Department of Justice, Washington, D.C. 20530 (202-633-4582/3239).

By virtue of the authority vested in me by 5 U.S.C. 301 and 18 U.S.C. 3401(f), as amended by Pub. L. 96-82 § 7(a)(3), 93 Stat. 646, it is hereby ordered as follows:

1. Part 50 of Chapter 1 of Title 28, Code of Federal Regulations, is amended by deleting § 50.11.

2. Part 52 is added to Chapter 1 of Title 28, Code of Federal Regulations, to read as follows—

PART 52—PROCEEDINGS BEFORE U.S. MAGISTRATES

Sec.

52.01 Civil proceedings: special master, pretrial, trial.

52.02 Criminal proceedings: pretrial, trial.

Authority: 5 U.S.C. 301, 18 U.S.C. 3401(f).

§ 52.01 Civil proceedings: special master, pretrial, trial, appeal.

(a) Sections 636(b) and (c) of title 28 govern pretrial and case-dispositive civil jurisdiction of magistrates, as well as service by magistrates as special masters.

(1) With the consent of the parties, a judge may designate a magistrate to serve as special master in any civil case without regard to the limitations of Rule 53(b), Federal Rules of Civil Procedure. 28 U.S.C. 636(b)(2). As a consequence, such referrals are not subject to the "exceptional circumstances"

requirement of that Rule as interpreted in *LaBuy v. Howes Leather Co.*, 352 U.S. 249 (1957). See also *Mathews v. Weber*, 423 U.S. 261, 273-75 (1976).

(2) A judge of the district court, without the parties' consent, may designate a magistrate to hear and determine civil pretrial matters pending before the court, except for six named classes of motions; as to the latter, the magistrate may conduct a hearing and recommend a decision to the judge. 28 U.S.C. 636(b)(1)(A), (B).

(3) Upon the consent of the parties, a magistrate may conduct any or all proceedings in a jury or non-jury civil matter and order the entry of judgment in the case, when specially designated to exercise such jurisdiction by the court. 28 U.S.C. 636(c)(1). A part-time

magistrate, who does not serve as full-time judicial officer by virtue of bankruptcy or other duties, may exercise this jurisdiction only if the parties specifically so request in writing; if the five-year bar membership requirement of 28 U.S.C. 631(b)(1) is satisfied; and if the chief judge of the district "certifies that a full-time magistrate is not reasonably available in accordance with guidelines established by the judicial council of the circuit." 28 U.S.C. 636(c)(1). A full- or part-time magistrate not appointed under merit selection standards and procedures, 28 U.S.C. 631(b)(5), must be "certified as qualified to exercise the Act's jurisdiction by the judicial council of the circuit in which the magistrate serves." Pub. L. 96-82, § 3(f), 93 Stat. 645.

(4) At the time of the reference to a magistrate described in paragraph (3), the parties may also consent to the taking of any appeal to the district court rather than to the court of appeals. 28 U.S.C. 636(c)(3), (4). In such a circumstance, further review may be had in the court of appeals upon a petition for leave to appeal. 28 U.S.C. 636(c)(5). Review by the court of appeals is not limited to petitions presenting "important" questions of law. H.R. Rep. No. 96-287, 96th Cong., 1st Sess. 12-13 (1979).

(b) It is the policy of the Department of Justice to encourage the use of magistrates to assist the district courts in resolving civil disputes. In conformity with this policy, the attorney for the government is encouraged to accede to a referral of an entire civil action for disposition by a magistrate, or to consent to designation of a magistrate as special master, if the attorney determines that such a referral or designation is in the interest of the United States. In making this determination, the attorney shall consider all relevant factors, including—

- (1) The complexity of the matter;
- (2) The relief sought;
- (3) The amount in controversy;
- (4) The novelty, importance and nature of the issues raised;
- (5) The likelihood that referral to or designation of the magistrate will expedite resolution of the litigation;
- (6) The experience and qualifications of the magistrate; and
- (7) The possibility of the magistrate's actual or apparent bias or conflict of interest.

In general, it is not in the interest of the United States to consent to a trial before a magistrate in a case involving significant rights of large numbers of persons, or complex, sensitive, or unusually important issues. In making a determination under this subsection the

attorney shall consult with the appropriate Assistant Attorney General as provided in subsection (d).

(c) In determining whether to consent to having an appeal taken to the district court rather than to the court of appeals, the attorney for the government should consider all relevant factors including—

- (1) The amount in controversy;
- (2) The importance of the questions of law involved;
- (3) The desirability of expeditious review of the magistrate's judgment.

In making a determination under this subsection the attorney shall consult with the appropriate Assistant Attorney General as provided in subsection (d).

(d) The attorney for the government shall, except in those cases in which redelegation authority has been exercised under 28 CFR 0.168, consult with the Assistant Attorney General having supervisory authority over the subject matter in determining whether to consent to a trial before a magistrate or to an appeal to the district court rather than to the court of appeals.

§ 52.02 Criminal proceedings: pretrial, trial.

(a) A judge of the district court, without the parties' consent, may designate a magistrate to hear and determine criminal pretrial matters pending before the court, except for two named classes of motions; as to the latter, the magistrate may conduct a hearing and recommend a decision to the judge. 28 U.S.C. 636(b)(1) (A), (B).

(b) When specially designated by the court to exercise such jurisdiction, a magistrate may try, and impose sentence for, any misdemeanor if he has properly and fully advised the defendant that he has a right to elect "trial, judgment, and sentencing by a judge of the district court and * * * may have a right to trial by jury before a district judge or magistrate," and has obtained the defendant's written consent to be tried by the magistrate. 18 U.S.C. 3401 (a), (b). The court may order that proceedings be conducted before a district judge rather than a magistrate upon its own motion or, for good cause shown upon petition by the attorney for the government. The petition should note "the novelty, importance, or complexity of the case, or other pertinent factors * * *". 18 U.S.C. 3401(f).

(1) If the attorney for the government determines that the public interest is better served by trial before a district judge, the attorney may petition the district court for such an order after consulting with the appropriate Assistant Attorney General as provided in paragraph (2). In making this

determination, the attorney shall consider all relevant factors including—

- (A) The novelty of the case with respect to the facts, the statute being enforced, and the application of the statute to the facts;
- (B) The importance of the case in light of the nature and seriousness of the offense charged;
- (C) The defendant's history of criminal activity, the potential penalty upon conviction, and the purposes to be served by prosecution, including punishment, deterrence, rehabilitation, and incapacitation;
- (D) The factual and legal complexity of the case and the amount and nature of the evidence to be presented;
- (E) The desirability of prompt disposition of the case; and
- (F) The experience and qualifications of the magistrate, and the possibility of the magistrate's actual or apparent bias or conflict of interest.

(2) The attorney for the government shall consult with the Assistant Attorney General having supervisory authority over the subject matter in determining whether to petition for trial before a district judge in a case involving a violation of 2 U.S.C. 192, 441j(a); 18 U.S.C. 210, 211, 242, 245, 594, 597, 599, 600, 601, 1304, 1504, 1508, 1509, 2234, 2235, 2236; or 42 U.S.C. 3631.

(3) In a case in which the government petitions for trial before a district judge, the attorney for the government shall forward a copy of the petition to the Assistant Attorney General having supervisory authority over the subject matter and, if the petition is denied, shall promptly notify the Assistant Attorney General.

Dated: July 21, 1980.

Benjamin R. Civiletti,
Attorney General.

[FR Doc. 80-23002 Filed 7-29-80; 8:45 am]
BILLING CODE 4410-01-M

28 CFR Part 63

[Order No. 902-80]

Floodplain Management and Wetland Protection Procedures

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This order sets forth the Department of Justice final procedures for complying with Executive Order No. 11988 (Floodplain Management) and Executive Order No. 11990 (Protection of Wetlands).

EFFECTIVE DATE: July 21, 1980.

FOR FURTHER INFORMATION CONTACT:

Anne H. Shields, Land and Natural Resources Division, United States Department of Justice, Room 2617, 10th & Pennsylvania Avenue, N.W., Washington, D.C. 20530 (202-633-2714).

SUPPLEMENTARY INFORMATION: Draft guidelines were published in the Federal Register on August 2, 1979 (44 FR 45541). Pursuant to comments received from the Water Resources Council, the draft guidelines were amended. These final guidelines reflect the suggested changes. They are patterned on the Floodplain Management Guidelines for Implementing Executive Order No. 11988, published by the United States Water Resources Council (43 FR 6030) and will be used by components of the Department for preparing program specific procedures as necessary.

These guidelines constitute the Department's policy and procedures for implementation of the Executive orders. They set forth internal Department of Justice procedures, but are being published for the information of the public.

Accordingly, by virtue of the authority vested in me by 5 U.S.C. 301, Executive Order No. 11988 of May 24, 1977, and Executive Order No. 11990 of May 24, 1977, a new Part 63 is added to Chapter I of Title 28, Code of Federal Regulations, to read as follows:

PART 63—FLOODPLAIN MANAGEMENT AND WETLAND PROTECTION PROCEDURES

Sec.

- 63.1 Purpose.
- 63.2 Policy.
- 63.3 References.
- 63.4 Definitions.
- 63.5 Responsibilities.
- 63.6 Procedures.
- 63.7 Determination of location.
- 63.8 Implementation.
- 63.9 Exception.

Authority: 5 U.S.C. 301, Executive Order No. 11988 of May 24, 1977 and Executive Order No. 11990 of May 24, 1977.

§ 63.1 Purpose.

These guidelines set forth procedures to be followed by the Department of Justice to implement Executive Order 11988 (Floodplain Management) and Executive Order 11990 (Protection of Wetlands). (The Orders.)

§ 63.2 Policy.

(a) It is the Department of Justice's policy to avoid to the extent possible the long and short term adverse impacts associated with the destruction or modification of wetlands and floodplains and to avoid direct or indirect support of new construction in

floodplains and wetlands whenever there is a practicable alternative. The Department will provide leadership and take affirmative action to carry out the Orders.

(b) It is the Department of Justice's intention to integrate these procedures with those required under statutes protecting the environment, such as the National Environmental Policy Act (NEPA). Whenever possible, the procedures detailed herein should be coordinated with other required documents, such as the environmental impact statement (EIS) or environmental assessment required under NEPA, so that unnecessary paperwork can be eliminated.

§ 63.3 References.

(a) Unified National Program for Floodplain Management, Water Resources Council, which is incorporated in these guidelines.

(b) Water Resources Council Floodplain Management Guidelines, Water Resources Council, 1978 (43 FR 6030).

(c) National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001 *et seq.*) and NFIP criteria (44 CFR Part 59 *et seq.*).

(d) Flood Disaster Protection Act of 1973 (Pub. L. 93-234, 87 Stat. 975).

(e) National Environmental Policy Act of 1969, as amended (43 U.S.C. 4321 *et seq.*) (NEPA).

§ 63.4 Definitions.

Throughout this part, the following basic definitions shall apply:

(a) **Action**—any Federal activity including: (1) Acquiring, managing and disposing of Federal lands and facilities; (2) providing federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and program affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities.

(b) **Agency**—an executive department, a government corporation, or an independent establishment and includes the military departments.

(c) **Base Flood**—that flood which has a one percent chance of occurrence in any given year (also known as a 100-year flood). (This term is used in the National Flood Insurance Program (NFIP) to indicate the minimum level of flooding to be used by a community in its floodplain management regulations.)

(d) **Base Floodplain**—the 100-year floodplain (one percent chance floodplain). Also see definition of floodplain.

(e) **Channel**—a natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water.

(f) **Critical Action**—any activity for which even a slight chance of flooding would be too great.

(g) **Facility**—any man-made or man-placed item other than a structure.

(h) **Flood or Flooding**—a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland and/or tidal waters, and/or the usual and rapid accumulation or runoff of surface waters from any source.

(i) **Flood Fringe**—that portion of the floodplain outside of the regulatory floodway (often referred to as "floodway fringe").

(j) **Floodplain**—the lowland and relatively flat areas adjoining inland and coastal waters including floodprone areas of offshore islands, including at a minimum, that area subject to a one percent or greater chance of flooding in any given year. The base floodplain shall be used to designate the 100-year floodplain (one percent chance floodplain). The critical action floodplain is defined as the 500-year floodplain (0.2 percent chance floodplain).

(k) **Floodproofing**—the modification of individual structures and facilities, their sites, and their contents to protect against structural failure, to keep water out or to reduce effects of water entry.

(l) **Minimize**—to reduce to the smallest possible amount or degree.

(m) **One Percent Chance Flood**—the flood having one chance in 100 of being exceeded in any one-year period (a large flood). The likelihood of exceeding this magnitude increases in a time period longer than one year. For example, there are two chances in three of a larger flood exceeding the one percent chance flood in a 100-year period.

(n) **Practicable**—capable of being done within existing constraints. The test of what is practicable depends upon the situation and includes consideration of the pertinent factors, such as environment, cost or technology.

(o) **Preserve**—to prevent modification to the natural floodplain environment or to maintain it as closely as possible to its natural state.

(p) **Regulatory Floodway**—the area regulated by Federal, State or local requirements; the channel of a river or other watercourse and the adjacent land areas that must be reserved in an open manner, i.e., unconfined or unobstructed either horizontally or vertically, to provide for the discharge of the base

flood so the cumulative increase in water surface elevation is no more than a designated amount (not to exceed one foot as set by the NFIP).

(q) *Restore*—to re-establish a setting or environment in which the natural functions of the floodplain can again operate.

(r) *Structures*—walled or roofed buildings, including mobile homes and gas or liquid storage tanks that are primarily above ground (as set by the NFIP).

(s) *Wetlands*—"those areas that are inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds" (as defined in Executive Order 11990 (Protection of Wetlands)).

§ 63.5 Responsibilities.

(a) The Assistant Attorney General, Land and Natural Resources Division,

(1) Has overall responsibility for ensuring that the Department's responsibilities for complying with the Orders are carried out,

(2) Will ensure that the Water Resources Council, the Council on Environmental Quality, and the Federal Insurance Agency (FIA) are kept informed of the Department's execution of the Orders, as necessary, and

(3) Will determine, and revise on a continuing basis, which components of the Department should take further steps, such as the promulgation of program specific procedures, to comply with the Orders. Considerations for making this selection are whether a component:

(i) Acquires, manages, and disposes of federal lands and facilities;

(ii) Provides federally undertaken, financed or assisted construction and improvements;

(iii) Conducts federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities;

(iv) Reviews and approves component procedures for complying with the Orders;

(b) The heads of offices, boards, bureaus and divisions,

(1) Are responsible for preparing program specific guidelines or procedures, where necessary, to comply with the Orders and for updating these procedures, as required,

(2) Will maintain general supervision over any new construction planning within the office, board, bureau, or division to see that the policy considerations and procedural requirements contained herein are followed in the planning process,

(3) Will furnish, with all requests for new authorizations or appropriations for proposals to be located in floodplains or wetlands, a statement that the proposal is in accord with the Orders,

(4) Will provide information to applicants for licenses, permits, loans or grants in areas in which floodplain and wetland requirements may have to be met,

(5) Will provide conspicuous notice of past flood damage and potential flood hazard on structures under the component's control and used by the general public, and

(6) If responsible for granting a lease, an easement, or right-of-way, or for disposing of federal property in a floodplain or wetland to nonfederal public or private parties, will, unless otherwise directed by law.

(i) Reference uses in the conveyance that are restricted under identified Federal, State or local floodplain regulations; and

(ii) Attach other appropriate restrictions; or

(iii) Refuse to convey.

§ 63.6 Procedures.

Prior to taking any action, as defined in § 63.4(a) of this part, an office, board, bureau or division shall:

(a) Determine whether the proposed action is located in a wetland and/or the 100-year floodplain (or the 500-year floodplain for critical actions) and determine whether the proposed action has the potential to affect or be affected by a floodplain or wetland. The determination concerning location in a floodplain or wetland shall be performed in accordance with § 63.7 below. For actions which are in both a floodplain and wetland, the wetland should be considered as one of the natural and beneficial values of the floodplain.

(b) Notify the public at the earliest possible time of the intent to carry out the action affecting or affected by a floodplain or wetland, and involve the broadest affected and interested public in the decisionmaking process. At a minimum, all notices shall be published in the newspaper serving the project area that has the widest circulation and shall be distributed through the A-95 review process if subject to that process. In addition, notices of actions shall be published in the *Federal Register*, if so required by the Assistant Attorney

General, Land and Natural Resources Division, or by law. For certain actions, notice may entail other audiences and means of distribution. All actions shall be reviewed according to the following criteria to determine the appropriate audience for and means of notification beyond those required above: scale of action, potential for controversy, degree of public need for the action, number of affected persons, and anticipated potential impacts. Each notice shall include the following: a statement of the purpose of and a description of the proposed action, a map of the general area clearly delineating the action's locale and its relationship to its environs, a statement that it has been determined to be located in or that it affects a floodplain or wetland, a statement of intent to avoid the floodplain or wetland where practicable, and to mitigate impacts where avoidance cannot be achieved, and identification of the responsible official for receipt of comments and for further information.

(c) Identify and evaluate practicable alternatives to locating in a floodplain or wetland (including alternative sites outside the floodplain or wetland; alternative actions which serve essentially the same purpose as the proposed action, but which have less potential to adversely affect the floodplain or wetland; and the "no action" option). The following factors shall be analyzed in determining the practicability of alternatives: natural environment (topography, habitat, hazards, etc.); social concerns (aesthetics, historical and cultural values, land use patterns, etc.); economic aspects (costs of space, construction, services, and relocation); and legal constraints (deeds, leases, etc.). The component shall not locate the proposed action in the base floodplain (500-year floodplain for critical actions) or in a wetland if a practicable alternative exists outside the base floodplain (500-year floodplain for critical actions) or wetland.

(d) Identify the full range of potential direct or indirect adverse impacts associated with the occupancy and modification of floodplains and wetlands and the direct and indirect support of floodplain and wetland development that could result from the proposed action. Flood hazard-related factors shall be analyzed for all actions. These include, for example, the following: Depth, velocity and rate of rise of flood water; duration of flooding, high hazard areas (riverine and coastal); available warning and evacuation time and routes; effects of special problems,

e.g., levees and other protection works, erosion, subsidence, sink holes, ice jams, combinations of flood sources, etc. Natural values-related factors, shall be analyzed for all actions. These include, for example, the following: water resource values (natural moderation of floods, water quality maintenance, and ground water recharge); living resource values (fish and wildlife and biological productivity); cultural resource values (archeological and historic sites, and open space for recreation and green belts); and agricultural, aquacultural and forestry resource values. Factors relevant to a proposed action's effects on the survival and quality of wetlands, shall be analyzed for all actions. These include, for example, the following: public health, safety, and welfare, including water supply, quality, recharge and discharge; pollution; flood and storm hazards, sediment and erosion; maintenance of natural systems, including conservation and long term productivity of existing flora and fauna, species and habitat diversity and stability, hydrologic utility, fish, wildlife, timber, and food and fiber resources; and other uses of wetlands in the public interest, including recreational, scientific, and cultural uses.

(e) Where avoidance of floodplains or wetlands cannot be achieved, design or modify its actions so as to minimize harm to or within the floodplain, minimize the destruction, loss or degradation of wetlands, restore and preserve natural and beneficial floodplain values, and preserve and enhance natural and beneficial wetland values. The component shall minimize potential harm to lives and property from the 100-year flood (500-year flood for critical actions), minimize potential adverse impacts the action may have on others, and minimize potential adverse impacts the action may have on floodplain and wetland values. Minimization of harm to property shall be performed in accord with the standards and criteria set out at 44 CFR Part 59 *et seq.*, (formerly 24 CFR Part 1901 *et seq.*), substituting the 500-year standard for critical actions and, where practicable, elevating structures on open works—walls, columns, piers, piles, etc.—rather than on fill. Minimization of harm to lives shall include, but not be limited to, the provision for warning and evacuation procedures for all projects and shall emphasize adequacy of warning time and access and egress routes.

(f) Re-evaluate the proposed action to determine, first, if it is still practicable in light of its exposure to flood hazards and its potential to disrupt floodplain

and wetland values and, second, if alternatives rejected at § 63.6(c) above are practicable, in light of the information gained in § 63.6(d) and § 63.6(e) above. Unless required by law, the proposed action shall not be located in a floodplain or wetland unless the importance of the floodplain or wetland site clearly outweighs the requirements of E.O. 11988 and E.O. 11990 to avoid direct or indirect support of floodplain and wetland development; reduce the risk of flood loss; minimize the impact of floods on human safety, health and welfare; restore and preserve floodplain values; and minimize the destruction, loss or degradation of wetlands. In addition, where there are no practicable alternative sites and actions, and where the potential adverse effects of using the floodplain or wetland site cannot be minimized, no action shall be taken, unless required by law.

(g) Prepare, and circulate a finding and public explanation of any final decision that there is no practicable alternative to locating an action in, or affecting a floodplain or wetland. The same audience and means of distribution used in (b), above, shall be used to circulate this finding. The finding shall include the following: the reasons why the action is proposed to be located in a floodplain or wetland, a statement indicating whether the action conforms to applicable State or local floodplain management standards, a list of alternatives considered, and a map of the general area clearly delineating the project locale and its relationship to its environs. A brief comment period on the finding shall be provided wherever practicable prior to taking any action.

(h) Review the implementation and post implementation phase of the proposed action to ensure that the provisions of (e) above, are fully implemented. This responsibility shall be fully integrated into existing review, audit, field oversight and other monitoring processes, and additional procedures shall be prepared where existing procedures may be inadequate to ensure that the Orders' goals are met.

§ 63.7 Determination of location.

(a) In order to determine whether an action is located on or affects a floodplain, the component shall:

(1) Consult the FIA Flood Insurance Rate Map (FIRM) and the Flood Insurance Study (FIS); or

(2) If a detailed map (FIRM) is not available, consult an FIA Flood Hazard Boundary Map (FHBH); or

(3) If data on flood elevations, floodways, or coastal high hazard areas are needed, or if none of the maps delineates the flood hazard boundaries

in the vicinity of the proposed site, seek detailed information and assistance as necessary and appropriate from the Department of Agriculture's Soil Conservation Service, the Army Corps of Engineers, the National Oceanic and Atmospheric Administration, the Federal Emergency Management Agency's Regional Offices/Division of Insurance and Hazard Mitigation, the Department of the Interior's Geological Survey, Bureau of Land Management, and Bureau of Reclamation, the Tennessee Valley Authority, the Delaware River Basin Commission, the Susquehanna River Basin Commission, individual states and/or land administering agencies; or

(4) If the sources listed above do not have or know of the information necessary to comply with the Orders' requirements, seek, as permitted by law, the services of a federal or other engineer experienced in this work to

(i) Locate the site and the limits of the coastal high hazard area, floodway and of the applicable floodplain, and

(ii) Determine base flood elevations.

(b) In the absence of a finding to the contrary, the component shall assume that action involving a facility or structure that has been flooded in a major disaster or emergency is in the applicable floodplain for the site of the proposed action.

(c) In order to determine whether an action is located on or affects a wetland, the component shall:

(1) Consult with the United States Fish and Wildlife Service (FWS) for information concerning the location, scale and type of wetlands within the area which could be affected by the proposed action; or

(2) If the FWS does not have adequate information upon which to base the determination, consult wetland inventories maintained by the Army Corps of Engineers, the Environmental Protection Agency, various states, communities and others; or

(3) If state or other sources do not have adequate information upon which to base the determination, insure that an on-site analysis is performed by a representative of the FWS or other qualified individual for wetlands characteristics based on the performance definition of what constitutes a wetland.

§ 63.8 Implementation.

Agencies and divisions within the Department of Justice shall amend existing regulations and procedures, as appropriate, to incorporate the policy and procedures set forth in these guidelines. Such amendments will be

made within 6 months of final publication of these guidelines.

§ 63.9 Exception.

Nothing in these guidelines shall apply to assistance provided for emergency work essential to save lives and protect property and public health and safety performed pursuant to sections 305 and 306 of the Disaster Relief Act of 1974 (88 Stat. 148, 42 U.S.C. 5145 and 5146).

Dated: July 21, 1980.

Benjamin R. Civiletti,
Attorney General.

[FR Doc. 80-22881 Filed 7-29-80; 8:45 am]

BILLING CODE 4410-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 162, 163, 164, 165, 166, 167, 169, 170, 171, 172, and 180

[FRL 1546-5]

Statement of Policy on the Labeling Requirements for Exported Pesticides, Devices, and Pesticide Active Ingredients and the Procedures for Exporting Unregistered Pesticides

Correction

In FR Doc. 80-22055 appearing at page 50274, in the issue of Monday, July 28, 1980, on page 50274, in the heading of the document, Parts 168, 173, 174, 175, 176, 177, 178, and 179 should be deleted since they do not exist in the Code of Federal Regulations. The heading should have read as set for the above.

BILLING CODE 1505-01-M

40 CFR Part 180

[PP 9F2266/R239; FRL 1554-5]

Oxamyl; Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the insecticide oxamyl on peppers (bell) at 3 parts per million (ppm). The regulation was requested by E. I. du Pont de Nemours & Co., Inc. This rule establishes a maximum permissible level for residues of oxamyl on peppers (bell).

EFFECTIVE DATE: Effective on July 30, 1980.

FOR FURTHER INFORMATION CONTACT:

Jay Ellenberger, Product Manager (PM) 12, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460, 202-755-2526.

SUPPLEMENTARY INFORMATION: On October 24, 1979, notice was given (44 FR 61247) that E. I. du Pont de Nemours & Co., Inc., Wilmington, DE 19898, had filed a pesticide petition (PP 9F2266) with the EPA under provisions of the Federal Food, Drug, and Cosmetic Act. This petition proposed that 40 CFR 180.303 be amended to establish a tolerance for residues of the insecticide oxamyl(methyl N',N'-dimethyl-N-[(methylcarbamoyl)oxy]-1-thioxamimidate) in or on the raw agricultural commodity peppers at 3 ppm.

Subsequently, the petitioner amended the petition by changing the proposed tolerance to read 3 ppm in or on peppers (bell). No comments were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance included a two-year rat feeding/oncogenicity study and a two-year dog feeding study with no-observed-effect levels (NOEL) of 50 ppm and 100 ppm, respectively; a three-generation rat reproduction study with an NOEL of 50 ppm; and a rat teratogenicity study which was negative. Based on the two-year chronic rat feeding/oncogenicity study with a 50 ppm NOEL and using a safety factor of 100, the acceptable daily intake (ADI) for man is 0.025 milligram (mg)/kilogram (kg) of body weight (bw)/day. The theoretical maximum residue contribution (TMRC) in the human diet from the previously established tolerances at levels ranging from 0.1 ppm to 10 ppm and the proposed tolerance does not exceed the ADI.

Desirable data that are lacking from the petition are a second oncogenicity study and a second teratology study. In a letter of February 8, 1980, the petitioner indicated that the oncogenicity study would be submitted to the Agency in the third quarter of 1980 and that the teratology study is to be completed in late 1980. Although the evaluation of the oncogenic potential of oxamyl is not complete, it is concluded that based on the available data, risks are acceptable since the absence of an oncogenic potential is adequately shown in the two-year rat feeding study.

The metabolism of oxamyl is adequately understood, and an adequate analytical method (gas

chromatography using a flame photometric detector) is available for enforcement purposes. No actions are currently pending against continued registration of oxamyl nor are there any other relevant considerations involved in establishing the proposed tolerance. There is no problem of secondary residues in eggs, meat, milk, or poultry since no feed items are involved.

The pesticide is considered useful for the purpose for which a tolerance is sought, and it is concluded that the tolerance of 3 ppm on peppers (bell) established by amending 40 CFR 180.303 will protect the public health. It is concluded, therefore, that the tolerance be established as set forth below.

Any person adversely affected by this regulation may, on or before August 29, 1980, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St., SW, Washington, DC 20460. Such objections should be submitted in triplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Effective on July 30, 1980, Part 180 is amended as set forth below.

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

Dated: July 24, 1980.

Douglas D. Campt,
Acting Deputy Assistant Administrator for Pesticide Programs.

Part 180, Subpart C, § 180.303 is amended by alphabetically inserting peppers (bell) at 3 ppm in the table to read as follows:

§ 180.303 Oxamyl; tolerances for residues.

Commodity:	Parts per million
Peppers (bell)	3

[FR Doc. 80-22888 Filed 7-29-80; 8:45 am]

BILLING CODE 6560-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

41 CFR Ch. 18, Parts 1, 3, 4, 11, 13, 14, 16, 20, 23, and 26

[Procurement Regulation Directive 79-8]

Procurement Regulations; Miscellaneous Amendments

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This document amends the NASA Procurement Regulation (41 CFR Ch. 18). It reflects amendments contained in Procurement Regulation Directive 79-8 concerning the following areas:

1. Preference for United States-Flag Vessels.
2. Non-Use of Foreign Flag Vessels.
3. Cost-Plus-Award-Fee Contracting Guide.
4. Justification for Non-Competitive Procurement (JNCP).
5. Information Copies of Requests for Proposals.
6. Architect-Engineer Services.
7. Government Property Clause.
8. Utilization of Government Agencies.
9. Review and Approval of Contractual Instruments.
10. Review of Contractors' Procurement Systems.
11. Processing Novation and Change of Name Agreements.

EFFECTIVE DATE: July 30, 1980.

FOR FURTHER INFORMATION CONTACT: James H. Wilson, Policy Division (Code HP-1), Office of Procurement, NASA Headquarters, Washington, DC 20546, Telephone: 202-755-2237.

SUPPLEMENTARY INFORMATION: The major changes are summarized as follows:

1. The clause in NASA Procurement Regulation 1.1402-3(b), entitled "Preference for United States-Flag Vessels" is revised to be closer aligned with the Defense Acquisition Regulation.
2. NASA Handbook 5104-4 has been canceled; therefore, Part 3.405-5, paragraph (e) is deleted.
3. 1.1403 through 1.1410 are deleted based on actions taken by the Maritime Administration.
4. Part 3.802-3 is revised to clarify the information required to be included in the Justification for Non-Competitive Procurement and to update the Justification for Non-Competitive Procurement format.
5. Information copies of Request for Proposals are no longer required to be

forwarded to NASA Headquarters, Code HS-1. Accordingly, Part 3.802-4(b) is deleted.

6. Parts 4.200 through 4.204-6 are revised or amended to reflect editorial corrections and to delete "or his designee" when discussing actions of the Head of the Installation. Deletion of the words "or his designee" is not intended to restrict the delegation of functions but to be consistent with the policy that, unless otherwise restricted, functions may be delegated to appropriate officials.

7. Part 13.702, paragraph (b) is revised to be closer aligned with the Defense Acquisition Regulation. The effect of this revision is to delete "excepted perils" provisions from the Government Property clause.

8. Parts 14.400 and 14.403(a)(1) are revised to make Part 14, applicable to all NASA Hardware contracts. Applicability of this Part 14 was previously limited to Space Systems hardware.

9. Review and approval of contractual instruments:

a. Parts 13.202, 20.5005 and 20.5102 are revised to bring procurements of utility services, architect-engineer services, facilities and leases under the Master Buy Plan Procedure. These procurements previously required the approval of the Director of Procurement primarily on the basis of dollar value. These revisions permit the selection of these procurements for Headquarters review and approval based on dollar value as well as other factors. The dollar value of architect-engineer procurements to be considered for Headquarters review and approval is changed from \$1M to \$250,000 to permit a more effective selection of these procurements.

b. Part 20.5007 is added to ensure that conditional approval of contracts and supplemental agreements are accommodated and files adequately documented.

c. Parts 3.802-3, paragraph (d)(v) and 20.5104 are revised to add requests for proposals and prenegotiation plans to the list of documents that may be selected for Headquarters review and approval. Headquarters is also authorized to select the approving official on noncompetitive justifications and unsolicited proposal acceptance justifications.

d. Part 20.5105 is revised to delete the requirement for the Procurement Officer to prepare a memorandum to the contract file indicating approval of contracts and supplemental agreements.

10. Part 23.101, paragraph (b), is revised to change the dollar value

criterion for initial or annual contractor review from \$5,000,000 to \$10,000,000.

11. In Part 26.404, paragraphs (a) and (d)(i) are revised to insure consistency in NASA's record-keeping process and to eliminate the production of excess copies of contractual documents.

(42 U.S.C. 2473(c)(1))

Stuart J. Evans,

Director of Procurement.

PART 1—GENERAL PROVISIONS

1. In Part 1, paragraphs 1.1403 through 1.1410, of the Table of Contents and in the Text are deleted.

2. In Part 1, 1.1402-3(b) is revised as follows:

1.1402-3 Procedures.

* * * * *

(b) *Contract Clause.* All contracts which may involve the ocean transportation of supplies subject to the requirements of the Cargo Preference Act shall contain the following clause except where the ocean transportation will be procured by the Government:

Preference for United States-Flag Vessels (September 1979)

(a) After the date of award of this contract, the Contractor shall employ privately owned United States-flag commercial vessels, and no others, in the transportation by sea of any supplies to be furnished hereunder: *provided*, however, that if such vessels are not available for timely shipment at fair and reasonable rates for such vessels, the Contractor shall so notify the Contracting Officer and request authorization to ship in foreign-flag vessels or designation of available United States-flag vessels. If the Contractor is authorized in writing by the Contracting Officer to ship such supplies in foreign-flag vessels, the contract price shall be equitably adjusted to reflect the difference in costs of shipping such supplies on privately owned United States-flag commercial vessels and foreign-flag vessels.

(b) Promptly after each shipment the Contractor shall furnish the Contracting Officer one copy of the applicable shipping document indicating for each shipment made under this contract the name and nationality of the vessel and the measurement tonnage (40 cubic feet) of dry cargo, or long tons (2,240 pounds) of bulk liquid cargo shipped on such vessels. One copy of the applicable shipping document shall also be sent to the U.S. Maritime Administration, Division of National Cargo, 14th and E Streets, N.W., Washington, D.C. 20230.

(c) The Contractor shall include the substance of this clause, including this paragraph (c) in each subcontract or purchase order hereunder which may involve ocean transportation.

* * * * *

1.5202 [Amended]

3. In Part 1, 1.5202 the reference at the end of paragraph (a) "1.5204" is amended to read "Part 14, Subpart 6."

PART 3—PROCUREMENT BY NEGOTIATION

4. In Part 3, Table of contents, §§ 3.808 through 3.803-2 are revised as follows: RR07*03

Paragraph	Page
3.808 Profit or Fee.....	3-8-34C
3.808-1 General.....	3-8-34C
3.808-2 Factors for Determining Fee or Profit.....	3-8-34C

3.852-3 [Amended]

5. In Part 3, Table of Contents, 3.852-3 is amended to read:

3.852-3 Contents of the Procurement Plan.....	3-8-47
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3.501 [Amended]

6. In Part 3, 3.501(b) Part 1, Section C(40), the reference "3.802-4(c)" is amended to read "3.802-4(b)."

7. In Part 3, 3.802-3(c)(2)(viii) is revised and (xii) is added as follows:

3.802-3 Noncompetitive procurement.

- (c) ***
(2) ***
(viii) State if the procurement is/is not a continuation of previous effort performed by the proposed contractor. If a continuation, include the following:

(xii) State if the potential for continuation of the procurement does/does not exist. If the potential exists, state whether it will be competitive or noncompetitive and identify the contemplated performance period.

3.802-3 [Amended]

8. In Part 3, 3.802-3, paragraphs (d)(iii)(B) and (d)(iv)(B) the titles "Headquarters Contracts Division" and "NASA Resident Procurement Office—JPL" are amended to read "Headquarters Contracts and Grants Division" and "NASA Resident Office—JPL."

9. In Part 3, 3.802-3, paragraph (d)(v) is revised as follows:

3.802-3 Noncompetitive procurement.

(v) For procurements that are selected for Headquarters review and approval in accordance with the Master Buy Plan Procedure (see Part 20, Subpart 51), the "Justification" shall be submitted for the signature of the Head of the Installation

after prior review and written concurrences by the Director or Assistant Director of the cognizant technical directorate.

cognizant Program/Project Manager, or cognizant staff official, as applicable, who reports directly to the Head of the Installation, and by the Procurement Officer. The "Justification" shall contain additional signature blocks, on a separate page, for approval by the official designated in the selection of the procurement for Headquarters review and approval under the Master Buy Plan Procedure and for concurrence by cognizant Officials-in-Charge of Headquarters offices, and the Deputy Administrator if the Administrator is the approving official.

The original and ten copies shall be submitted. The position title will be shown for each individual signing the "Justification" as required by (i) through (v) above.

3.802-4 [Amended]

10. In Part 3, 3.802-4, paragraph (b) is deleted and paragraph (c) is redesignated as (b).

3.807-11 and 3.807-12 [Amended]

11. In Part 3, 3.807-11 and 3.807-12 are deleted.

3.852-1 [Amended]

12. In Part 3, 3.852-1(a)(i), the titles "Headquarters Contracts Division" and "NASA Resident Procurement Office—JPL" are amended to read "Headquarters Contracts and Grants Division" and "NASA Resident Office—JPL."

3.852-2 [Amended]

13. In Part 3, 3.852-2, in paragraphs (a)(i)(B) and (a)(ii)(B) the titles "Headquarters Contracts Division" and "NASA Resident Procurement Office—JPL" are amended to read "Headquarters Contracts and Grants Division" and "NASA Resident Office—JPL."

14. In Part 3, 3.852-2(b) is revised to read as follows:

3.852-2 Contents of the procurement plan.

- (a) ***
(b) Examples of what is meant by the phrase "including the aggregate amount of follow-on contracts under the same program" appearing in (a) above are: (i) options as defined in Part 1, Subpart 15; (ii) agreements-to-agree, wherein the parties agree to negotiate for the extension of the supplies or services

being procured; and (iii) Guidelines for Phase Project Planning concept prescribed by NHB 7121.4 and/or the Major System Acquisitions concept prescribed by NMI 7100.14A.

PART 4—SPECIAL TYPES AND METHODS OF PROCUREMENT

15. In Part 4, Table of Contents, 4.203-3 through 4.205-3 are revised to read as follows:

Paragraph	Page
4.203-3 Evaluation Criteria.....	4-2-2
4.203-4 Action by Head of Installations.....	4-2-4
4.203-5 Simplified Procedures For Procurement Estimated to Cost \$10,000 or Less.....	4-2-4
4.203-6 Selection of Architect-Engineers for Master Planning.....	4-2-4
4.203-7 Conflict of Interest.....	4-2-4
4.204 Negotiation Procedures.....	4-2-4
4.204-1 General.....	4-2-4
4.204-2 Conduct.....	4-2-4
4.204-3 Independent Government Estimate.....	4-2-5
4.204-4 Architect-Engineer's Estimate.....	4-2-6
4.204-5 Fair and Reasonable Fee.....	4-2-6
4.204-6 Procurements Requiring Headquarters Approval.....	4-2-6
4.204-7 Record of Negotiation.....	4-2-6
4.205 Contracting With Architect-Engineer Firms for Construction Work.....	4-2-6
4.205-1 Policy.....	4-2-6
4.205-2 Procedure.....	4-2-7
4.205-3 Exceptions.....	4-2-7

16. In Part 4, 4.200 is revised to read as follows:

4.200 Scope of Subpart. This Subpart prescribes procedures for the procurement by contract of professional services of architects and engineers (referred to hereafter as architect-engineer services). Procedures for procuring architect-engineer services through the construction organization of the Corps of Engineers, Department of the Army, are set forth in "NASA-Corps of Engineers Argument for performance of Construction Services."

4.202 [Amended]

17. In Part 4, 4.202 the reference "1.1003-5(b)" at the end of the paragraph is amended to read "1.1003-4(b)(2)."

4.203-2 [Amended]

18. In Part 4, 4.203-2(ii) the reference "(1.1003-10(g))" in the first sentence is amended to read "(1.1003-9(h))" and the word "head" in paragraphs (iii) and (iv) are editorially corrected to read "Head."

4.203-5 [Amended]

19. In Part 4, 4.203-5 the word "head" in paragraphs (b)(2) and (b)(3) are editorially corrected to read "Head."

4.203-7 [Amended]

20. In Part 4, 4.203-7, the citations "(NHB 1900.1A)" in paragraph (a) and "(NMI 3711.6)" in paragraph (b) are

amended to read "(NHB 1900.1B)" and "(NMI 3711.6A)."

4.204-6 [Amended]

21. In Part 4, 4.204-6, the title "Assistant Administrator for Procurement" is amended to read "Director of Procurement" and the reference at the end of the first sentence "50.105 (b) (ii)" is changed to read "20.5005(b)(ii)."

PART 11—TAXES

11.401-1 [Amended]

22. In Part 11, 11.401-1(c), in the clause "Federal, State and Local Taxes" delete the phrase ". be expected to be over \$100." at the end of paragraph (d).

PART 13—GOVERNMENT PROPERTY

23. In Part 13, 13.202-2(d) is revised as follows:

13.202-2 Using facilities contracts

* * *

(c) * * *

(d) Facilities contracts, or amendments thereto, which provide facilities having a total acquisition value exceeding \$500,000, or providing real property regardless of amount, are subject to the Master Buy Plan Procedure (see Part 20, Subpart 51).

24. In Part 13, 13.702 the "Government Property (Fixed-Price)" clause date is amended to read "(September 1979)" in place of "(October 1977)" and the alternate paragraph (g) in 13.702(b) is revised to read as follows:

13.702 Government property clause for fixed-price contracts.

* * *

(a) * * *

(b) *Contracts Requiring the Furnishing of Cost or Pricing Data.* * * *

(g) *Risk of Loss.*

(1) The Contractor shall not be liable for loss or destruction of or damage to the Government property provided under this contract except as provided in (d) below. If the Contractor transfers Government property to the possession and control of a subcontractor, the transfer shall not affect the liability of the Contractor for loss or destruction of or damage to the property as set forth above. However, the Contractor shall require the subcontractor to assume the risk of, and be responsible for, any loss or destruction of or damage to the property as set forth above. However, the Contractor shall require the subcontractor to assume the risk of, and be responsible for, any loss or destruction of or damage to the property while in the latter's possession or control, except to the extent that the subcontract, with the prior approval of the contracting Officer, provides for the relief of the subcontractor from such liability. In the absence of such approval, the subcontract

shall contain appropriate provisions requiring the return of all Government property in as good condition as when received, except for reasonable wear and tear or for the utilization of the property in accordance with the provisions of the prime contract.

(2) The Contractor shall be responsible for any loss or damage (i) to the extent specifically provided in the clause or clauses of this contract designated in the schedule, or (ii) which results from:

(A) willful misconduct or lack of good faith of any of the Contractor's managerial personnel; or

(B) a failure on the part of the Contractor, due to willful misconduct or lack of good faith of the contractor's managerial personnel, (i) to maintain and administer the program for

(iv) the insurance, if any, covering any part of or interest in such commingled property.

The Contractor shall be entitled to an equitable adjustment in the contract price for the expenditures made by him in performing his obligations under this subparagraph (4) (including charges made to the Contractor by the Loss and Salvage Organization, except any of such charges the payment of which the Government has, at its option, assumed directly), in accordance with the procedures provided for in the "Changes" clause of this contract.

(5) With the approval of the Contracting Officer after loss or destruction of or damage to Government property, and subject to such conditions and limitations as may be imposed by the Contracting Officer, the Contractor may, in order to minimize the loss to the Government or in order to permit resumption of business or the like, sell for the account of the Government any item of Government property which has been damaged beyond practicable repair, or which is so commingled or combined with property of others, including the Contractor, that separation is impracticable.

(6) In the event the Contractor is reimbursed or compensated for any loss or destruction of or damage to the Government property, he shall equitably reimburse the Government. The Contractor shall do nothing to prejudice the Government's rights to recover against third parties for any such loss, destruction or damage and, upon the request of the Contracting Officer, shall at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery. In addition, where a subcontractor has not been relieved from liability for any loss or destruction of or damage to the Government property, the Contractor shall enforce the liability of the subcontractor for such loss or destruction of or damage to the Government property for the benefit of the Government.

(7) If this contract is for the development, production, modification, maintenance or overhaul of aircraft, or otherwise involves the

*This subparagraph may be omitted where it is clearly inapplicable and shall be deleted when the Ground and Flight Risk clause is omitted pursuant to 10.404(b)(2).

furnishing of aircraft by the Government, the "Ground and Flight Risk" clause of this contract shall control, to the extent it is applicable, in the case of loss or destruction of, or damage to, aircraft.

* * *

PART 14—PROGRAM ASSURANCE

25. In part 14, 14.400 is revised to read as follows:

14.400 *Scope of Subpart.* This Subpart establishes procedures and guidelines for utilizing Government agencies to assist NASA installations in judging contractor performance of the quality assurance aspects of NASA hardware contracts.

14.403 [Amended]

26. In Part 14, 14.403(a)(1) the second sentence of the paragraph is amended to read "It is desirable to initiate as many arrangements as possible during the precontract negotiation period."

PART 16—PROCUREMENT FORMS

27. In Part 16, 16.001, in the list in paragraph (a), the entries for forms 417-419 and 543 are revised to read as follows:

16.001 *Index of procurement forms for NASA use.*

* * *

417 (5/79) General Provisions for Cost-Reimbursement Research and Development Contract

418 (4/79) General Provisions for Cost-Plus-a-Fixed-Fee Supply Contract

419 (7/77) General Provisions for Cost-Reimbursement Research and Development Contract with Educational or Nonprofit Institutions

* * *

543 (8/78) Justification for Authority to Negotiate

* * *

PART 20—ADMINISTRATIVE MATTERS

28. In Part 20, Table of Contents, the page numbers for 20.5005 and 20.5006 are amended and 20.5007 is added to read as follows:

Paragraph	Page
* * *	
20.5005 Approval of Contracts and Supplemental Agreements.	20-50:2
20.5006 Information To Be Furnished When Requesting Approval of Contracts and Supplemental Agreements.	20-50:3
20.5007 Conditional Approval of Contracts and Supplemental Agreements.	20-50:4
* * *	

29. In Part 20, 20.505(b) is revised to read as follows:

20.5005 *Approval of contracts and supplemental agreements.*

* * *

(b) *Contracts and Supplemental Agreements.* Each contract or supplemental agreement selected for Headquarters review and approval under the Master Buy Plan Procedure (see Part 20, Subpart 51) shall be submitted to the Director of Procurement (Code HS-1) for approval:

30. In Part 20, 20.5007 is added to read as follows:

20.5007 Conditional Approval of Contracts and Supplemental Agreements.

(a) Contracts and supplemental agreements submitted to Headquarters for approval by the Director of Procurement in accordance with 20.5005 may be approved conditionally, subject to requiring the cognizant procurement office to take certain corrective actions within a specified period of time. These corrective actions include but are not limited to such matters as (a) revising, deleting, or adding Schedule Articles, General Provisions, or other contract provisions, and (b) developing additional supporting data for inclusion in the contract file, prior to or concurrent with the distribution of the approved contract or by an early supplemental agreement.

(b) The Procurement Officer will ensure that these corrective actions are accomplished in accordance with the conditional approval. In addition, the Procurement Officer will provide the Director of Procurement (Code HS-1) with a copy of the corrected contract pages, supplemental agreement, or additional supporting data that accommodates the conditions of approval. This should be evidenced by a memorandum that references the Headquarters approval memorandum and indicates the status of the corrective actions.

(c) On receipt and review of the corrective actions, the cognizant Procurement Officer will be notified of the disposition of the conditional approval. Such notice will be made a part of the original contract file and the Headquarters file of record.

31. In Part 20, 20.5102, paragraphs (a) and (c) are revised to read as follows:

20.5102 Applicability.

(a) The Master Buy Plan Procedure is applicable to each negotiated procurement, when the estimated cost of that procurement, or aggregate amount of follow-on procurements under the same program (see 3.852-2(b)), is expected to equal or exceed the dollar value shown below, for the installation making the award, except that this procedure is applicable to:

(i) all procurement actions, regardless of the dollar value involved, which include the acquisition of subsystems or components designed as NASA standard spacecraft equipment (See NMI 7050.1, "Standard Space Systems Program").

(ii) procurement of utility services when an area-wide contract is not used and either:

(A) the annual cost of the services to be procured is estimated by the using installation, at the time of the initiation of the service or annual renewal of the expenditure, to exceed \$100,000; or

(B) when, except for communication services, a proposed connection charge, termination liability, or any other facilities charge to be paid (whether or not refundable) is estimate to exceed \$25,000;

(iii) procurement of architect-engineer services when:

(A) the total dollar value is \$250,000 or more, or

(B) the work to be performed under a cost-plus-fixed-fee or fixed-price contract involves the production and delivery of designs, plans, drawings, and specifications; and the fee inclusive of the architect-engineer's cost, to be paid to the architect-engineer for the performance of such services, exceeds 6% of the estimated cost of the related construction project, exclusive of the amount of such fee. (See 4.204-1(b)).

(iv) procurements which provide facilities having a total acquisition value exceeding \$500,000 or provide real property regardless of amount (see 13.202-2(d); and

(v) leases, and extensions thereto, for the rental of real property by the Government where the annual rental is more than \$50,000 or where a Certificate of Necessity under 40 U.S.C. 278b is required.

Information on above listed procurements is required to be submitted to NASA Headquarters in accordance with 20.5103 for determination as to whether individual procurement actions are to be submitted to NASA Headquarters for review and approval or may be approved at the installation level. These individual procurement actions may include one or more of the following: procurement plans, requests for proposals, justifications for noncompetitive procurements, justifications for acceptance of unsolicited proposals, source evaluation board appointments and source selections, prenegotiation reviews, contracts (including supplemental agreements) and leases.

Monetary Limitations on Master Buy Plan Procedures

National Space Technology Laboratories.....	\$2,500,000
Headquarters Contracts and Grants Division, NASA Resident Office—JPL, Wallops Flight Center.	
Ames Research Center.....	\$5,000,000
Dryden Flight Research Center	
Goddard Space Flight Center	
Johnson Space Center	
Kennedy Space Center	
Langley Research Center	
Lewis Research Center	
Marshall Space Flight Center	

(c) The Master Buy Plan Procedure is not applicable to termination settlement agreements (see Part 8).

32. In Part 20, 20.5104 is revised to read as follows:

20.5104 Procedures for Procurements Selected for Headquarters Review and Approval. For those procurements which have been selected for Headquarters review and approval under this procedure, the cognizant installation will ensure that all documents that require Headquarters review and approval are submitted in accordance with established procedures. Such documents include procurement plans (3.852-2(a)(iii)); request for proposals (SEB Advisory (75-3)); justifications for noncompetitive procurements (3.802-3(d)(v)); justifications for acceptance of unsolicited proposals (4.910(b)); source evaluation board appointments and source selection (NHB 5103.6A); prenegotiation plans; and contracts, supplemental agreements, and leases (20.5006). At the time a noncompetitive procurement or a procurement involving an unsolicited proposal is selected for Headquarters review and approval under this procedure, the official to whom the justification for noncompetitive procurement or justification for acceptance of unsolicited proposal is to be submitted for approval will be designated.

33. In Part 20, 20.5105(a) is revised to read as follows:

20.5105 Procedures for Procurements not Selected for Headquarters Review and Approval.

(a) Procurements which are not selected for Headquarters review and approval shall be processed at the installation level. For such procurements, the following documents will be approved by the Head of the Installation: procurement plans, justifications for noncompetitive procurements, justifications for acceptance of unsolicited proposals, and incentive contract plans. If the procurement is to be competitive and

subject to the procedures of the Source Evaluation Board Manual, the Head of the Installation shall also act as the Source Selection Official. Contracts and supplemental agreements that are not selected for Headquarters review and approval under the Master Buy Plan Procedure, shall be approved by the Procurement Officer. The signing of the contract or modification by the Procurement Officer, as the contracting officer, constitutes such approval. The above approval authorities may not be redelegated, except that the Head of the Installation may redelegate the authority to approve procurement plans and incentive contract plans to his Deputy or Associate Director (the title "Associate Director" means a full Associate Director and not an Associate Director for * * *), without authority for further redelegation.

PART 23—SUBCONTRACTING POLICIES AND PROCEDURES

34. In Part 23, 23.101(b) is revised to read as follows:

23.101 Review Criteria

(a) * * *

(b) Generally, a CPSR shall not be performed for a specific contract. Except as provided in (c) below, an initial or annual review shall be made of all contractors who are expected to have sales to the Government during the next 12-month period in excess of \$10,000,000 on other than firm fixed-price contracts or fixed-price contracts with escalation.

PART 26—CONTRACT MODIFICATION

35. In Part 26, Table of Contents, the page numbers for paragraph 26.450, 26.451 and 26.452 are changed to read as follows:

26.450 Processing Novation Agreements and Change of Name Agreements by the Department of Defense on Behalf of NASA	26-4:9
26.451 Sample Letter Requesting Issuance of Administrative Change	26.4:10
26.452 Sample Administrative Change Format	26.4:11

36. In Part 26, 26.404(a) and (d)(i) are revised to read as follows:

26.404 Processing Novation Agreements and Change of Name Agreements.

(a) The installation shall immediately notify the Office of Procurement, NASA Headquarters (Code HM-1) of the request to execute a successor in interest or change in name agreement.

(d) After execution of the supplemental agreement, the designated installation shall:

(i) forward one authenticated copy of the supplemental agreement to the Office of Procurement, NASA Headquarters (Code HM-1), and

[FR Doc. 80-22851 Filed 7-29-80; 8:45 am]

BILLING CODE 7510-01-M

41 CFR Ch. 18, Parts 1, 2, 3, and 7

[Procurement Regulation Directive 79-10]

NASA Implementation of Amendments to the Small Business Act and the Small Business Investment Act of 1958

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This document amends the NASA Procurement Regulation (41 CFR Ch. 18). It reflects amendments contained in Procurement Regulation Directives 79-10 concerning the following areas: Small Business Concerns and Subcontractor Cost or Pricing Data. This Procurement Regulation Directive implements Public Law 95-507 and brings the NASA Procurement Regulation into closer alignment with the Defense Acquisition Regulation.

EFFECTIVE DATE: July 30, 1980.

FOR FURTHER INFORMATION CONTACT: James H. Wilson, Policy Division (Code HP-1), Office of Procurement, NASA Headquarters, Washington, DC 20546, Telephone: 202-755-2237.

SUPPLEMENTARY INFORMATION: 1. Public Law 95-507 constitutes an extensive revision to the Acts pertaining to small business. Some of the major features of the new coverage are:

a. The concept of "minority Business enterprise" is deleted and a new concept of "small business concern owned and controlled by socially and economically disadvantaged individuals" or, in its shortened version, "small disadvantaged business concern," is added. (See Parts 1.701-1 and 1.701-2.)

b. A new requirement is added to reserve procurements under \$10,000 for small business firms. (See Part 3.603(f).)

c. The requirement for small business subcontracting programs is deleted. A new requirement is added for a subcontracting plan for negotiated and advertised contracts over \$500,000 (\$1 million for construction). (See Part 1.707(b) and (c).)

d. Part 7 is revised to reflect the revisions made in Parts 1.700, 1.701, 1.702, 1.703 and 1.707.

2. Pending additional revision, wherever the term Minority Business

Enterprise (or a similar term that means the same) appears in the NASA Procurement Regulation it should be read to mean Small Disadvantaged Business Concern, as defined in this coverage.

3. Parts 7.104-41, 7.204-30, 7.303-28, 7.403-11, 7.452-11, 7.608-9, 7.702-49, 7.703-40, 7.705-11 and 7.902-20 are revised to require the insertion of the "Subcontractor Cost or Pricing Data" clause into various types of contracts, when applicable.

4. Pending revision to the NASA Procurement Regulation, "Code HB-1" is changed to read "Code K" and "Director, Small and Minority Business Office" is changed to read "Director, Office of Small and Disadvantaged Business Utilization."

(42 U.S.C. 2473(c)(1))

Stuart J. Evans,

Director of Procurement.

PART 1—GENERAL PROVISIONS

1.332 [Amended]

1. In Part 1, 1.332, 1.332-2 and 1.332-3 are deleted and 1.332 is marked "Reserved."

2. In Part 1, 1.700, 1.701 and 1.701-1(a)(1) are revised as follows:

1.700 Scope of subpart.

This Subpart, which applies only in the United States, its possessions, Puerto Rico, and the Trust Territory of the Pacific Islands implements the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2451-2459), and the Small Business Act, as amended (15 U.S.C. 631 et seq.), and sets forth policy and procedures governing (i) contract awards to small business concerns and small businesses owned and controlled by socially and economically disadvantaged individuals, (ii) relationships with the Small Business Administration (SBA), (iii) small business set-asides, (iv) contracting with the SBA under Section 8(a) of the Small Business Act, and (v) subcontracting with small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals.

1.701 Definitions.

The definitions of small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals are promulgated by the Small Business Administration. Unless otherwise specified, the term small business concern as used herein shall also mean small business concerns owned and

controlled by socially and economically disadvantaged individuals. As used throughout this Subpart, the following terms shall have the meanings set forth below. When a NASA installation is in doubt as to the specific small business definition that should apply to a particular procurement, advice from the Small Business Administration Office having jurisdiction over the geographical area in which the contracting officer is located shall be requested to assist in making a determination.

1.701-1 Small business concern.

(a)(1) *General Definition.* A small business concern is a concern that is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and with its affiliates, can further qualify under the criteria set forth in (2) and (3) below. "Concern" means any business entity organized for profit with a place of business in the United States, its possessions, Puerto Rico, or the Trust Territory of the Pacific Islands, including but not limited to an individual, partnership, corporation, joint venture, association, or cooperative. For the purpose of a procurement of a product or service that could be classified into two or more industries with different size standards, the applicable size standard is that for the industry whose products or services account for the greatest proportion of the contract price.

3. In Part 1, 1.701-1(a)(2), the second sentence in subparagraph c. is deleted and the following language inserted:

1.701-1 Small business concern.

(a) * * *

(2) * * *

c. Nonmanufacturing Industries. * * *

A small nonmanufacturer responding in its own name to an unrestricted procurement and offering the product of a domestic large business shall be eligible for Certificate of Competency consideration. Should the product of a large business be supplied that product and the responsibility of the manufacturer must be acceptable to the contracting office. The SBA certifies the responsibility of the small business dealer, not the responsibility of the manufacturer. However, in the event of equal low bids (see 2.407-6) preference shall be given to the company offering the product of a small business. If the goods to be furnished are wool, worsted, knitwear, duck, or webbing, nonmanufacturers (dealers and converters), shall furnish such products which have been manufactured or produced by a small weaver (small

knitter for knitwear) and, if finishing is required, by a small finisher. If the product to be furnished is thread, nonmanufacturers (dealers and converters) shall furnish thread which has been finished by a small finisher.

4. In Part 1, 1.701-1(a)(2), in subparagraph c. 6. the beginning of the second sentence the phrase "Base maintenance is defined in the following footnote*" is amended to read "Base maintenance is defined as follows: . . ." and subparagraph c. 18. is added as follows:

1.701-1 Small business concern.

(a) * * *

(2) * * *

c. * * *

18. Any concern bidding on a contract for protective services is classified as small if its average annual receipts for its preceding 3 fiscal years do not exceed \$4.5 million.

1.701-2, 1.701-3, and 1.701-4 Redesignated as 1.701-3, 1.701-4, and 1.701-5.

5. In Part 1, 1.701-2, 1.701-3 and 1.701-4 are redesignated to read 1.701-3, 1.701-4, and 1.701-5. A new paragraph 1.701-2 is added as set forth below:

1.701-2 Small disadvantaged business concern.

As used throughout this Subpart, a small disadvantaged business concern means a small business concern which is at least 51 per centum owned by one or more socially and economically disadvantaged individuals; or, in the case of any publicly owned business, at least 51 per centum of the stock of which is owned by one or more socially and economically disadvantaged individuals and whose management and daily business operations are controlled by one or more of such individuals.

(a) Socially disadvantaged individuals are those who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities.

(b) Economically disadvantaged individuals are those socially disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business area who are not socially disadvantaged. In determining the degree of diminished credit and capital opportunities the SBA shall consider, but not be limited to, the assets and net worth of such socially disadvantaged individuals.

1.701-5 [Amended]

6. In Part 1, 1.701-5, footnote number one at the end of the "Employment Size Standards Table", immediately following "Major Group 39" is revised to read: "1. The 'number of employees' is defined in 1.701-1d." and footnote number two is deleted and marked reserved.

7. In Part 1, 1.702 is revised as follows:

1.702 General policies.

(a) It is the policy of NASA to place a fair proportion of its total purchases and contracts for supplies, research and development and services (including contracts for maintenance, repairs and construction) with small business concerns. Every effort should be made to encourage participation by such concerns in the acquisition of supplies and services that are within their capabilities. Heads of NASA installations are responsible for the effective implementation of the Small Business and Small Disadvantaged Business Utilization Program(s) within their respective installations and for the accomplishment of assigned program goals. They will assure that procurement and technical personnel are informed of the benefits that accrue to the Nation and to the agency through the proper use of the capabilities of small business concerns in the procurement of NASA requirements and that these individuals take all reasonable action to increase the level of participation by small business firms in the awards for products and services by their installations.

(b) Small business concerns, both established and potential suppliers (1.701-3 and 1.701-4), shall be afforded an equitable opportunity to compete for all contracts that they can perform. Therefore, NASA installations, to the extent consistent with the best interests of the Government and in order to broaden the industrial base, shall:

(i) attempt to locate additional qualified small business suppliers by all appropriate methods, including use of the assistance of SBA, particularly where only a limited number of small business concerns are on bidders' mailing lists;

(ii) give wide publicity to contracting methods and practices;

(iii) publicize proposed procurements by use of advance notices or other appropriate methods (see 1.1003);

(iv) include all established and qualified potential small business suppliers on the bidders' mailing lists (see 2.205);

(v) send solicitations to all firms on the appropriate list, except that where

less than a complete list is to be used pursuant to 2.205-4, at least a pro rata number of small business concerns shall be solicited;

(vi) divide proposed acquisition of supplies and services, except construction, into quantities not less than economic production runs, so as to permit bidding on quantities less than the total requirements; allow the maximum time practicable for preparation and submission of bids, proposals, or quotations; where feasible, establish delivery schedules which will encourage small business participation;

(vii) examine each major procurement to determine the extent to which small business subcontracting should be encouraged or required;

(viii) allow the maximum amount of time practicable for preparation and submission of bids and proposals; and

(ix) maintain liaison with Federal, State (including Governor's Commissions), and local agencies and other organizations for the purpose of providing information and assistance to small business concerns.

(c) All proposed procurements of supplies or services with an anticipated dollar value of less than \$10,000 subject to small purchase procedures shall be reserved for exclusive participation by small business concerns (see 3.603-1(g)).

(d) The extent of participation by small business concerns in NASA procurement shall be accurately measured, reported, and publicized. All solicitations shall require each prospective supplier to represent whether it is a small business or small disadvantaged business concern for purposes of the specific procurement (see 1.701 and 1.703). Records of the total value of contracts and subcontracts placed with small business concerns during each fiscal year shall be maintained and reported through the NASA procurement reporting system prescribed in 21.1.

(e) NASA installations shall assign small business technical advisors to assist each resident SBA Procurement Center Representative in the performance of his duties:

(1) Each advisor shall be a full-time employee of the installation and shall be well qualified, technically trained, and familiar with the supplies or services acquired at the installation.

(2) Each advisor's principal duty shall be to assist the SBA Procurement Center Representative in his duties and functions relating to Sections 8 and 15 of the Small Business Act. Providing such assistance shall take precedence over any other collateral duties that may be the responsibility of the small business technical advisor.

8. In Part 1, 1.703(b)(1), paragraphs (i) through (iv) are removed and (a) through (d) are added to read as follows:

1.703 Determination of Status of Small Business Concerns.

* * * * *

(b) * * *

(1) * * *

(a) *Timely Protest Received Prior to Award.* When the contracting officer receives a timely protest prior to award, he shall forward the protest record to the Small Business Administration district office serving the area in which the protested concern is located. The Small Business Administration will promptly notify the contracting officer and the protestant of the date of its receipt of any such protest and will advise the bidder or offeror in question that his small business status is under review;

(b) *Untimely Protests Received Prior to Award.* A protest which is not timely, even though received before award, shall be forwarded to the Small Business Administration district office serving the area in which the protested concern is located, with a notation thereon that the protest is not timely. The protestant shall be notified that his protest cannot be considered on the instant procurement but has been referred to SBA for its consideration in any future actions; however, see (2) below for authority of contracting officer to question small business status of an apparently successful offeror at any time prior to award;

(c) *Action on Protests Received After Award.* A protest received after award of a contract shall be forwarded to the Small Business Administration district office serving the area in which the protested concern is located with a notation thereon that award has been made. The protestant shall be notified that award has been made and that his protest has been forwarded to SBA for its consideration in future actions.

(d) *Action on Protests Involving Offerors Not Being Considered for Awards.* If the contracting officer receives a size protest which challenges the small business status of an offeror not being considered for award, there will be no suspension of contracting action. The protest shall be forwarded to the Small Business Administration district office serving the area in which the protested concern is located with a notation thereon that such concern is not being considered for award. The protestant shall be notified in an appropriate time of the action taken by the contracting officer and that his protest will be considered by SBA in future actions.

(2) *Questioning of Status by Contracting Officer or Procurement Officer.* A contracting officer may, any time after bid opening, or date for submission of proposals, question the small business status of any bidder or offeror on the instant procurement by filling a written protest with the SBA district office of the district in which the bidder or offeror has his principal place of business. Such notice shall contain a statement of the basis for the protest, together with available supporting facts. A protest by a contracting officer shall be timely for the purpose of the procurement in question whether filed before or after award. SBA will advise the bidder or offeror in question that his small business status is under review.

9. In Part 1, 1.707 through 1.707-3 are revised to read as follows:

1.707 Subcontracting with small business and small disadvantaged business concerns.

1.707 General.

(a) It is the policy of the Government to enable small business concerns to be considered fairly as subcontractors to contractors performing work or rendering services as prime contractors or subcontractors under Government procurement contracts and to assure that prime contractors and subcontractors having small business subcontracting programs will consult through the procurement office with the SBA at its request.

(b) To more effectively carry out the Government's policy objectives stated in (a) above, prime contractors and subcontractors having small business subcontracting programs must be informed of (1) the Government's evaluation of their efforts in carrying out an effective small business subcontracting program, (2) any specific noted deficiencies in their small business subcontracting programs, and (3) any areas of outstanding achievement where they may have exceeded contractual requirements. To motivate a contractor to improve his program, he should be advised in general terms as to the type of actions that will result in a reward, penalty, or no impact on profit or fee. Any evaluation and remarks to the contractor, including areas or suggested improvement and areas where the contractor has exceeded contractual requirements, must be documented to furnish a basis for evaluation in connection with future awards.

(c) The SBA is not authorized, however, to prescribe the extent to which any contractor or subcontractor

shall subcontract or specify the concerns to which subcontracts shall be granted, nor is authority vested in the SBA respecting the administration of individual prime contracts or subcontracts.

1.707-2 Review responsibilities.

The clause specified in 1.707-3(a) requires the contractor to afford small business concerns the maximum practicable opportunity to participate in contracts consistent with their efficient performance. The clauses specified in 1.707-3(b) and (c) require the submission of subcontracting plans regarding the contractor's obligation to award subcontracts to small business concerns.

(b) Responsibilities.

(1) The contracting officer shall:

(i) assure that a subcontracting plan is submitted when required;

(ii) determine the adequacy of the subcontracting plan;

(iii) consider the contractor's past compliance with the clause specified in 1.707-3(a) and with subcontracting plans as a factor in determining the contractor responsibility; and

(iv) determine any fee payable when an incentive is used in conjunction with the subcontracting plan.

(2) If the contracting officer believes that the subcontracting plan submitted under a formally advertised solicitation does not reflect the best effort by the bidder to award subcontracts to small business and small disadvantaged business firms to the fullest extent consistent with the efficient performance of the contract, he shall advise the Director of Small and Disadvantaged Business Utilization, and at the same time, shall notify the Small Business Administration and request a review of the plan pursuant to Section 8(d)(10) and (11) of the Small Business Act. Such a request for an SBA review shall not delay award of the contract.

(3) Upon contract completion, if the contractor did not comply in good faith with the subcontracting plan and/or the clause specified in 1.707-3(a), the contracting officer shall document the noncompliance in writing and include the reasons. A copy of this documentation shall be provided to the Director of Small and Disadvantaged Business Utilization.

(4) Unless specifically delegated, the contracting officer is responsible for monitoring, documenting, evaluating, and advising the Procurement Officer, as appropriate, as to the contractor's performance under the clause specified in 1.707-3(d) and any subcontracting plan included in the contract, as follows:

(i) the extent to which the contractor's goals for small business and small

disadvantaged business participation are being met;

(ii) whether the contractor's efforts to assure such participation are in accordance with the efforts described in the subcontracting plan; and

(iii) whether the contractor is requiring its subcontractors to submit and carry out similar subcontracting plans.

(d) *Evaluation of Plans and Performance.* The clauses specified by 1.707-3(b) and (c) require the minimum information, goals, and assurances which each subcontracting plan shall include. There are no detailed standards which are applicable to every situation. The contracting officer's consideration of a plan must reflect the circumstances of the particular acquisition. Factors to consider include:

(i) previous involvement of small business concerns as prime or subcontractors in similar procurements;

(ii) proven methods of involving small business concerns as subcontractors in such procurements; and

(iii) the type of records which contractors have maintained to demonstrate the methods by which they intend to meet the goals and requirements of the plan.

(e) *Involvement of the Small Business Administration.* The Small Business Administration is authorized to:

(1) assist both installations and contractors in complying with their responsibilities with regard to subcontracting plans;

(2) review any solicitation for any contract which is to include the clause required by 1.707-3(b) or (c) to determine whether maximum practicable opportunity has been afforded small and disadvantaged businesses to participate as subcontractors in the performance of any contract resulting from any solicitation and to submit its findings, which shall be advisory in nature, to the contracting activity; and

(3) evaluate compliance with subcontracting plans, either on a contract by contract basis or, in the case of contractors having multiple contracts, on an aggregate basis.

The SBA is not authorized to prescribe the extent to which any contractor or subcontractor shall subcontract; specify concerns to which subcontracts shall be granted; or exercise any authority respecting the administration of individual prime contracts or subcontracts. The Office of Minority Small Business and Capital Ownership Development, Small Business Administration, has final authority to determine the eligibility of a

concern to be designated as a small disadvantaged business.

1.707-3 Required Clauses.

In compliance with the requirements of the Small Business Act, the following clauses, as appropriate, shall be included in prime contracts.

(a) The Utilization of Small Business and Small Disadvantaged Business Concerns clause, as follows, shall be included in all contracts exceeding \$10,000 except those which, including all subcontracts, will be performed entirely outside of any State, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico or those which are for services personal in nature.

Utilization of Small Business and Small Disadvantaged Business concerns (September 1979)

(a) It is the policy of the United States that small business and small business concerns owned and controlled by socially and economically disadvantaged individuals shall have the maximum practicable opportunity to participate in the performance of contracts let by any Federal agency.

(b) The contractor hereby agrees to carry out this policy in the awarding of subcontracts to the fullest extent consistent with the efficient performance of this contract. The Contractor further agrees to cooperate in any studies or surveys as may be conducted by the United States Small Business Administration or the awarding agency of the United States as may be necessary to determine the extent of the Contractor's compliance with this clause.

(c) As used in this contract, the term "small business" shall mean a small business as defined pursuant to Section 3 of the Small Business Act and relevant regulations promulgated pursuant thereto. The term "small business concern owned and controlled by socially and economically disadvantaged individuals," hereafter referred to as disadvantaged business, shall mean a small business concern:

(1) which is at least 51 per centum owned by one or more socially and economically disadvantaged individuals; or, in the case of any publicly owned business, at least 51 per centum of the stock of which is owned by one or more socially and economically disadvantaged individuals; and

(2) whose management and daily business operations are controlled by one or more of such individuals. The Contractor shall presume that socially and economically disadvantaged individuals include Black Americans, Hispanic Americans, Native Americans (such as American Indians, Eskimos, Aleuts and Native Hawaiians), and other minorities, or any other individuals found to be disadvantaged by the Administration pursuant to Section 8(a) of the Small Business Act.

(d) Contractors acting in good faith may rely on written representations by their subcontractors regarding their status as

either a small business concern or a small business concern owned and controlled by socially and economically disadvantaged individuals.

(End of clause)

(b) The Subcontracting Plan for Small Business and Small Disadvantaged Business Concerns (Negotiated) clause, as follows, shall be included in all solicitations for negotiated contracts or negotiated amendments or modifications (including contracts, amendments, and modifications placed on a sole source basis) which (i) offer subcontracting possibilities, (ii) are expected to exceed \$500,000, or, in the case of contracts for the construction of any public facility, \$1 million, and (iii) are required to include the clause in 1.707-3(a), above.

Subcontracting Plan For Small Business and Small Disadvantaged Business Concerns (Negotiated) (September 1979)

(a) The apparent successful offeror, upon request by the Contracting Officer, shall submit and negotiate a subcontracting plan which addresses separately subcontracting with small business concerns and small disadvantaged business concerns and which shall be included in and made a material part of the resultant contract. The subcontracting plan shall be negotiated within the time specified by the Contracting Officer. Failure to submit and negotiate the subcontracting plan shall make the offeror ineligible for award of a contract. As a minimum, the subcontracting plan shall include:

(1) Separate percentage goals (expressed in terms of percentage of total planned subcontracting dollars) for the utilization as subcontractors of small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals. For the purposes of the subcontracting plan, the Contractor shall include all first tier subcontracts to be awarded in performance of this contract, including a proportionate share of products, services, etc., whose costs are normally allocated as indirect or overhead costs when reasonably determined to be attributable to this contract.

(2) The name of an individual within the employ of the offeror who will administer the subcontracting plan of the offeror and a description of the duties of such individual;

(3) A description of the efforts the offeror will make to assure that small business and small disadvantaged business concerns will have an equitable opportunity to compete for subcontracts;

(4) Assurances that the offeror will include the clause entitled Utilization of Small Business and Small Disadvantaged Business Concerns in all subcontracts which offer further subcontracting opportunities and will require all subcontractors (except small business concerns) who receive subcontracts in excess of \$500,000, or in the case of a contract for the construction of any public facility, \$1 million, to adopt a plan in consonance with this clause;

(5) Assurances that the offeror will submit such periodic reports and cooperate in any

studies or surveys as may be required by the contracting agency or the Small Business Administration in order to determine the extent of compliance by the offeror with the subcontracting plan; and

(6) A recitation of the types of records the offeror will maintain to demonstrate procedures which have been adopted to comply with the requirements and goals set forth in the plan, including the establishment of source lists of small business and small disadvantaged business concerns; and efforts to identify and award subcontracts to such small business concerns.

(b) In order to effectively implement this plan the Contractor shall:

(1) Issue and promulgate company wide policy statements in support of this effort, develop written procedures and work instructions, and assign specific responsibilities regarding requirements of this clause.

(2) Demonstrate continuing management interest and involvement in support of this effort through such actions as regular reviews of progress and establishment of overall corporate and divisional goals and objectives.

(3) Train and motivate Contractor personnel regarding the support of small and small disadvantaged business firms.

(4) Assist small business and small disadvantaged business concerns by arranging solicitations, time for the preparation of bids, quantities, specifications, and delivery schedules so as to facilitate the participation by such concerns. Where the Contractor's lists of potential small business and disadvantaged subcontractors are excessively long, reasonable effort shall be made to give all such small business concerns an opportunity to compete over a period of time.

(5) Provide adequate and timely consideration of the potentialities of small business and small disadvantaged business concerns in all "make-or-buy" decisions.

(6) Counsel and discuss subcontracting opportunities with representatives of small and small disadvantaged business firms as are referred by the Small and Disadvantaged Business Utilization Specialist responsible for monitoring performance under this program and representatives of the SBA.

(c) The Contractor shall submit NASA Form 524 in accordance with instructions provided on the form.

(d) The offeror understands that:

(1) An acceptable plan must, in the determination of the Contracting Officer, provide the maximum practicable opportunity for small business and small disadvantaged business concerns to participate in the performance of the contract.

(2) The Contracting Officer shall notify the contractor in writing of his reasons for determining a subcontracting plan to be unacceptable. Such notice shall be given early enough in the negotiation process to allow the Contractor sufficient time to modify the plan within the time limits prescribed.

(3) Prior compliance of the offeror with other such subcontracting plans under previous contracts will be considered by the Contracting Officer in determining the responsibility of the offeror for award of the contract.

(4) Subcontracting plans are not required of small business concerns.

(5) The failure of any Contractor or subcontractor to comply in good faith with (i) the clause entitled Utilization of Small Business and Small Disadvantaged Business Concerns or (ii) an approved plan required by this Small Business and Small Disadvantaged Business Subcontracting Plan (Negotiated) provision, will be a material breach of such contract or subcontract.

(End of clause)

(c) The Subcontracting Plan for Small Business and Small Disadvantaged Business Concerns (Advertised) clause, as follows, shall be included in all solicitations for formally advertised contracts or amendments or modifications which (i) offer subcontracting possibilities, (ii) are expected to exceed \$500,000, or, in the case of contracts for the construction of any public facility, \$1 million, and (iii) are required to include the clause in 1.707-3(a), above.

Subcontracting Plan for Small Business and Small Disadvantaged Business Concerns (Formally Advertised) (September 1979)

(a) The apparent low bidder, upon request by the Contracting Officer, shall submit a subcontracting plan which addresses separately subcontracting with small business concerns and small disadvantaged business concerns, and which shall be included in and made a material part of the resultant contract. The subcontracting plan shall be submitted within the time specified by the Contracting Officer. Failure to submit the subcontracting plan shall make the bidder ineligible for the award of a contract.

As a minimum, the subcontracting plan shall include:

(1) Separate percentage goals (expressed in terms of percentage of total planned subcontracting dollars) for the utilization as subcontractors of small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals; for the purposes of the subcontracting plan, the Contractor shall include all first tier subcontracts to be awarded in performance of this contract, including a proportionate share of products, services, etc., whose costs are normally allocated as indirect or overhead costs when reasonably determined to be attributable to this contract.

(2) The name of an individual within the employ of the bidder who will administer the subcontracting plan of the bidder and a description of the duties of such individual;

(3) A description of the efforts the bidder will make to assure that small business and small disadvantaged business concerns will have an equitable opportunity to compete for subcontracts;

(4) Assurances that the bidder will include the clause entitled Utilization of Small Business and Small Disadvantaged Business Concerns in all subcontracts which offer further subcontracting opportunities, and that the bidder will require all subcontractors (except small business concerns) who receive

subcontracts in excess of \$1,000,000 in the case of a contract for the construction of any public facility, or in excess of \$500,000 in the case of all other contracts, to adopt a plan in consonance with this clause;

(5) Assurances that the bidder will submit such periodic reports and cooperate in any studies or surveys as may be required by the contracting agency or the Small Business Administration in order to determine the extent of compliance by the bidder with the subcontracting plan; and

(6) A recitation of the types of records the successful bidder will maintain to demonstrate procedures which have been adopted to comply with the requirements and goals set forth in the plan, including the establishment of source lists of small business concerns and small disadvantaged business concerns; and efforts to identify and award subcontracts to such small business concerns.

(b) In order to effectively implement this plan, the Contractor shall:

(1) Issue and promulgate company wide policy statements in support of this effort, develop written procedures and work instructions, and assign specific responsibilities regarding the requirements of this clause.

(2) Demonstrate continuing management interest and involvement in support of these programs through such actions as regular reviews of progress and establishment of overall corporate and divisional goals and objectives.

(3) Train and motivate Contractor personnel in support of these programs.

(4) Assist small business and small disadvantaged business concerns by arranging solicitations, time for the preparation of bids, quantities, specifications, and delivery schedules so as to facilitate the participation by such concerns. Where the Contractor's lists of potential small business and disadvantaged subcontractors are excessively long, reasonable effort shall be made to give all such small business concerns an opportunity to compete over a period of time.

(5) Provide adequate and timely consideration of the potentialities of small business and small disadvantaged business concerns in all "make-or-buy" decisions.

(6) Counsel and discuss subcontracting opportunities with representatives of small and disadvantaged business firms as are referred by the Small and Disadvantaged Business Utilization Specialist responsible for monitoring performance under this program and representatives of the SBA.

(c) The Contractor shall submit NASA Form 524 in accordance with instructions provided on the form.

(d) The bidder understands that:

(1) Prior compliance of the bidder with other such subcontracting plans under previous contracts will be considered by the Contracting Officer in determining the responsibility of the bidder for award of the contract.

(2) Subcontracting plans are not required of small business concerns.

(3) The failure of any Contractor or subcontractor to comply in good faith with (i) the clause entitled Utilization of Small

Business Concerns and Small Disadvantaged Business Concerns, or (ii) the terms of any subcontracting plan required by this Small Business and Small Disadvantaged Business Subcontracting Plan (Advertised) provision, will be a material breach of the contract or subcontract.

(End of clause)

(d) The Small Business Act encourages Federal agencies to provide incentives to increase subcontracting opportunities for small business and small disadvantaged business concerns as may be commensurate with the efficient and economical performance of the contract. Various approaches may be used in the development of incentives. They can take many forms, from a fully quantified schedule of payments based on actual subcontract achievement to an award fee approach employing subjective evaluation criteria. In negotiated contracts for which a subcontract plan is required in accordance with 1.707-3(b), contracting officers may include provisions to effect these incentives. Such provisions should normally be negotiated subsequent to reaching agreement upon the subcontract plan. A sample incentive clause is set forth below. When incentives are determined to be inappropriate the contracting officer shall make a written determination setting forth the reasons. The use of any contractual incentive provision based upon rewarding the contractor monetarily for exceeding goals established in the subcontracting plan must ensure that (i) the goals are realistic and (ii) that any monetary rewards for exceeding the goals must be commensurate with the contractor's efforts which would not otherwise have been expended, (e.g., administrative reclassification by the SBA during performance or uneconomic and unnecessary subcontract decisions to take inappropriate advantage of the incentive).

Incentive Subcontracting Program For Small Business and Small Disadvantaged Business Concerns (September 1979)

(1) The Contractor has established, in his subcontracting plan, the following goals for awards to small business and small disadvantaged business concerns:

(i) _____ percent of the total planned subcontract amount of \$_____ to small business concerns, and

(ii) _____ percent of the total planned subcontract amount of \$_____ to small business concerns owned and controlled by socially and economically disadvantaged individuals.

(2) In recognition of any extraordinary efforts by the Contractor in exceeding the small business and small disadvantaged business concerns subcontracting goals

established by (i) above, the Contracting Officer may, at his election and in his sole discretion, pay an award fee to the Contractor of not to exceed _____ of the total dollar value of all such subcontract awards in excess of each goal in (i) above. The Contracting Officer may determine that such excess was not due to efforts by the Contractor, i.e., subcontractor cost overruns, or where the actual subcontract amount exceeds that estimated in the subcontract plan; or there were planned subcontracts not disclosed in the subcontract plan during contract negotiation. Determinations under this paragraph shall not be subject to the clause hereof entitled Disputes.

(3) If the contract is a cost-plus-fixed-fee type, the total of the fixed-fee and the incentive payments made pursuant to this clause is subject to the limitations set forth in NASA Procurement Regulation.

(End of clause)

(e) The small disadvantaged business concern representation in 2.201-1 Section B(14) shall be included in all solicitations and all contracts which are awarded without reference to a solicitation, other than those involving small purchase. Failure to execute the representation will be deemed a minor informality and the bidder or offeror shall be permitted to satisfy the requirement prior to award.

10. In Part 1, 1.1002-1 is amended by inserting between the second and third sentences the following:

1.1002-1 Availability of Invitations for Bids and Requests for Proposals at the Contracting Office

However, for any contract to be let by any procurement office, it shall provide to any small business concern upon its request: (i) a copy of bid sets and specifications with respect to such contract; (ii) the name and telephone number of any employee of such office to answer questions with respect to such contract; and (iii) adequate citations to each major Federal law or agency rule with which such business concern must comply in performing such contract.

PART 2—PROCUREMENT BY FORMAL ADVERTISING

11. In Part 2, 2.201-1 is amended by adding at the end of Part I, Section B, a new paragraph (14) to read as follows:

2.201-1 Supply and Service Contracts Including Construction

Part I * * *
Sec. B * * *
(13) * * *

* Exact percentage (not to exceed 10 percent) to be inserted into the contract document.

(14) Insert the following Small Disadvantaged Business Concern representation.

Small Disadvantaged Business Concern (September 1979)

(a) The offeror represents that he () is, () is not, a small business concern owned and controlled by socially and economically disadvantaged individuals. The term "small business concern" means a small business as defined pursuant to Section 3 of the Small Business Act and relevant regulations promulgated pursuant thereto. The term "small business concern owned and controlled by socially and economically disadvantaged individuals" means a small business concern.

(1) that is at least 51 per centum owned by one or more socially and economically disadvantaged individuals; or, in the case of any publicly owned business, at least 51 per centum of the stock of which is owned by one or more socially or economically disadvantaged individuals; and

(2) whose management and daily business operations are controlled by one or more such individuals.

(b) The offeror shall presume that socially and economically disadvantaged individuals include Black Americans, Hispanic Americans, Native Americans, (such as American Indians, Eskimos, Aleuts, and native Hawaiians), and other minorities or any other individuals found to be disadvantaged by the Small Business Administration pursuant to Section 8(a) of the Small Business Act.

2.201-1 [Amended]

12. In Part 2, 2.201-1, Part I, Section C, is amended by deleting paragraph (20) and the notice entitled "Minority Business Enterprise Program." and mark the paragraph "Reserved."

2.201-2 [Amended]

13. In Part 2, 2.201-2 is amended to delete paragraph (11) in its entirety.

PART 3—PROCUREMENT BY NEGOTIATION

14. In Part 3, 3.501(b), Part I, Section B, is amended by deleting paragraph (13), and paragraph (14) is amended to read "(14) the Small Disadvantaged Business Concern representation in 2.201-1, Section B(14)."

15. In Part 3, 3.501(b), Part I, Section C, paragraph (41) is revised to read as follows:

3.501 Preparation of request for proposals or request for quotations.

* * * * *

(b) * * *

Part I * * *

Sec. * * *

(40) * * *

(41) in procurements estimated to result in a contract exceeding \$500,000,

or \$1,000,000, in the case of contracts for the construction of any public facility, which will include the contract clause set forth in 1.707-3(a), and the solicitation for which is to include the clause set forth in 1.707-3(b), offerors shall be advised by conspicuous notice in the solicitation, substantially as follows, that a summary of the proposed small business and small disadvantaged business subcontracting plan shall be submitted with its response for consideration in the evaluation and selection process.

Small and Disadvantaged Business Utilization Program

Consistent with the national interest, it is NASA policy that small business and small business concerns that are owned and controlled by socially and economically disadvantaged individuals shall have the maximum practicable opportunity to participate in the performance of NASA work at the prime and subcontract levels. Therefore any contract awarded as a result of this solicitation shall fully comply with the intent of this policy, and the successful offeror shall agree to pursue an effective and comprehensive small business and small disadvantaged business subcontracting program in compliance with the clause entitled, "Utilization of Small Business and Small Business Disadvantaged Business Concerns." Prior to the execution of the contract the selected Contractor(s) shall submit to the Contracting Officer for approval, a comprehensive subcontracting plan in accordance with the clause "Subcontracting Plan for Small Business and Small Disadvantaged Business Concerns (Negotiated)."

* * * * *

16. In Part 3, 3.603-1(f) is revised to read as follows:

3.603-1 General

* * * * *

(f) Each procurement of supplies and services which has an anticipated value of less than \$10,000 and which is procured using the small purchase procedures set forth in this Subpart, shall be reserved exclusively for small business concerns unless the contracting officer is unable to obtain offers from two or more small business concerns that are competitive (i) with market prices, and (ii) in terms of quality and delivery as outlined in 3.604. When source lists are maintained for procurements not exceeding \$10,000, these source lists shall include all known business concerns.

PART 7—CONTRACT CLAUSES

17. In Part 7, Table of Contents, 7.104-14, 7.203-9, 7.302-8, 7.402-9, 7.451-9, 7.702-34, 7.703-26, 7.704-38 and 7.902-1, the title is amended to read "Utilization of Small Business and Small

Disadvantaged Business Concerns" in place of "Utilization of Small Business Concerns."

18. In Part 7, Table of Contents, 7.104-22, 7.204-19, 7.303-11, 7.702-57 and 7.703-49 are amended to delete the title "Small Business Subcontracting Program" and marked "Reserved."

19. In Part 7, Table of Contents, 7.204-30, 7.303-28, 7.403-11, 7.452-11, 7.608-9, 7.702-47, 7.703-40, 7.705-11 and 7.902-20, the title "Contractor and Subcontractor Certified Cost or Pricing Data" is amended to read "Subcontractor Cost or Pricing Data."

7.104-14, 7.203-9, 7.302-8, 7.402-9, 7.451-9, 7.702-34, 7.703-26, 7.704-38, and

7.902-1 [Revised]

20. In Part 7, 7.104-14, 7.203-9, 7.302-8, 7.402-9, 7.451-9, 7.702-34, 7.703-26, 7.704-38, and 7.902-1 are revised to read as follows:

Utilization of small business and small disadvantaged business concerns.

In accordance with the requirements set forth in 1.707-3, insert the appropriate clause contained therein.

7.104-22, 7.204-19, 7.303-11, 7.702-57; and 7.703.49 [Reserved]

21. In Part 7, 7.104-22, 7.204-19, 7.303-11, 7.702-57 and 7.703-49 the text is deleted and marked "Reserved."

7.204-30, 7.303-28, 7.403-11, 7.452-11, 7.608-9, 7.702-47, 7.703-40, 7.705-11 and 7.902-20. [Revised]

22. In Part 7, 7.204-30, 7.303-28, 7.403-11, 7.452-11, 7.608-9, 7.702-47, 7.703-40, 7.705-11 and 7.902-20, are revised to read as follows

Subcontractor cost or pricing data.

In accordance with the requirements of 3.807-4, insert the appropriate clause set forth in 7.104-43.

[FR Doc. 80-22770 Filed 7-29-80; 8:45 am]

BILLING CODE 7510-01-M

41 CFR Ch. 18, Parts, 1, 2, 3, 4, 7, 13, 21, 26, Appendix I and Supplement 50

[Procurement Regulation Directive 79-11]

Procurement Regulations; Miscellaneous Amendments

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This document amends the NASA Procurement Regulation (41 CFR Ch. 18). It reflects amendments contained in Procurement Regulation

Directive 79-11 concerning the following areas:

1. Space Transportation System Personnel Reliability Program.
2. "Subcontractor Cost or Pricing Data" and "Price Reduction for Defective Cost or Pricing Data" Clauses.
3. Price Negotiation Policies and Techniques.
4. Unsolicited Proposals.
5. Price Reduction for Defective Cost or Pricing Data Clause.
6. Government Property.
7. Processing Novation Agreements and Change of Name Agreements.
8. Individual Procurement Action Report.

EFFECTIVE DATE: July 30, 1980.

FOR FURTHER INFORMATION CONTACT: James H. Wilson, Policy Division (Code HP-1), Office of Procurement, NASA Headquarters, Washington, DC 20546, Telephone: 202-755-2237.

SUPPLEMENTARY INFORMATION: The major changes are summarized as follows:

1. Parts 1.321, 2.201-1 and 3.501 are revised to incorporate appropriate reference to NASA Management Manual 8610.13 which sets forth criteria and procedures for assuring the highest standards of reliability in personnel assigned to mission-critical positions in connection with the Space Transportation System. Also incorporated is a statement which shall be inserted in procurements involving mission-critical positions in connection with the Space Transportation System.

2. Part 2.201-1, Part III, Section L(4) and Part 3.501(b), Part III, Section L(7), are revised to require insertion of the "Subcontractor Cost or Pricing Data" and the "Price Reduction for Defective Cost or Pricing Data" clauses in solicitations expected to result in contracts exceeding \$100,000. These clauses are discussed in Part 3.807.

3. The following revisions are made in Part 3.802-3, 3.852-2 and 3.852-6.

a. In Part 3.802-3(d), paragraph (iii), the dollar amount applicable to the National Space Technology Laboratories is changed to read \$1,250,000.

b. In Part 3.852-2(a), paragraph (i), the dollar amount applicable to National Space Technology Laboratories is changed from "\$500,000" to "\$1,250,000."

c. In Part 3, 3.852-6 is deleted. The text is no longer applicable.

4. In Part 4.910, 4.910(c) is added to clarify policy and procedure applicable to justifications for acceptance of unsolicited proposals when purchases exceed \$500.

5. Part 7 is revised to require the insertion of the "Price Reduction for Defective Cost or Pricing Data" clause in

the various types of contracts, when applicable.

6. Parts 13.311 and 13.420 are revised as follows:

a. In Part 13, 13.311 is revised to require mandatory use of the clause therein when Government property is provided to on-site contractors.

b. In Part 13, 13.420 is revised to update policies applicable to rental rates to be charged for the use of Government production and research property.

7. In Part 21, 21.100 through 21.147 are revised to incorporate updated and expanded instructions applicable to completing NASA's Individual Procurement Action Report, NASA Form 507. The NASA Form 507 has been amended to incorporate requirements of the Federal Procurement Data System (FPDS). Additionally, a new Supplement 50 is added consisting of service codes and other data needed to properly complete NASA Form 507.

8. Appendix I is changed to require that DD Forms 250 be priced whenever they are used for voucher or receiving purposes.

(42 U.S.C. 2473(c)(1))

Stuart J. Evans,

Director of Procurement.

PART 1—GENERAL PROVISIONS

1. In Part 1, 1.321 is added to read as follows:

1.321 Space Transportation System personnel reliability program.

The Space Transportation System is a national resource providing a capability to support a wide range of scientific, applications, commercial, defense and international uses. Criteria and procedures for assuring the highest standards of reliability in personnel assigned to mission-critical positions in connection with the Space Transportation System are set forth in NMI 8610.13.

1.356 [Amended]

2. In Part 1, 1.356(a) the reference "5101.12" is amended to read "5101.12B."

PART 2—PROCUREMENT BY FORMAL ADVERTISING

3. In Part 2, Table of Contents, the page numbers for paragraphs 2.201-2, 2.202 and 2.202-1 are changed to read as follows:

Paragraph		Page
2.201-2	Construction Contracts.....	2-27
2.202	Miscellaneous Rules for Solicitation of Bids.....	2-29
2.202-1	Bidding Time.....	2-29

4. In Part 2, 2.201-1, Part I, Section C, a new paragraph (27) is added to read as follows:

2.201-1 Supply and service contracts including construction.

Part I * * *

Sec. C * * *

(26) * * *

(27) In procurements involving mission-critical positions in connection with the Space Transportation System, a statement that the selected contractor will comply with the provisions of NASA Management Instruction 8610.13. The statement will not be required in procurements for flight crew members or payload specialists when covered by other NASA Management Instructions which have equivalent screening requirements to NMI 8610.13. See, for example, NMI 7100.16.

5. In Part 2, 2.201-1, Part III, Section L, paragraph (4) is revised to read as follows:

2.201-1 Supply and service contracts including construction.

Part III * * *

Sec. L * * *

(4) If the resulting contract is expected to exceed \$100,000, include the "Subcontractor Cost and Pricing Data" clause (see 7.104-43(b)) and "Price Reduction for Defective Cost or Pricing Data" clause (see 7.104-28(b)).

PART 3—PROCUREMENT BY NEGOTIATION

6. In Part 3, 3.501(b), Part I, Section C, paragraphs (45) through (49) are added to read as follows:

3.501 Preparation of requests for proposals or request for quotations.

(b) * * *

Part I * * *

Sec. C * * *

(45) In procurements involving total set-asides for small business, the "Notice" set forth in 1.706-5(c).

(46) In procurements involving partial set-asides for small business, the notice requirements as set forth in 1.706-6(c).

(47) In procurements involving partial set-asides for labor surplus area concerns, the notice requirements as set forth in 1.804-2(b).

(48) Requests for Proposal which will result in the placement of rated orders or Authorized Controlled Material

Orders (see 1.307) shall contain the following statement.

Contracts or purchase orders to be awarded as a result of this solicitation shall be assigned a (DX or DO as appropriate) rating or DMS allotment number (as appropriate) in accordance with the provisions of BDC Regulation 2 and/or DMS Regulation 1.

(49) in procurements involving mission-critical positions in connection with the Space Transportation System, a statement that the selected contractor will comply with the provisions of NASA Management Instruction 8610.13. The statement will not be required in procurements for flight crew members or payload specialists when covered by other NASA Management Instructions which have equivalent screening requirements to NMI 8610.13. See, for example NMI 7100.16.

7. In Part 3, 3.501(b) Part III—General Provisions, Section L, paragraph (7) is added to read as follows:

3.501 Preparation of request for proposals or request for quotations.

* * * * *

(b) * * *

Part III * * *

Sec. L * * *

(6) * * *

(7) if the resulting contract is expected to exceed \$100,000, include the "Subcontractor Cost and Pricing Data" clause (see 7.104-43) and "Price Reduction for Defective Cost or Pricing Data" clause (see 7.104-28). See 3.807.

3.802-3 [Amended]

8. In Part 3, 3.802-3, paragraph (d)(iii)(A) the "\$500,000" is amended to read "\$1,250,000" and in paragraph (d)(iv)(A) the "\$500,000 but less than \$1,000,000" is amended to read "\$1,250,000 but less than \$2,500,000."

3.852-2 [Amended]

9. In Part 3, 3.852-2, in paragraph (a)(i)(A) the "\$500,000" is amended to read "\$1,250,000" and in paragraph (a)(ii)(A) the "\$500,000 but less than \$1,000,000" is amended to read "\$1,250,000 but less than \$2,500,000."

10. In Part 3, 3.852-2(b) is revised to read as follows:

3.852-2 Approval of procurement plans.

* * * * *

(a) * * *

(b) Examples of what is meant by the phrase "including the aggregate amount of follow-on contracts under the same program" appearing in (a) above are: (i) options as defined in Part 1, Subpart 15; (ii) agreements-to-agree, wherein the parties agree to negotiate for the

extension of the supplies or services being procured; and (iii) later phases of the same project subject to the Guidelines for Phase Project Planning concept prescribed by NHB 7121.4 and/or the Major System Acquisitions concept prescribed by NMI 7100.14A.

11. In Part 3, 3.852-6 "Request for Proposals" is deleted.

PART 4—SPECIAL TYPES AND METHODS OF PROCUREMENT

12. In Part 4, 4.910 is revised to make editorial changes in paragraph (b), to add a new paragraph (c) and to redesignate the present paragraph (c) to read (d) as follows:

4.910 Method of procurement.

(a) * * *

(b) A negotiated, noncompetitive procurement is permissible when an unsolicited proposal has received a favorable technical evaluation, unless it is determined that the substance thereof is available to the Government without restriction from another source, or a competitive procurement is otherwise appropriate. The technical office sponsoring the procurement shall support its recommendation with a "Justification for Acceptance of Unsolicited Proposal." The "Justification" shall be based on a comprehensive evaluation of the proposal. The "Justification" shall include the facts and circumstances that operate to preclude competition and that support the recommended noncompetitive action. Consideration shall include the evaluation factors listed in 4.909(d)(i-v).

(c) For purchases in excess of \$500, the "Justification" shall be in writing and shall be submitted for the approval of the Procurement Officer or a designee after prior review and written concurrence by the head of the cognizant technical division or laboratory, as applicable.

(d) When it is determined that the subject matter of an unsolicited proposal is acceptable for award on a noncompetitive basis, the unsolicited proposal will serve as the basis for negotiation.

PART 7—CONTRACT CLAUSES

13. In Part 7, Table of Contents, delete the title "Renegotiation" and mark "Reserved" the following paragraphs: 7.103-13, 7.203-13, 7.302-12, 7.402-12, 7.607-17, 7.702-38, 7.703-30 and 7.901-24.

14. In Part 7, Table of Contents, 7.104-41 and 7.705-11, delete the title "Subcontractor Costs or Pricing Data" and mark the paragraphs "Reserved."

15. In Part 7, Table of Contents, insert the title "Price Reduction for Defective Cost or Pricing Data" in the following paragraphs: 7.204-32, 7.303-31, 7.403-13, 7.452-13, 7.608-10, 7.702-40, 7.703-42, and 7.902-19.

7.103-13, 7.104-41, 7.203-13, 7.302-12, 7.402-12, 7.607-17, 7.702-38, 7.703-30 and 7.705-11 [Reserved]

16. In Part 7, 7.103-13, 7.104-41, 7.203-13, 7.302-12, 7.402-12, 7.607-17, 7.702-38, 7.703-30 and 7.705-11 are amended by deleting the text and marking the paragraphs "Reserved."

7.204-32, 7.303-31, 7.403-13, 7.452-13, 7.608-10, 7.702-40, 7.703-42, 7.705-18 and 7.902-19 [Revised]

17. In Part 7, 7.204-32, 7.303-31, 7.403-13, 7.452-13, 7.608-10, 7.702-40, 7.703-42, 7.705-18 and 7.902-19 are revised to read as follows:

Price reduction for defective cost or pricing data.

Insert the clause set forth in 7.104-28.

PART 13—GOVERNMENT PROPERTY

18. In Part 13, 13.311, the introductory text is revised to read as follows:

13.311 Providing Government property to on-site contractors and local support service contractors.

The clause set forth below shall be used when Government property is provided to on-site contractors. Requests for deviation (see 1.109) shall be coordinated with the Director of Supply and Equipment Management. The clause may also be used when Government property is provided to off-site local support service contractors. In any event, the concurrence of the installation supply and equipment management officer must be obtained and indicated in the procurement request. The nature and extent of such property shall be identified in the Schedule of the contract and the property made available to the contractor on a no-charge-for-use basis by the installation supply and equipment management officer. In the event that property is provided under this clause and also a "Government Property" clause, the property shall be clearly identified in separate schedules. Any maintenance considerations shall be addressed elsewhere in the contract.

* * * * *

19. In Part 13, 13.420 is revised to read as follows:

13.420 Rental rates for the use of Government production and research property.

(a) Except as provided below, the rent for all Government production and research property shall be computed in accordance with the "Use and Charges" clause set forth in 7.702-12 for facilities. If the Director of Procurement, with the concurrence of the Director of Supply and Equipment Management, determines it to be in the best interest of the Government, rent for classes of production and research property other than machine tools (Federal Supply Classes 3405, 3408, 3410, 3411 through 3419) and secondary metalforming and cutting machines (Federal Supply Classes 3441 through 3449) may be charged on some other equitable basis. In such cases, the "Use and Charges" clause should be appropriately modified.

(b) The rental charge required by (a) shall not be applicable to wholly Government-owned plants operated by private contractors on a fee basis. However, asset use charges in accordance with 13.408 are applicable for sales to foreign countries and international organizations.

(c) Except for direct commercial sales to foreign countries or international organizations, the rental charge required by (a) shall not be applicable to:

(i) items of equipment which are of such size or complexity, or have such performance characteristics, that they present unusual problems in relation to the time required for their preparation for shipment, installation, and preparation for operation; *provided*, that the General Services Administration, Federal Preparedness Agency, has approved the general program involving such equipment;

(ii) Government production and research property left in place or installed on contractor-owned property for future production purposes of the Government; *provided*, that a rental charge computed in accordance with (a) shall apply to so much of such property or its capacity as may be used or authorized for use; or

(iii) such other Government production and research property as may be otherwise excepted by the Office of Emergency Preparedness.

13.702 [Amended]

20. In Part 13, 13.702(b), in paragraph (g)(1) "Risk of Loss," the end of the first sentence is amended to read
 " * * * provided in (2) below." in place of " * * * provided in (d) below."

PART 21—PROCUREMENT MANAGEMENT REPORTING SYSTEM

21. In Part 21, Table of Contents, 21.000 and 21.100 are removed. New Parts 21.100 through 21.147 are added to read as follows:

Subpart 1—Individual Procurement Action Report

Paragraph	Page
21.100 Scope of Subpart	21-1:1
21.101 Individual Procurement Action Report (NASA Form 507)	21-1:1
21.102 Applicability and Coverage	21-1:1
21.103 Contractual Records	21-1:1
21.104 Submission Due Date	21-1:1
21.105 Item 1—Type of Record	21-1:2
21.106 Item 2—Contract/Grant/Purchase Order Number	21-1:2
21.107 Contract Numbering Scheme	21-1:2
21.108 Item 3—Modification Number	21-1:2
21.109 Item 4—Accounting Installation Number	21-1:3
21.110 Item 5—Procuring Installation Number	21-1:3
21.111 Item 6—Other Agency Order Number	21-1:3
21.112 Item 7—Contractor Identification Code (CIC)	21-1:3
21.113 Item 8—Contractor's Name	21-1:4
21.114 Item 9—Contractor's Division	21-1:4
21.115 Item 10—Contractor's Address—City and State	21-1:4
21.116 Items 11 and 12—Place of Performance	21-1:4
21.117 Item 13—Contract Date/Modification Date	21-1:4
21.117-1 Contract Date	21-1:4
21.117-2 Modification Date	21-1:4
21.118 Item 14—Completion Date	21-1:5
21.119 Item 15—Procurement Placement Code	21-1:5
21.120 Item 16—Kind of Action	21-1:5
21.121 Item 17—Type of Contractor	21-1:6
21.122 Item 18—Type of Contract	21-1:7
21.123 Item 19—Labor Surplus Area	21-1:7
21.124 Item 20—Subject to Statutory Requirements	21-1:8
21.125 Item 21—Extent of Competition	21-1:8
21.126 Item 22—Reason for not Selecting Small Business	21-1:9
21.127 Item 23—Type of Service or Product	21-1:9
21.128 Item 24—Proposed Procurement Synopsized	21-1:10
21.129 Item 25—Contract Administration Delegated	21-1:10
21.130 Item 26—Consultant Type Contract	21-1:10
21.131 Item 27—Support Services Type Contract	21-1:10
21.132 Item 28—Cost Accounting Standards Clause	21-1:12
21.133 Item 29—New Technology Clause	21-1:12
21.134 Item 30—Report on Small Business Subcontracting Program	21-1:12
21.135 Item 31—Report on Geographical Distribution of NASA Subcontracts	21-1:12
21.136 Item 32—Affirmative Action Plan	21-1:12
21.137 Item 33—Previously Held Contract Subject to Affirmative Action Program Requirements	21-1:12
21.138 Item 34—Contract Physically Complete	21-1:12
21.139 Item 35—Modification Obligations	21-1:12
21.140 Item 36—Woman-Owned Business	21-1:12
21.141 Item 37—Management Reporting Requirements (MRR): Correlated Cost and Performance Data Reporting	21-1:13
21.142 Item 38—Management Reporting Requirements (MRR): Property and Space Hardware Reporting	21-1:13
21.143 Item 39—Trade Data	21-1:13
21.144 Item 40—Total Price or Estimated Cost	21-1:13
21.145 Item 41—Total Profit or Fee	21-1:14
21.146 Item 42—Description of Contract/Modification	21-1:14
21.147 Limited Preparation of NASA Form 507.	21-1:14

22. In Part 21, 21.000 and 21.100 are removed, and a new 21.100 is added and Parts 21.101 through 21.147 are added to read as follows:

Subpart 1—Individual Procurement Action Report

21.100 Scope of subpart.

This Subpart prescribes uniform reports which are required to be prepared by procurement and contract administration offices in order to provide management with necessary information to help formulate, change or measure the effectiveness of procurement policy.

21.101 Individual procurement action report (NASA Form 507).

The individual Procurement Action Report (NASA Form 507) is designed to provide essential procurement records and statistics through a single uniform reporting program as a basis for required recurring and special reports to the President, the Congress, the Department of Labor, Office of Federal Procurement Policy, Federal Procurement Data Center, the Federal Preparedness Agency, the General Accounting Office, the Small Business Administration, and other Federal agencies. The preparation and utilization of NASA Form 507 has been made an integral part of the Agency-wide Financial and Contractual Status (FACS) System.

21.102 Applicability and coverage.

The levels at which procurements are individually reportable and require an NF 507 are as follows:

- (a) Initial Basic Procurement.
 - (1) All *contracts* (procurements) regardless of dollar obligation amount.
 - (2) All *grants* and *cooperative agreements* and *Space Act Agreements*.
 - (3) All *intragovernmental* procurements and purchase orders when the *initial* obligation is \$10,000 or more.
 - (4) All indefinite quantity and call orders of \$10,000 or more.

Note.—Purchase orders under \$10,000 are not reportable.

(b) Modifications of procurements that are individually reportable and require NF 507.

- (1) Funding modifications of \$10,000 and over.
- (2) Modifications which change the estimated cost and/or fee by \$10,000 or more; and modifications which extend the completion date by three months or more beyond the date previously reported.

(3) Administrative-type modifications and modifications which change procurement statistics previously reported.

21.103 Contractual records.

For the purpose of these instructions, the words "contractual records" are used as a generic term for all reportable procurements which include contracts, grants, cooperative agreements, Space Act Agreements and intragovernmental awards. The NF 507 or installation equivalent constitutes the source of data for contractual records with the exception of the obligations, which are obtained from the financial records.

21.104 Submission due date.

The FACS report will be submitted monthly as of the last day of the month to arrive in NASA Headquarters not later than the close of business on the 8th work day following the month being reported. It is suggested that "Procurement" establish an agreement with "Finance" on a cut-off date for processing contractual documents to insure that the same contracts are included in the monthly financial submission.

21.105 Item 1—Type of record (1 position).

Enter *N* to indicate new initial basic procurement and/or modification procurements that are individually reportable. Enter *C* to indicate a correction to an error on a previously reportable basic and/or modification procurement.

21.106 Item 2—Contract/grant/purchase order number (11 positions including blanks).

Enter the specific contract, grant, cooperative agreement, Space Act Agreement or purchase order number for which the data are reported. This item contains eleven digits. The first five digits represent the prefix field and the last six digits are used to serially number each contract. If a serial number does not fill out the entire field, leave those digit positions blank in lieu of zeros. For utility contract/purchase order numbers enter an alpha letter in the last position of the serial number. The alpha letter will indicate the fiscal year the service was provided.

21.107 Contract numbering scheme.

The method of numbering contracts and purchase orders is set forth in 20.203 and 20.204 (e.g. NAS9-14000, NAS10-9080, NASW-2080).

The method of numbering grants is set forth in the NASA Grant Handbook, NHB 5800.1 paragraph 306 (e.g. NAGW-1).

Utility Contracts/Purchase Orders Serial Number Scheme**21.108 Item 3—Modification number (3 positions).**

Enter the supplementary procurement contractual identification code and serial number assigned to the modification action; e.g. S01, M02, A03, etc. The codes currently used are as follows:

Identification Codes

A for Amendment
C for Change Orders
D for Delivery Orders
K for Call Orders
L for Letter Contracts
M for Modifications
N for Change Notice
O for Task Orders
S for Supplemental Agreement
T for TWX

21.109 Item 4—Accounting installation number (2 positions).

Enter a numeric code which identifies the installation currently responsible for maintaining the fiscal records. The following is a list of installations and their assigned codes:

Code	Installation
10	NASA Headquarters.
15	Mission Analysis Division.
21	Ames Research Center.
22	Lewis Research Center.
23	Langley Research Center.
24	Hugh L. Dryden Flight Research Center.
51	Goddard Space Flight Center.
53	Wallops Flight Center.
55	NASA Resident Office—JPL.
57	KSC Western Test Range.
62	George C. Marshall Space Flight Center.
64	National Space Technology Laboratories.
72	Lyndon B. Johnson Space Center.
76	John F. Kennedy Space Center.

21.110 Item 5—Procuring installation number (2 positions).

Enter a numeric code which identifies the installation responsible for the procurement. The following is a list of installations and their assigned codes:

Code	Installation
02	Headquarters Support Division.
04	Headquarters Contracts and Grants Division.
21	Ames Research Center.
22	Lewis Research Center.
23	Langley Research Center.
24	Hugh L. Dryden Flight Research Center.
51	Goddard Space Flight Center.
53	Wallops Flight Center.
54	NASA Resident Office—JPL.
62	George C. Marshall Space Flight Center.
64	National Space Technology Laboratories.
72	Lyndon B. Johnson Space Center.
76	John F. Kennedy Space Center.

21.111 Item 6—Other agency order number (15 positions).

Enter on this line the Federal agency contract number for orders under contracts awarded by other Federal agencies (i.e., GSA Federal Supply

Schedule, Government Printing Office, etc.). FPDS will match this number with the initiating agencies procurement statistical data submission.

21.112 Item 7—Contractor identification code (CIC) (7 positions).

This code will be obtained from the publication "NASA Contractor Identification Code." It identifies the procurement in terms of the contractor's name, contractor's division (if any), contractor's address, and contract place of performance. A unique code is assigned for each different combination of the aforementioned items. For combinations not listed in the coding publication, a telephone call will be made to the Office of Procurement, NASA Headquarters (Code HM-1) which will immediately assign a code and, where abbreviations are necessary, the applicable English. The new code will be listed in the next issue of the coding publication.

21.113 Item 8—Contractor's name (not to exceed 29 positions, including spaces).

Enter the name of the contractor. (For editing purposes, the first five characters of the name must be identical to those shown in the publication "NASA Identification Codes" issued quarterly by the Office of Procurement, NASA Headquarters (Code HM-1). For intragovernmental actions, enter the name of the Department (US Army, US Navy, US Commerce, etc.) and on Item 9 (Contractor Division), the name of the cognizant procuring activity (bureau, command, technical service, etc.). If the activity is a single manager agency, enter the name of the agency.

21.114 Item 9—Contractor's division (20 positions).

Enter the name of the contractor's division if one is named in the contractual instrument. (For editing purposes, the first five characters of the division name must be identical to those shown in the publication "NASA Contractor Identification Codes" issued quarterly by the Office of Procurement, NASA Headquarters (Code HM-1).

21.115 Item 10—Contractor's address—City and State.

Enter city and state of contractor's address as stated in contractual instrument.

21.116 Items 11 and 12—Place of performance (city—24 positions; State—2 positions, Zip Code—5 positions).

Enter the location (city and State) of the principal plant or place of business where the items will be produced or

supplied from stock or where the service will be performed. (For editing purposes, the first 3 characters of the city name must be identical to those shown in the publication "NASA Contractor Identification Code.") For construction contracts, enter the site of construction. If more than one location is involved, enter the principal place of performance. In those cases involving intragovernmental actions where the place of performance is unknown, enter the address of the cognizant Government agency. Enter the Zip Code in Item 12.

21.117 Item 13—Contract data/modification date (6 positions).

21.117-1 Contract date.

Enter the year, month and day (two numerics each) shown on the face of the contract. With respect to preliminary contractual instruments, enter the date of commitment to the contractor. This date will be shown as the date of the contract when it is definitized.

21.117-2 Modification date.

When reporting a modification, enter in item 13 the year, month and day (two numerics each) shown on the face of the modification being reported.

21.118 Item 14—Completion date (6 positions).

Enter the year, month, and day (two numerics each), either specified or estimated, when all work on the contract and modifications thereto are scheduled for completion. If the date is not determined, enter D in the first position. This date may or may not change as modifications to the contract are issued.

21.119 Item 15—Procurement placement code (2 positions).

Enter a 2-position alpha code which identifies the type of contractor, the extent of competition on the procurement, and the negotiation authority. Refer to the procurement placement code (PPC) matrix (see Supplement 50, Subpart 1). This code relates to the contract in its entirety and can be changed only by a correction.

21.120 Item 16—Kind of action.

Enter a 2-numeric code which identifies in general terms the kind of procurement and the action taken to initiate the procurement or modification thereto. Following is a list of codes to be used:

New Contracts

01 New Letter Contract. Enter this code when a new letter contract has been executed.

02 Definitive Contract Superseding Letter Contract. Self explanatory.

03 Definitive Contract. Enter this code for new procurements (except when codes 04, 05, 06 or 21 are applicable) when the first binding document contains all the terms and conditions of the agreement.

04 Order Under Contract (BOA's, Indefinite Delivery Order, Federal Supply Schedule). Enter this code when reporting against indefinite delivery type contracts or basic ordering agreements, GSA Federal Supply Schedule contracts, utility contracts, production lists, job orders, task orders, and the like when firm obligations are created by the issuance of such documents.

05 Intragovernmental. Enter this code for orders issued to other Federal agencies.

06 Grants. Enter this code for new grants.

21 Cooperative Agreement and Space Act Agreement. Enter this code for new cooperative agreements and Space Act agreements.

Modifications to Existing Contracts

07 Additional Work. Enter this code for reporting modifications to existing contracts which add new procurement. New procurement for the purpose of this report shall be a modification action which requires the preparation of a Determination and Findings (D&F) to justify the use of authority to negotiate.

08 Supplemental Agreement. Use this code for reporting bilateral, definitized modifications except those covered in code 10.

09 Change Order. Enter this code for reporting change orders issued pursuant to the "Changes" clause of the contract (26.200).

10 S/A Definitizing Change Order. Enter this code when definitizing change orders.

11 Administrative. Enter this code when reporting unilateral modifications and administrative type changes.

12 Termination for Cause. Enter this code when reporting a termination for cause.

13 Termination for Convenience. Enter this code when reporting a termination for convenience.

21.121 Item 17—Type of Contractor (2 positions).

Business

01 Section 8(a)—Minority. Enter this code when the award is placed through the Small Business Administration to a minority business firm under Section 8(a) of the Small Business Act.

02 Section 8(a)—Other. Enter this code when the award is placed through the Small Business Administration to a disadvantaged business firm under Section 8(a) of the Small Business Act.

03 Minority Direct. Enter this code when the award is placed directly with a minority business firm.

04 Other Business. Enter this code when the award is not placed with a minority business firm.

Nonprofit Institutions

05 Educational. Enter this code when the award is placed with an educational institution not State/Federal-owned.

06 Hospital. Enter this code when the award is placed with a hospital not State, Federal or local government owned.

07 Research Foundations/Laboratories. Enter this code when the award is placed with a research foundation or research laboratory not State, Federal or local government owned.

08 Other Nonprofit. Enter this code when the award is placed with a nonprofit institution or organization which is a corporation, foundation, trust, or institution not organized for profit, no part of its net earnings is applied to the profit of any private shareholder or individual.

State/Local Government

09 Educational. Enter this code when the award is placed with a State/Federal-owned educational institution. (Privately owned educational institutions will be coded 05).

10 Hospital. Enter this code when the award is placed with a State, Federal, or local government owned hospital. (Privately owned hospitals will be coded 06).

11 Research Organization. Enter this code when the award is placed with a State, Federal or local government-owned research organization.

12 Other State/Local Government. Enter this code when the award is placed with other State or local government organizations.

21.122 Item 18—Type of contract (2 positions).

Enter a 2-digit code which identifies the type of contract in accordance with the provisions of the basic contract. The following codes are to be used:

01 Firm Fixed-Price (see 3.404-2) (Use this code for purchases under GSA Federal Supply Schedule contracts.)

02 Fixed-Price—Redetermination (see 3.404-5)

03 Fixed-Price—Escalation/Price Adjustment (see 3.404-3)

04 Fixed-price—Incentive (see 3.404-4)

05 Cost-No Fee (see 3.405-2)

06 Cost Sharing (see 3.405-3). (The estimated cost reported will include only the Government's share.)

07 Cost-Plus-Fixed-Fee (see 3.405-6)

08 Cost-Plus-Incentive-Fee (see 3.405-4)

09 Time and Materials (see 3.406-1)

10 Labor-Hour (see 3.406-2)

11 Retroactive Price Redetermination (see 3.404-6)

12 Cost-Plus-Award-Fee (see 3.405-5)

Combination contract types will be reported as follows:

a. Where the contract has one type of incentive arrangement applying to cost performance and another to technical and/or schedule performance, report the contract type assigned to the cost incentive feature. For example, a contract providing a cost-plus-incentive-fee arrangement on cost, and an award fee arrangement on technical and/or schedule performance, will be reported as a code **08 Cost Plus Incentive Fee**.

b. Where one or more items of work are priced exclusively under one of the

arrangements coded above, with one or more additional items priced exclusively under another such arrangement, report the contract type in accordance with the code assigned to the predominate arrangement based on dollars.

21.123 Item 19—Labor Surplus Area (1 position).

(See PRD 78-10).

N Awards not in a labor surplus area.

Enter this code if the award was not made to a labor surplus area concern.

1 Labor surplus area—No preference.

Enter this code if the procurement was awarded to a concern in a labor surplus area but no set-aside preference was involved.

2 Labor surplus area—Tie bid preference.

Enter this code if the procurement was awarded to a concern in a labor surplus area or an area/concern individually certified by the Department of Labor and tie bid preference was given.

3 Total labor surplus/small business set-asides preference.

Enter this code when reporting an award resulting from a combined total labor surplus area and small business set-aside.

4 Total labor surplus set-aside preference.

Enter this code if the procurement was awarded to a labor surplus area concern, as a result of a set-aside preference.

21.124 Item 20—Subject to statutory requirements (1 position).

Code in accordance with the provisions of the contract as follows:

N Not subject to statutory requirements listed below.

- 1 Subject to Walsh-Healey Act. Manufacturer (see 12.603-1)
- 2 Subject to Walsh-Healey Act. Regular Dealer (see 12.603-2)
- 3 Subject to Service Contract Act (see 12.1002).
- 4 Subject to Davis-Bacon Act (see 12.401(a)).

21.125 Item 21—Extent of competition (1 position).

Advertised

1 Two-step. Enter this code for procurement which resulted from acceptance of a bid made by a supplier in response to formal advertisement for bids following request for an evaluation of technical proposals. (see 2.503).

2 Other Advertised. Enter this code for procurement which resulted from acceptance of a bid made by a supplier

in response to formal advertisement for bids. (see 2.101).

Competitively Negotiated

3 Source Evaluation Board. Enter this code where offers were received from at least two responsive offerors capable of satisfying the Government's requirements wholly or partially, where the awards were made on the basis of price, design, or technical competition and where Source Evaluation Board procedures were used to evaluate the proposals (see 3.804-3). This code will also be entered where Architect-Engineer Selection Board procedures were used (see Part 4, Subpart 2).

4 No Source Evaluation Board. Enter this code where offers were received from at least two responsive offerors capable of satisfying the Government's requirements wholly or partially, where the awards were made on the basis of price, design, or technical competition, and where Source Evaluation Board procedures were not used to evaluate the proposals.

Noncompetitively Negotiated

5 Follow-on After Competition. Enter this code when the award means a new procurement placed with a particular contractor to continue or augment a specific NASA program where such placement was necessitated by prior procurement decisions, e.g., contracts with a particular contractor for continuation or research and development in the same program, contracts for support equipment and spare parts from contractor furnishing original equipment. This code will be used *only* when the contractor was selected initially on the basis of competitive negotiation. Follow-on contracts where the contractor was selected initially on the basis of noncompetitive negotiation will be reported as negotiated noncompetitive (code 6).

6 Other Noncompetitive Negotiated. Enter this code where an offer was received from only one responsive offeror capable of satisfying the Government's requirements wholly or partially and where the work involved is not a follow-on procurement reportable under item 5 above.

7 Unsolicited Proposal. Enter this code to identify procurements resulting from a written offer to perform work which does not result from a formal written request for proposals issued by NASA (see 4.904(a)). A negotiated noncompetitive procurement placement code will be used when reporting unsolicited proposals.

21.126 Item 22—Reason for not selecting small business (2 positions).

When an award is made to a large business firm, this code is used to identify the reason the award was not made to a small business firm. If the reason for not awarding the contract to a small business firm is other than one of the codes listed, then use the appropriate "Other" code. If more than one reason is involved, indicate the dominant one. For purchases under Federal Supply Service contracts, use code 04 if no small business firm is listed in the GSA Schedule; however, if a small business firm is listed, use code 10. This code relates to the procurement in its entirety and can be changed only by a correction.

21.127 Item 23—Type of Service or Product (4 Positions).

Enter the code which indicates the principal type of effort or end item that is obtained under the contract. If more than one classification is applicable to the procurement, enter the one accounting for the largest dollar volume of procurement. Codes have been established to identify R and D procurements, service contracts and supply and equipment contracts.

A. Research and Development Procurement. For purposes of this reporting system, research and development comprises:

1. Basic Research. Systematic study directed toward fuller scientific knowledge or understanding of the subject studied where the investigator is concerned primarily with gaining fuller knowledge but not primarily interested in a practical use of the knowledge;

2. Applied Research. Systematic study directed toward fuller scientific knowledge or understanding of the subject where the investigator is primarily interested in a practical use of the knowledge or understanding for the purpose of meeting a recognized need; or

3. Development. Systematic use of the knowledge and understanding gained from research, directed toward the production of useful materials, devices, systems, or methods, including design, development, and testing or prototypes and processes. It excludes quality control, routine product testing, and production.

If the procurement involves actual research and development, enter one of the following codes (do not use these codes for the procurement of off-the-shelf items or services which are solely in support of R&D and which in themselves do not involve R&D effort regardless of the appropriation from

which funded or the authority under which the procurement was negotiated):

R&D code	Type of R&D procurement
AR10.....	Aeronautics and Space Technology.
AR20.....	Space Science.
AR30.....	Space Transportation Systems.
AR40.....	Tracking and Data Acquisition.
AR50.....	Space & Terrestrial and Applications.

b. *Other Services.* Enter one of the service codes listed in Supplement 50, Subpart 2, which identifies the principal type of services and construction procured under the contract. (Do not use these codes for R and D services and procurement of supplies and equipment).

c. *Supply and Equipment Contracts.* For contracts for off-the-shelf supplies and equipment, enter one of the codes listed in Supplement 50, Subpart 2, to identify the principal item of supply or equipment procured under the contract.

21.128 Item 24—Proposed Procurement Synopsized (1 Position).

Enter Y (yes) or N (no) to indicate whether the procurement was synopsized in the Department of Commerce publication "Synopsis of U.S. Government Proposed Procurement, Sales, and Contract Awards" (see 1.1003-2).

21.129 Item 25—Contract Administration Delegated (1 Position).

Enter Y (yes) or N (no) to indicate whether any contract administration functions have been delegated to another Government agency (see 20.604).

21.130 Item 26—Consultant Type Contract (1 Position).

Enter Y (yes) or N (no) to indicate whether the contract is for consulting services. For the definition of consulting services see 4.5200.

21.131 Item 27—Support Services Type Contract (1 Position).

Enter Y (yes) or N (no) to indicate whether the contract is for support services.

1. In-House Contractor Support:

- provides a service to the installation, and
- is performed on or near the installation (including Goddard Institute for Space Studies, Western Test Range, White Sands Test Facility, Michoud Assembly Facility and Slidell Computer Complex), and
- is continuous in nature, and
- is not provided by prime product development contractor when the work is for the purpose of fulfilling the prime contract, and

e. is characterized as: that support necessary due to the on or near site population and activated facilities (housekeeping M and O function), and the effort necessary to support the research, development or test efforts the installation performs in-house; and

f. excludes:

- (1) construction, alteration and repair contractor;
- (2) purchase and incidental services;
- (3) prime product development contractor;
- (4) operations support contractors; and
- (5) tenants.

2. *Operations Support Contractors.* Contractors whose work is performed on or near site due to the location of major operations facilities. (This is the effort associated with carrying out mission operations and is done on-site because that is where the captured facility is—a launch pad or Mission Control Center or a tracking station.)

a. Restricted to major national operations facilities and foreign and domestic tracking network stations:

- JPL-Mission Control Center (DSN)
- Goldstone
- Mesa Antenna Range
- JSC-Mission Control Center (MSF)
- GSFC-Mission Control Center (STDN)
- World-Wide Network Tracking Stations
- OTDA-Operations Funded Support
- KSC-Launch Complex 39 and related support facilities;

b. That support funded by STS operations at MSFC, KSC, and JSC;

c. Tracking operations support contractors are subdivided as on-site (at or near GSFC or JPL) and as off-site.

3. Purchased and/or Incidental Services

a. Purchased services (described in terms of funds only) are:

- (1) Delivery orders against Federal supply schedules;
- (2) Purchase orders;
- (3) Blanket purchase agreements; or
- (4) Basic ordering agreements not exceeding \$10K per order.

b. Incidental services are:

- (1) Described in terms of manpower required to perform the services;
- (2) Procured from vendors who provide similar services to the local community;
- (3) Vendor provides all or a substantial amount of the capital investment required to perform the work under the contract;
- (4) Includes small contracts generally not exceeding four to five man-years per annum.

21.132 Item 28—Cost Accounting Standards Clause (1 Position).

Enter Y (yes) or N (no) to indicate whether the contract contains the clause "Cost Accounting Standards" (see 3.1204).

21.133 Item 29—New Technology Clause (1 Position).

Enter Y (yes) or N (no) to indicate whether a long form or short form "New Technology" clause is included in the contract (see 9.107). For purchases under Federal Supply Schedule contracts, enter N (no).

21.134 Item 30—Report on Small Business Subcontracting Program (1 Position).

Enter Y (yes) or N (no) to indicate whether the contract contains the clause requiring the contractor to furnish the information prescribed on NASA Form 524 (see 21.600).

21.135 Item 31—Report on Geographical Distribution of NASA Subcontracts (1 Position).

Enter Y (yes) or N (no) to indicate whether the contract contains the clause requiring the contractor to furnish the information prescribed on NASA Form 667 (see 21.500).

21.136 Item 32—Affirmative Action Plan (1 Position).

Enter Y (yes) or N (no) to indicate whether the business concern certified that an affirmative action plan has been developed and is on file. Only contractors with 50 or more employees and receiving awards of \$50,000 or more are required to develop a plan (see 12.807).

21.137 Item 33—Previously Held Contract Subject to Affirmative Action Program Requirements (1 Position).

Enter Y (yes) or N (no) to indicate whether the business concern certified that there has been a previous contract(s) subject to Affirmative Action Program requirements of the rules and regulations of the Secretary of Labor. (Refer to Standard Form 33) (see 12.812).

21.138 Item 34—Contract Physically Complete (1 Position).

Enter Y (yes) or N (no) when the contract becomes physically complete i.e., after all articles and services called for under the contract including such related items as reports, spare parts, and exhibits have been delivered to and accepted by the Government (see 51.602).

21.139 Item 35—Modification Obligations (1 Position).

Enter the modification increase or decrease of \$10,000 or more. Round the entry to the nearest dollar.

21.140 Item 36—Woman-Owned Business (1 Position).

Enter Y (yes) or N (no) to indicate whether the business concern is woman-owned.

Enter 1 to indicate whether the business firm is exempted or unknown to be woman-owned.

Woman-Owned Business. A woman-owned business is a business that is at least 51 percent owned, controlled and operated by a woman or group of women. Controlled is defined as exercising the power to make policy decisions. Operated is defined as actively involved in the day-to-day management. For the purposes of this definition, businesses that are publicly owned, joint stock associations and business trusts are exempted. Exempted businesses may voluntarily represent that they are or are not women-owned if this information is available.

21.141 Item 37—Management Reporting Requirements (MRR): Correlated Cost and Performance Data Reporting (1 Position).

Enter one of the following codes (see NHB 9501.2A):

- N..... None Required.
- 1..... NF 533M only.
- 3..... NF 533M and 533Q.
- 4..... NF 533M and 533P.
- 5..... NF 533P and 533Q.
- 6..... NF 533M, 533P and 533Q.

21.142 Item 38—Management Reporting Requirements (MRR): Property and Space Hardware Reporting (1 Position).

Enter one of the following codes (see Appendix B, Subpart 3, Paragraph B.311): (Not required on grants)

- N..... None Required.
- 2..... NF 1018 without Space Hardware.
- 3..... NF 1018 with Space Hardware.

21.143 Item 39—Trade data.

Enter one numeric (0-9) to indicate the number of firms that offered foreign end products. Entry required regardless of whether Buy American Act is invoked or not. If none enter 0. If 9 or more enter 9.

Percent Difference (2 positions)—If the evaluation factor under Buy American Act is used and results in an award to a firm offering a domestic product, enter the percent difference between the award price and the low firm offering a foreign end product, computed before application of the Buy American Act differential, i.e., the difference divided by the price of the

low firm offering a foreign end product. Enter percentage as a whole number. If the evaluation factor under Buy American is not used, enter 00.

Percent Foreign Content (2 positions)—Enter the percent of the contract award price that represents the foreign content of the items or services procured. If none, enter 00. If percent is 99 or 100, enter 99. This information is required only from the successful offeror and regardless of whether the Buy American Act is invoked.

21.144 Item 40—Total price or estimated cost (11 positions).

Enter the total estimated price or cost for all contracts. For cost-reimbursement type contracts, enter the estimated total allowable cost, exclusive of fee, as prescribed in the contract (see 3.405). For incentive contracts, enter the target cost exclusive of target profit or fee. For all other contracts, enter the definitized estimate of total cost exclusive of profit or fee.

On modifications, enter the total cumulative, definitized estimated cost and not merely the increase or decrease effected by the respective modification. (The initially reported estimated cost will be overlaid by modification data.) Round all entries to the nearest whole dollar.

21.145 Item 41—Total profit or fee (11 positions).

Enter the definitized negotiated fee or profit when applicable or available. For incentive contracts, enter the target fee or target profit. For award fee contracts, enter the base fee or potential award fee.

On modifications, enter the total cumulative, definitized fee and not merely the increase or decrease effected by the respective modification. (The initially reported fee will be overlaid by modification data.) Round all entries to the nearest whole dollar.

21.145 Item 42—Description of contract/modification.

Enter a brief description of the end item or services being procured. For modifications, enter a brief description of the purpose.

Prepared By. Type name and/or signature of contracting officer or representative responsible for data being reported.

Date. Enter the date report was prepared.

21.147 Limited Preparation of NASA Form 507.

For procurement actions listed below, the data to be reported will be limited as follows:

1. Intragovernmental Basic Procurement. The following items will be completed (all other items will be blank):

- 1—Type of Record.
- 2—Contract/PO Number.
- 4—Accounting Installation Number.
- 5—Procuring Installation Number.
- 7—CIC Number.
- 8—Contractor Name.
- 9—Contractor Division (when applicable).
- 10—Contractor Address.
- 11—Place of Performance—City.
- 12—Place of Performance—State and Zip.
- 13—Contract Date.
- 14—Completion Date.
- 15—Procurement Placement Code (98).
- 16—Kind of Action (05).
- 23—Type of Service or Product.
- 34—Contract Physically Complete (when applicable).
- 40—Total Price or Estimated Cost.
- 42—Description of Contract.

2. Grants, Cooperative Agreements and Space Act Agreements. The following items will be completed (all other items will be blank):

- 1—Type of Record.
- 2—Grant/Cooperative Agreement/Space Act Agreement Number.
- 4—Accounting Installation Number.
- 5—Procuring Installation Number.
- 7—CIC Number.
- 8—Contractor Name.
- 9—Contractor Division (when applicable).
- 10—Contractor Address.
- 11—Place of Performance—City.
- 12—Place of Performance—State and Zip.
- 13—Contract Date.
- 14—Completion Date.
- 15—Procurement Placement Code (ST, WT, SX, WX, SW, or WW).
- 16—Kind of Action (06 or 21).
- 17—Type of Contractor (05-12).
- 19—Labor Surplus Area (N or 1).
- 21—Extent of Competition (6 or 7).
- 23—Type of Service or Product.
- 34—Contract Physically Complete (when applicable).
- 40—Total Price or Estimated Cost.
- 42—Description of Grants or Cooperative Agreement.

3. Reportable Modifications. Only the following items need to be completed:

- 1—Type of Record.
- 2—Contract/Grant/PO Number.
- 3—Modification Number.
- 4—Accounting Installation Number.
- 5—Procuring Installation Number.
- 13—Modification Date.
- 14—Completion Date (when applicable).
- 16—Kind of Action (07-13).
- 18—Type of Contract (when applicable).
- 28—Cost Accounting Standards Clause (when applicable).
- 30—Report on Small Business Subcontracting Program (when applicable).
- 31—Report on Geographical Distribution of NASA Subcontracts (when applicable).
- 34—Contract Physically Complete (when applicable).
- 35—Modification Obligations (when applicable).

- 37—MRR: Cost and Performance Reporting (when applicable).
 38—MRR: Property and Space Hardware Reporting (when applicable).
 40—Total Price or Estimated Cost (when applicable).
 41—Total Profit or Fee (when applicable).
 42—Description of Modification.

5. *Corrections.* Only the following items need to be completed:

- 1—Type of Record.
 2—Contract/Grants/P.O. Number.
 3—Modification Number (when applicable).
 4—Accounting Installation Number.
 5—Procuring Installation Number.

Plus items to be corrected. If an item needs to be corrected to a blank enter an asterisk.

23. In Part 26, 26.404 (a) and (d)(i) are revised to read as follows:

26.404 Processing novation agreements and change of name agreements.

(a) Any NASA installation, upon being notified of a successor in interest to, or change in name of, one of its contractors, shall promptly communicate with the contractor in writing. Except in those instances where there is an existent contract between the contractor and any element of the DOD (see 26.402(b), 26.403(c) and 26.451) the contractor shall be requested to furnish the pertinent documentation enumerated in 26.402(b) or 26.403(a) as required, to the NASA installation with which it has the largest amount of unliquidated obligations. This installation shall be the "designated installation" for the purpose of processing and executing novation agreements and change of name agreements with the contractor. The installation shall immediately notify the Office of Procurement, NASA Headquarters (Code HM-1) of the request to execute a successor in interest or change of name agreement. The notification shall include (i) the names of the firms involved, (ii) the name of the installation which will execute the agreement, and (iii) the type of agreement contemplated.

* * * * *

(d) * * *

(i) forward one authenticated copy of the supplemental agreement to the Office of Procurement, NASA Headquarters (Code HM-1), and

* * * * *

Appendix I—Material Inspection and Receiving Report

22. In Appendix I, L301 Preparation Instructions, Block 19 is revised to read as follows:

* * * * *

Block 19.—UNIT PRICE. Enter the unit price on all MIRR copies whenever the

MIRR is used for voucher or receiving purposes.

* * * * *

SUPPLEMENT 50—FEDERAL PROCUREMENT DATA SYSTEM CODES

23. Supplement 50 is added to read as follows:

Subpart 1—Procurement Placement Code Matrix

S50.000	Scope of Supplement.....	S50-1:1
S50.100	Procurement Placement Code Matrix..	S50-1:1

Subpart 2—Codes for Services and Supplies and Equipment

S50.200	Scope of Subpart.....	S50-2:1
S50.201	Code for Services and Buildings and Equipment.	S50-2:1
S50.202	Supplies and Equipment Codes.....	S50-2:13

Subpart 1-Procurement Placement Code Matrix

§50.000 Scope of Supplement. This Supplement 50, Federal Procurement Data System, is issued for the use of procurement and contract administration personnel engaged in preparing NASA For 507, Individual Procurement Action Report, in accordance with Part 21 of this Regulation. It consists of a Procurement Placement Code Matrix, codes for services and construction procured under a services contract excluding research and development) and codes for supplies and equipment.

§50.100 Procurement Placement Code Matrix. This matrix shall be used in accordance with 21.119.

PROCUREMENT PLACEMENT CODE MATRIX

TYPE OF PROCUREMENT	Advertised (Includes FSS)	NEGOTIATION AUTHORITY Under 10 U.S.C. 2304(a)																	Grants	Space Act Agreements	Cooperative Agreements	Intragovernmental	Federal Supply Schedule Contracts and Miscellaneous																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																													
		(1) National Emergency	(2) Public Emergency	(3) Purchases not in Excess of \$10,000	(4) Personal or Professional Services	(5) Services of Educational Institutions	(6) Purchases Outside the U.S.	(7) Medicine or Medical Supplies	(8) Supplies Purchased for Authorized Resale	(9) Perishable or Non-perishable Substances	(10) Supplies or Services for which it is Impractical to Secure Competition by Formal Advertising	(11) Experimental, Development or Research Work	(12) Classified Purchases	(13) Technical Equipment Requiring Standardization and Interchangeability of Parts	(14) Technical or Specialized Services Requiring Substantial Initial Investment of Extended Period of Preparation for Manufacturing	(15) Negotiation After Advertising	(17) Otherwise Authorized by Law																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			
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1/ Labor Surplus Area Set-Asides (Priority 1 or 4) and Small Business Set-Aside awards resulting from "Restricted Advertising" shall be reported as negotiated procurements under 10 U.S.C. 2304(a)(1) or (17).

Non reportable awards to Minority Business Firms (Direct) shall be reported with a second letter "M" of the procurement placement code, e.g. BM, KM, etc.

Subpart 2—Codes for Services and Supplies and Equipment

S50.200 Scope of Subpart. This Subpart contains the codes which identify the principal types of services and construction procured under service contracts. These codes are not applicable to research and development contracts (see 21.127 (Item 23)).

S50.201 Codes for Services and Buildings and Equipment.

(a) **Services Codes.** The following codes shall be entered on NASA Form 507 in accordance with 21.127b.

Product and Service Codes—Services**Code and Meaning****Natural Resources Management (F)**

- F001 Aerial Fertilization/Spraying Services
- F002 Aerial Seeding Services
- F003 Forest/Range Fire Suppression/Presuppression Services
- F004 Forest/Range Fire Rehabilitation Services (non-construction)
- F005 Forest Tree Planting Services
- F006 Land Treatment Practices Services (plowing/clearing, etc.)
- F007 Range Seeding Services (ground equipment)
- F008 Recreation Site Maintenance Services (non-construction)
- F009 Seed Collection/Production Services
- F010 Seedling Production/Transplanting Services
- F011 Surface Mining Reclamation Services (non-construction)
- F012 Survey Line Clearing Services
- F013 Tree Breeding Services
- F014 Tree Thinning Services
- F015 Well Drilling/Exploratory Services
- F016 Wildhorse/Burro Management Services
- F018 Other Range/Forest Improvements Services (non-construction)
- F019 Other Wildlife Management Services
- F099 Other Natural Resources Management Services

Social Services (G)

- G001 Care of Remains and/or Funeral Services
- G002 Chaplain Services
- G003 Recreational Services
- G004 Social Rehabilitation Services
- G005 Geriatrics Services
- G006 Government Life Insurance Programs
- G007 Government Health Insurance Programs
- G008 Other Government Insurance Programs
- G099 Other Social Services

Quality Control, Testing and Inspection Services (H)

- H1** Quality Control Services
- H2** Equipment and Materials Testing
- H3** Inspection Services
- H999 Miscellaneous Testing and Inspection Services

Maintenance, Repair and Rebuilding of Equipment (J)

- J0** Maintenance, Repair and Rebuilding of Equipment
- J099 Maintenance, Repair and Rebuilding of Miscellaneous Equipment

Modification of Equipment (K)

- K0** Modification of Equipment
- K099 Modification of Miscellaneous Equipment

Technical Representative Services (L)

- L0** Technical Representative Services
- L099 Miscellaneous Technical Representative Services

Operation of Government Owned Facility (M)

Nota.—See Multiple use Codes in S50.201(b).

Architects and Engineers Services—General (R2)

- R211 Architect—Engineer Services (non-construction)
- R212 Engineering Drafting Services
- R213 A&E Inspection Services (non-construction)
- R214 A&E Management Engineering Services
- R215 A&E Production Engineering Services
- R216 Marine Architect—Engineer Services
- R219 Other Architect and Engineering Services

Automatic Data Processing Services (R3)

- R301 ADP Facility Management Services
- R302 ADP Systems Development and Programming Services
- R303 ADP Entry Services
- R304 ADP Transmission Services
- R399 Other ADP Services

Management and Professional Services (R4)

- R401 Advertising Services
- R402 Management Data Collection Services
- R403 Financial/Auditing Services
- R404 Land Surveys, Cadastral Services (non-construction)
- R405 Operations Research Services
- R406 Policy Review/Development Services
- R407 Program Evaluation Services
- R408 Program Management/Support Services
- R409 Program Review/Development Services
- R410 Public Relations Services
- R411 Real Property Appraisals Services
- R412 Simulations
- R413 Specifications Development Services
- R414 Systems Engineering Services
- R415 Technology Sharing/Utilization Services
- R499 Other Management Services

Special Studies and Analyses (R5)

- R501 ADP Systems Analyses
- R502 Air Quality Analyses
- R503 Archeological/Paleontological Studies
- R504 Chemical/Biological Studies and Analyses
- R505 Cost Benefit Analyses
- R506 Data Analyses (Other than scientific)
- R507 Economic Studies and Analyses
- R508 Endangered Species Studies—Animal
- R509 Endangered Species Studies—Plant
- R510 Environmental Assessments
- R511 Environmental Baseline Studies

- R512 Environmental Impact Studies
- R513 Feasibility Studies (non-construction)
- R514 Federal, Local Government Cooperative Studies and Analyses
- R515 Federal, State Government Cooperative Studies and Analyses
- R516 Fisheries Studies and Analyses
- R517 Geological Studies
- R518 Geophysical Studies
- R519 Geotechnical Studies
- R520 Grazing/Range Use Studies
- R521 Historical Studies
- R522 Legal/Litigation Studies

Installation of Equipment (N)

- N0** Installation of Equipment
- N099 Installation of Miscellaneous Equipment

Salvage Service (P)

- P100 Preparation and Disposal of Excess and Surplus Property
- P200 Salvage of Aircraft
- P300 Salvage of Marine Vessels
- P999 Other Salvage Services

Medical Services (Q)

- Q101 Dependent Medicare Services
- Q201 General Health Care Services
- Q301 Laboratory Testing Services
- Q401 Nursing Services
- Q402 Nursing Home Care Contracts

Specialized Medical Service (Q5)

- Q501 Anesthesiology Services
- Q502 Cardio-Vascular Services
- Q503 Dentistry Services
- Q504 Dermatology Services
- Q505 Gastroenterology Services
- Q506 Geriatric Services
- Q507 Gynecology Services
- Q508 Hematology Services
- Q509 Internal Medicine Services
- Q510 Neurology Services
- Q511 Ophthalmology Services
- Q512 Optometry Services
- Q513 Orthopedics Services
- Q514 Otolaryngology Services
- Q515 Pathology Services
- Q516 Pediatrics Services
- Q517 Pharmacology Services
- Q518 Physical Medicine & Rehabilitation Services
- Q519 Psychiatry Services
- Q520 Podiatry Services
- Q521 Pulmonary Services
- Q522 Radiology Services
- Q523 Surgery Services
- Q524 Thoracic Services
- Q525 Urology Services
- Q999 Other Medical Services

Professional, Technical, and Management Services (R)**Architect and Engineer Services—Construction (R1)**

- R1** Architect and Engineer Services—Construction
- R523 Legislative Studies
- R524 Mathematical/Statistical Analyses
- R525 Natural Resource Studies
- R526 Oceanological Studies
- R527 Recreation Studies
- R528 Regulatory Studies
- R529 Scientific Data Studies
- R530 Seismological Studies
- R531 Socio-economic Studies

**In these two positions, enter first 2 digits of FSC Code (see S50.202), or 99 for miscellaneous or general work. Asterisks are not to be entered as part of the code.

R532 Soils Studies
 R533 Water Quality Studies
 R534 Wildlife Studies
 R535 Medicare Health Studies
 R536 Medicaid Health Studies
 R537 General Health Studies
 R599 Other Special Studies and Analyses
 Utilities and Housekeeping Services (S)
 Utilities (S1)
 S111 Gas Services
 S112 Electricity Services
 S113 Telephone and/or Communications Services
 S114 Water Services
 S119 Other Utilities Studies
 Housekeeping Services (S2)
 S201 Custodial—Janitorial Services
 S202 Fire Protection Services
 S203 Food Services
 S204 Fueling and Other Petroleum Services—Excluding Storage
 S205 Garbage Collection Services
 S206 Guard Services
 S207 Insect and Rodent Control Services
 S208 Landscaping/Groundskeeping Services
 S209 Laundry and Dry Cleaning Services
 S211 Surveillance Services
 S299 Other Housekeeping Services
 Photographic, Mapping, Printing and Publication Services (T)
 T001 Arts/Graphics Services
 T002 Cartography Services
 T003 Cataloging Services
 T004 Charting Services
 T005 Film Processing Services
 T006 Film/Video Tape Production Services
 T007 Microform Services
 T008 Photogrammetry Services
 T009 Aerial Photographic Services
 T010 General Photographic Services
 T011 Printing-Binding Services
 T012 Reproduction Services
 T013 Technical Writing Services
 T014 Topography Services
 T099 Other Photographic, Mapping, Printing, and Publications Services
 Training Services (U)
 U001 Lectures for Training
 U002 Personnel Testing
 U003 Reserve Training (Military)
 U004 Scientific and Management Education
 U005 Tuition Fees
 U006 Vocational/Technical
 U007 Faculty Salaries for Dependent Schools
 U009 Other Training
 Transportation and Travel (V)
 Transportation of Things (V1)
 Cargo & Freight Services for Transportation of Things (V11)
 V111 Air Freight
 V112 Motor Freight
 V113 Rail Freight
 V114 Stevedoring
 V115 Vessel Freight
 V119 Other Transportation Services
 Vehicle Charter for Transportation of Things (V12)
 V121 Air Charter for Things
 V122 Motor Charter for Things
 V123 Rail Charter for Things

V124 Marine Charter for Things
 V125 Vessel Towing Service
 V129 Other Vehicle Charter for Transportation of Things
 Travel of Persons (V2)
 Passenger Service (V21)
 V211 Air Passenger Service
 V212 Motor Passenger Service
 V213 Rail Passenger Service
 V214 Marine Passenger Service
 Vehicle Charter for Passengers (With Operator) (V22)
 V221 Passenger Air Charter Service
 V222 Passenger Motor Charter Service
 V223 Passenger Rail Charter Service
 V224 Passenger Marine Charter Service
 V225 Ambulance Service
 Lodging—Hotel/Motel (V23)
 V231 Lodging—Hotel/Motel
 Military Personnel Recruitment (including Subsistence and/or Lodging) (V24)
 V241 Military Personnel Recruitment
 Civilian Personnel Recruitment (V25)
 V251 Civilian Personnel Recruitment
 V999 Other Travel Services
 Lease or Rental of Equipment (W)
 W0** Lease or Rental of Equipment
 Lease or Rental of Facilities (X)
 Note.—See Multiple Use Codes in S50.201(b).
 Construction of Structures & Facilities (Y)
 Note.—See Multiple Use Codes in S50.201(b).
 Maintenance, Repair or Alteration of Real Property (Z)
 Note.—See Multiple Use Codes in S50.201(b).
 (b) *Multiple Use Codes for Buildings and Facilities.* In accordance with 21.107b., use the three digit identifiers shown below preceded by the appropriate category letter "M" for Operation of Government Owned Facility; "X" for Lease or Rental of Facilities; "Y" for Construction of Structures and Facilities; or "Z" for Maintenance, Repair or Alteration of Real Property.
Multiple Use Codes for Buildings and Facilities
 Use the three digit identifiers shown below preceded by the appropriate Category letter "M" for Operation of Government Owned Facility; "X" for Lease or Rental of Facilities; "Y" for Construction of Structures & Facilities; or "Z" for Maintenance, Repair or Alteration of Real Property.
 Administrative and Service Buildings
 111 Office Buildings
 119 Other Administrative & Service Buildings
 Airfield, Communications, and Missile Facilities
 121 Air Traffic Control Towers

122 Air Traffic Control Training Facilities
 123 Radar & Navigational Facilities
 124 Airport Runways
 125 Airport Terminals
 126 Missile System Facilities
 127 Electronic & Communications Facilities
 129 Other Airfield Structures
 Educational Buildings
 131 Schools
 139 Other Educational Buildings
 Hospital Buildings
 141 Hospitals and Infirmaries
 142 Laboratories and Clinics
 149 Other Hospital Buildings
 Industrial Buildings
 151 Ammunition Facilities
 152 Maintenance Buildings
 153 Production Buildings
 154 Ship Construction & Repair Facilities
 159 Other Industrial Buildings
 Residential Buildings
 161 Family Housing Facilities
 162 Recreational Buildings
 163 Troop Housing Facilities
 169 Other Residential Buildings
 Warehouse Buildings
 171 Ammunition Storage Buildings
 172 Food or Grain Storage Buildings
 173 Fuel Storage Buildings
 174 Open Warehouse Buildings
 179 Other Warehouse Buildings
 Research and Development Facilities
 181 Government-Owned Company-Operated (G.O.C.O.) R&D Facilities
 182 Government-Owned Government-Operated (G.O.C.O.) R&D Facilities
 Other Buildings
 191 Museums and Exhibition Buildings
 192 Testing and Measurement Buildings
 199 Miscellaneous Buildings
 Conservation and Development Facilities
 211 Dams
 212 Canals
 213 Mine Fire Control Facilities
 214 Mine Subsidence Control Facilities
 215 Surface Mine Reclamation Facilities
 219 Other Conservation and Development Facilities
 Highways, Roads, Street and Bridges
 221 Airport Service Roads
 222 Highways, Roads, Streets and Bridges
 223 Tunnels and Subsurface Structures
 224 Parking Facilities
 Electric Power Generation (EPG) Facilities
 231 EPG Facilities—Coal
 232 EPG Facilities—Gas
 233 EPG Facilities—Geothermal
 234 EPG Facilities—Hydro
 235 EPG Facilities—Nuclear
 236 EPG Facilities—Petroleum
 237 EPG Facilities—Solar
 239 EPG Facilities—Other, including Transmission
 Utilities
 241 Fuel Supply Facilities
 242 Heating and Cooling Plants
 243 Pollution Abatement and Control Facilities
 244 Sewage and Waste Facilities

245 Water Supply Facilities
249 Other Utilities

Other Non-Building Facilities

291 Recreation Facilities (Non-Building)
292 All Other Non-Building Facilities

S50.202 Supplies and Equipment Codes. The following codes shall be entered on NASA Form 507 in accordance with 21.127c.

Product and Service Codes—Supplies and Equipment

Code and Meaning

Weapons (10)

1005 Guns, through 30 mm
1010 Guns, over 30 mm up to 75 mm
1015 Guns, 75 mm through 125 mm
1020 Guns, over 125 mm through 150 mm
1025 Guns, over 150 mm through 200 mm
1030 Guns, over 200 mm through 300 mm
1035 Guns, over 300 mm
1040 Chemical Weapons and Equipment
1045 Launchers, Torpedo and Depth Charge
1055 Launchers, Rocket and Pyrotechnic
1070 Nets and Booms, Ordnance
1075 Degaussing and Mine Sweeping Equipment
1080 Camouflage and Deception Equipment
1090 Assemblies Interchangeable Between Weapons in Two or More Classes
1095 Miscellaneous Weapons

Nuclear Ordnance (11)

1105 Nuclear Bombs
1110 Nuclear Projectiles
1115 Nuclear Warheads and Warhead Section
1120 Nuclear Depth Charges
1125 Nuclear Demolition Charges
1127 Nuclear Rockets
1130 Conversion Kits, Nuclear Ordnance
1135 Fuzing and Firing Devices, Nuclear Ordnance
1140 Nuclear Components
1145 Explosive and Pyrotechnic Components, Nuclear Ordnance
1190 Specialized Test and Handling Equipment, Nuclear Ordnance
1195 Miscellaneous Nuclear Ordnance

Fire Control Equipment (12)

1210 Fire Control Directors
1220 Fire Control Computing Sights and Devices
1230 Fire Control Systems, Complete
1240 Optical Sighting and Ranging Equipment
1250 Fire Control Stabilizing Mechanisms
1260 Fire Control Designating and Indicating Equipment
1265 Fire Control Transmitting and Receiving Equipment, except Airborne
1270 Aircraft Gunnery Fire Control Components
1280 Aircraft Bombing Fire Control Components
1285 Fire Control Radar Equipment, except Airborne
1287 Fire Control Sonar Equipment
1290 Miscellaneous Fire Control Equipment

Ammunition and Explosives (13)

1305 Ammunition, through 30 mm
1310 Ammunition, over 30 mm up to 75 mm
1315 Ammunition, 75 mm through 125 mm

1320 Ammunition, over 125 mm
1325 Bombs
1330 Grenades
1336 Guided Missile Warheads and Explosive Components
1337 Guided Missile and Space Vehicle Explosive Propulsion Units, Solid Fuel; and Components
1338 Guided Missile and Space Vehicle Inert Propulsion Units, Solid Fuel; and Components
1340 Rockets, Rocket Ammunition and Rocket Components
1345 Land Mines
1350 Underwater Mine Inert Components
1351 Underwater Mine Explosive Components
1355 Torpedo Inert Components
1356 Torpedo Explosive Components
1360 Depth Charge Inert Components
1361 Depth Charge Explosive Components
1365 Military Chemical Agents
1370 Pyrotechnics
1375 Demolition Materials
1376 Bulk Explosives
1377 Cartridge & Propellant Actuated Devices and Components
1380 Military Biological Agents
1385 Explosive Ordnance Disposal Tools, Surface
1386 Explosive Ordnance Disposal Tools, Underwater
1390 Fuzes and Primers
1395 Miscellaneous Ammunition
1398 Specialized Ammunition Handling and Servicing Equipment

Guided Missiles (14)

1420 Guided Missiles
1425 Guided Missile Systems, Complete
1427 Guided Missile Subsystems
1430 Guided Missile Remote Control Systems
1440 Launchers, Guided Missile
1450 Guided Missile Handling and Servicing Equipment

Aircraft, and Airframe Structural Components (15)

1510 Aircraft, Fixed Wing
1520 Aircraft, Rotary Wing
1540 Gliders
1550 Drones
1560 Airframe Structural Components

Aircraft Components and Accessories (16)

1610 Aircraft Propellers
1615 Helicopter Rotor Blades, Drive Mechanisms and Components
1620 Aircraft Landing Gear Components
1630 Aircraft Wheel and Brake Systems
1650 Aircraft Hydraulic, Vacuum, and De-icing System Components
1660 Aircraft Air Conditioning, Heating, and Pressurizing Equipment
1670 Parachutes; Aerial Pick Up, Delivery, Recovery Systems; and Cargo Tie Down Equipment
1680 Miscellaneous Aircraft Accessories and Components

Aircraft Launching, Landing, and Groundhandling, Equipment (17)

1710 Aircraft Arresting, Barrier, and Barricade Equipment
1720 Aircraft Launching Equipment
1730 Aircraft Ground Servicing Equipment

1740 Airfield Specialized Trucks and Trailers

Space Vehicles (18)

1810 Space Vehicles
1820 Space Vehicle Components
1830 Space Vehicle Remote Control Systems
1840 Space Vehicle Launchers
1850 Space Vehicle Handling and Servicing Equipment
1860 Space Survival Equipment
Ships, Small Craft, Pontoons, and Floating Docks (19)
1900 Frigates and Corvettes
1901 Aircraft Carriers
1902 Cruisers
1903 Destroyers
1904 Submarines
1905 Subchasers
1906 Minelayers and Minesweepers
1907 Landing Craft
1908 Torpedo Boats and Gun Boats
1909 Hydrofoils
1910 Transport Vessels, Passenger and Troop

1911 Amphibious Assault Ships
1915 Cargo and Tanker Vessels
1920 Fishing Vessels
1921 Tugs and Towboats
1922 Fire Boats
1923 Ice Breakers
1924 Repair Ships
1925 Tender Vessels
1926 Lightships
1927 Cable Ships
1928 Salvage Vessels
1929 Rescue Vessels
1930 Barges and Lighters, Cargo
1935 Barges and Lighters, Special Purpose
1940 Small Craft
1945 Pontoons and Floating Docks
1950 Floating Drydocks
1955 Dredges
1990 Miscellaneous Vessels

Ship and Marine Equipment (20)

2010 Ship and Boat Propulsion Components
2020 Rigging and Rigging Gear
2030 Deck Machinery
2040 Marine Hardware and Hull Items
2050 Buoys
2060 Commercial Fishing Equipment
2090 Miscellaneous Ship and Marine Equipment

Railway Equipment (22)

2210 Locomotives
2220 Rail Cars
2230 Right-of-Way Construction and Maintenance Equipment, Railroad
2240 Locomotive and Rail Car Accessories and Components
2250 Track Materials, Railroad

Ground Effect Vehicles, Motor Vehicles, Trainers, and Cycles (23)

2305 Ground Effect Vehicles
2310 Passenger Motor Vehicles
2320 Trucks and Truck Tractors, Wheeled
2330 Trailers
2340 Motorcycles, Motor Scooters, and Bicycles
2350 Combat, Assault & Tactical Vehicles, Tracked

Tractors (24)

2410 Tractors, Full Track, Low Speed

- 2420 Tractors, Wheeled
2430 Tractors, Track Laying, High Speed
Vehicular Equipment Components (25)
2510 Vehicular Cab, Body, and Frame
Structural Components
2520 Vehicular Power Transmission,
Components
2530 Vehicular Brake, Steering, Axle,
Wheel, and Track Components
2540 Vehicular Furniture and Accessories
2590 Miscellaneous Vehicular Components
Tires and Tubes (26)
2610 Tires and Tubes, Pneumatic, Except
Aircraft
2620 Tires and Tubes, Pneumatic, Aircraft
2630 Tires, Solid and Cushing
2640 Tire Rebuilding and Tire and Tube
Repair Materials
Engines, Turbines, and Components (28)
2805 Gasoline Reciprocating Engines,
Except Aircraft; and Components
2810 Gasoline Reciprocating Engines,
Aircraft; and Components
2815 Diesel Engines and Components
2820 Steam Engines, Reciprocating; and
Components
2825 Steam Turbines and Components
2830 Water Turbines and Water Wheels;
and Components
2835 Gas Turbines and Jet Engines, Except
Aircraft; and Components
2840 Gas Turbines and Jet Engines, Aircraft;
and Components
2845 Rocket Engines and Components
2850 Gasoline Rotary Engines and
Components
2895 Miscellaneous Engines and
Components
Engine Accessories (29)
2910 Engine Fuel System Components,
Nonaircraft
2915 Engine Fuel System Components,
Aircraft
2920 Engine Electrical System Components,
Nonaircraft
2925 Engine Electrical System Components,
Aircraft
2930 Engine Cooling System Components,
Nonaircraft
2935 Engine Cooling System Components,
Aircraft
2940 Engine Air and Oil Filters, Strainers,
and Cleaners, Nonaircraft
2945 Engine Air and Oil Filters, Strainers,
and Cleaners, Aircraft
2950 Turbosuperchargers
2990 Miscellaneous Engine Accessories,
Nonaircraft
2995 Miscellaneous Engine Accessories,
Aircraft
Mechanical Power Transmission Equipment
(30)
3010 Torque Converters and Speed
Changers
3020 Gears, Pulleys, Sprockets, and
Transmission Chain
3030 Belting, Drive Belts, Fan Belts, and
Accessories
3040 Miscellaneous Power Transmission
Equipment
Bearings (31)
3110 Bearings, Antifriction, Unmounted
3120 Bearings, Plain, Unmounted
3130 Bearings, Mounted
Woodworking Machinery and Equipment (32)
3210 Sawmill and Planing Mill Machinery
3220 Woodworking Machines
3230 Tools and Attachments for
Woodworking Machinery
Metalworking Machinery (34)
3405 Saws and Filing Machines
3408 Machining Centers and Way-Type
Machines
3410 Electrical and Ultrasonic Erosion
Machines
3411 Boring Machines
3412 Broaching Machines
3413 Drilling and Tapping Machines
3414 Gear Cutting and Finishing Machines
3415 Grinding Machines
3416 Lathes
3417 Milling Machines
3418 Planers and Shapers
3419 Miscellaneous Machine Tools
3422 Rolling Mills and Drawing Machines
3424 Metal Heat Treating and Non-Thermal
Treating Equipment
3426 Metal Finishing Equipment
3431 Electric Arc Welding Equipment
3432 Electric Resistance Welding
Equipment
3433 Gas Welding, Heat Cutting, and
Metalizing Equipment
3436 Welding Positioners and Manipulators
3438 Miscellaneous Welding Equipment
3439 Miscellaneous Welding, Soldering, and
Brazing Supplies and Accessories
3441 Bending and Forming Machines
3442 Hydraulic and Pneumatic Presses,
Power Driven
3443 Mechanical Presses, Power Driven
3444 Manual Presses
3445 Punching and Shearing Machines
3446 Forging Machinery and Hammers
3447 Wire and Metal Ribbon Forming
Machines
3448 Riveting Machines
3449 Miscellaneous Secondary Metal
Forming and Cutting Machines
3450 Machine Tools, Portable
3455 Cutting Tools for Machine Tools
3456 Cutting and Forming Tools for
Secondary Metalworking Machinery
3460 Machine Tool Accessories
3461 Accessories for Secondary
Metalworking Machinery
3465 Production Jigs, Fixtures, and
Templates
3470 Machine Shop Sets, Kits, and Outfits
Service and Trade Equipment (35)
3510 Laundry and Dry Cleaning Equipment
3520 Shoe Repairing Equipment
3530 Industrial Sewing Machines and
Mobile Textile Repair Shops
3540 Wrapping and Packaging Machinery
3550 Vending and Coin Operated Machines
3590 Miscellaneous Service and Trade
Equipment
Refrigeration, Air Conditioning, and Air
Circulating Equipment (41)
4110 Refrigeration Equipment
4120 Air Conditioning Equipment
4130 Refrigeration and Air Conditioning
Components
4140 Fans, Air Circulators, and Blower
Equipment
Fire Fighting, Rescue, and Safety Equipment
(42)
4210 Fire Fighting Equipment
4220 Marine Lifesaving and Diving
Equipment
4230 Decontaminating and Impregnating
Equipment
4240 Safety and Rescue Equipment
Pumps and Compressors (43)
4310 Compressors and Vacuum Pumps
4320 Power and Hand Pumps
4330 Centrifugals, Separators, and Pressure
and Vacuum Filters
Furnace, Steam Plant, and Drying Equipment;
and Nuclear Reactors (44)
4410 Industrial Boilers
4420 Heat Exchangers and Steam
Condensers
4430 Industrial Furnaces, Kilns, Lehrs, and
Ovens
4440 Driers, Dehydrators, and Anhydrators
4460 Air Purification Equipment
4470 Nuclear Reactors
Plumbing, Heating, and Sanitation Equipment
(45)
4510 Plumbing Fixtures and Accessories
4520 Space Heating Equipment and
Domestic Water Heaters
4530 Fuel Burning Equipment Units
4540 Miscellaneous Plumbing, Heating, and
Sanitation Equipment
Water Purification and Sewage Treatment
Equipment (46)
4610 Water Purification Equipment
4620 Water Distillation Equipment, Marine
and Industrial Sewage Treatment
Equipment
Pipe, Tubing, Hose, and Fittings (47)
4710 Pipe and Tube
4720 Hose and Tubing, Flexible
4730 Fittings and Specialties: Hose, Pipe,
and Tube
Valves (48)
44810 Valves, Powered
4820 Valves, Nonpowered
Maintenance and Repair Ship Equipment (49)
4910 Motor Vehicle Maintenance and
Repair Shop Specialized Equipment
4920 Aircraft Maintenance and Repair Shop
Specialized Equipment
4921 Torpedo Maintenance, Repair, and
Checkout Specialized Equipment
4923 Depth Charges and Underwater Mines
Maintenance, Repair and Checkout
Specialized Equipment
4925 Ammunition Maintenance, Repair, and
Checkout Specialized Equipment
4927 Rocket Maintenance, Repair and
Checkout Specialized Equipment
4930 Lubrication and Fuel Dispensing
Equipment
4931 Fire Control Maintenance and Repair
Shop Specialized Equipment
4933 Weapons Maintenance and Repair
Shop Specialized Equipment
4935 Guided Missile Maintenance, Repair,
and Checkout Specialized Equipment
4940 Miscellaneous Maintenance and
Repair Shop Specialized Equipment
4960 Space Vehicle Maintenance, Repair,
and Checkout Specialized Equipment

Hand Tools (51)

- 5110 Hand Tools, Edged, Nonpowered
- 5120 Hand Tools, Nonedged, Nonpowered
- 5130 Hand Tools, Power Driven
- 5133 Drill Bits, Counterbores, and Countersinks: Hand and Machine
- 5136 Taps, Dies, and Collets: Hand and Machine

5140 Tool and Hardware Boxes

- 5180 Sets, Kits, and Outfits of Hand Tools

Measuring Tools (52)

- 5210 Measuring Tools, Craftmen's
- 5220 Inspection Gages and Precision Layout Tools
- 5280 Sets, Kits, and Outfits of Measuring Tools

Hardware and Abrasives (53)

- 5305 Screws
- 5306 Bolts
- 5307 Studs
- 5310 Nuts and Washers
- 5315 Nails, Keys, and Pins
- 5320 Rivets
- 5325 Fastening Devices
- 5330 Packing and Gasket Materials
- 5335 Metal Screening
- 5340 Miscellaneous Hardware
- 5345 Disks and Stones, Abrasive
- 5350 Abrasive Materials
- 5355 Knobs and Pointers
- 5360 Coil, Flat and Wire Springs
- 5365 Rings, Shims and Spacers

Prefabricated Structures and Scaffolding (54)

- 5410 Prefabricated and Portable Buildings
- 5420 Bridges, Fixed and Floating
- 5430 Storage Tanks
- 5440 Scaffolding Equipment and Concrete Forms

5445 Prefabricated Tower Structures

- 5450 Miscellaneous Prefabricated Structures

Lumber, Millwork, Plywood, and Veneer (55)

- 5510 Lumber and Related Basic Wood Materials
- 5520 Millwork
- 5530 Plywood and Veneer

Construction and Building Materials (56)

- 5610 Mineral Construction Materials, Bulk
- 5620 Building Glass, Tile, Brick and Block
- 5630 Pipe and Conduit, Nonmetallic
- 5640 Wallboard, Building Paper, and Thermal Insulation Materials

5650 Roofing and Siding Materials

5660 Fencing, Fences, and Gates

5670 Architectural and Related Metal Products

5680 Miscellaneous Construction Materials

- Communication, Detection and Coherent Radiation Equipment (58)

5805 Telephone and Telegraph Equipment

5810 Communications Security Equipment and Components

5811 Other Cryptologic Equipment and Components

5815 Teletype and Facsimile Equipment

5820 Radio and Television Communication Equipment, Except Airborne

5821 Radio and Television Communication Equipment, Airborne

5825 Radio Navigation Equipment, Except Airborne

5826 Radio Navigation Equipment, Airborne

5830 Intercommunication and Public Address Systems, Except Airborne

5831 Intercommunication and Public

Address Systems, Airborne

5835 Sound Recording and Reproducing Equipment

5840 Radar Equipment, Except Airborne

5841 Radar Equipment, Airborne

5845 Underwater Sound Equipment

5850 Visible and Invisible Light

Communication Equipment

5855 Night Vision Equipment, Emitted and Reflected Radiation

5860 Stimulated Coherent Radiation

Devices, Components, and Accessories

5865 Electronic Countermeasures, Counter-Countermeasures and Quick Reaction Capability Equipment

5895 Miscellaneous Communication Equipment

Electrical and Electronic Equipment Components (59)

5905 Resistors

5910 Capacitors

5915 Filters and Networks

5920 Fuses and Lightning Arresters

5925 Circuit Breakers

5930 Switches

5935 Connectors, Electrical

5940 Lugs, Terminals, and Terminal Strips

5945 Relays and Solenoids

5950 Coils and Transformers

5955 Piezoelectric Crystals

5960 Electron Tubes and Associated

Hardware

5961 Semiconductor Devices and

Associated Hardware

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[FR Doc. 80-22852 Filed 7-29-80; 8:45 am]

BILLING CODE 7510-01-M

41 CFR Ch. 18, Part 15

[Procurement Regulation Directive 79-9]

Regulatory Coverage Pursuant to Office of Management and Budget (OMB) Circular A-21, Cost Principles for Educational Institutions.

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This Procurement Regulation Directive 79-9 is NASA implementation of OMB Circular A-21, entitled "Cost Principles for Educational Institutions," dated March 8, 1979. It provides for more consistent treatment of costs and clarifies many provisions that were considered too vague. Other changes are made to improve clarity, readability, and precision; and to reduce the burden of compliance as much as possible. The revised cost principles are effective October 1, 1979 and will apply to an educational institution's first fiscal year after that date.

EFFECTIVE DATE: July 30, 1980.

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The provisions of this document are issued under 42 U.S.C. 2473(c)(1).

Stuart J. Evans,
 Director of Procurement.

PART 15—CONTRACT COST PRINCIPLES AND PROCEDURES

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2. In Part 15, in the Table of Contents, paragraphs 15.808 through 15.809-4 are revised as follows:

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3. In Part 15, paragraphs 15.301 through 15.310 are revised as follows:

Subpart 3—Principles for Determining Cost Applicable to Grants, Contracts, and Other Agreements With Educational Institutions

15.301 Purpose and scope.

15.301-1 Objectives. This Subpart provides principles for determining the costs applicable to research and development, training, and other sponsored work performed by colleges and universities under grants, contracts, and other agreements with the Federal Government. These agreements are referred to as sponsored agreements.

15.301-2 Policy Guides. The successful application of these cost accounting principles requires

development of mutual understanding between representatives of universities and of NASA as to their scope, implementation, and interpretation. It is recognized that—

(a) The arrangements for Federal agency and institutional participation in the financing of a research, training, or other project are properly subject to negotiation between the Government and the institution concerned, in accordance with such Government-wide criteria or legal requirements as may be applicable.

(b) Each institution, possessing its own unique combination of staff, facilities and experience, should be encouraged to conduct research and educational activities in a manner consonant with its own academic philosophies and institutional objectives.

(c) The dual role of students engaged in research and the resulting benefits to sponsored agreements are fundamental to the research effort and shall be recognized in the application of these principles.

(d) Each institution, in the fulfillment of its obligations, should employ sound management practices.

(e) The application of these cost accounting principles should require no significant changes in the generally accepted accounting practices of colleges and universities. However, the accounting practices of individual colleges and universities must support the accumulation of costs as required by the principles, and must provide for adequate documentation to support costs charged to sponsored agreements.

(f) All agency personnel involved in negotiating indirect cost rates and auditing should assure that institutions are generally applying these cost accounting principles on a consistent basis. Where wide variations exist in the treatment of a given cost item among institutions, the reasonableness and equitableness of such treatments should be fully considered during the rate negotiations and audit.

15.301-3 Application. These principles shall be used in determining the allowable costs of work performed by colleges and universities under sponsored agreements. The principles shall also be used in determining the costs of work performed by such institutions under subgrants, cost-reimbursement subcontracts; and other awards made to them under sponsored agreements. They also shall be used as a guide in the pricing of fixed-price contracts and subcontracts where costs are used in determining the appropriate price. The principles do not apply to:

(a) Arrangements under which Federal financing is in the form of loans, scholarships, fellowships, traineeships, or other fixed amounts based on such items as education allowance or published tuition rates and fees of the institution.

(b) Capitation awards.

(c) Other awards under which the institution is not required to account to the Government for actual costs incurred.

15.302 Definition of terms.

15.302-1 Major functions of an institution refers to instruction (includes departmental research), organized research, other sponsored activities, and other institutional activities as defined below:

(a) *Instruction* means the teaching and training activities of an institution. Except for research training as provided in (c) below, this term includes all teaching and training activities, whether they are offered for credits toward a degree or certificate or on a noncredit basis, and whether they are offered through regular academic departments or separate divisions, such as summer school division or an extension division.

(b) *Departmental research* means all research and development activities that are not organized research and, consequently, are not separately budgeted and accounted for. Departmental research, for purposes of this definition, is not considered as a major function of an institution but as a part of the instruction function of the institution.

(c) *Organized research* means all research and development activities of an institution that are separately budgeted and accounted for. This term includes research and development activities that are sponsored by Federal and non-Federal agencies and organizations, as well as those that are separately budgeted by the institution under an internal allocation of institutional funds. It also includes activities involving the training of individuals in research techniques (commonly called research training) where such activities utilize the same facilities as other research and development activities, and where such activities are not included in the instruction function. The costs of organized research and development activities include all costs incurred by the institution in performing the activities.

(d) *Other sponsored activities* means programs and projects financed by Federal and non-Federal agencies and organizations which involve the performance of work other than

instruction and organized research. Examples of such programs and projects are health service projects, and community service programs. However, when any of these activities are undertaken by the institution without outside support, they may be classified as other institutional activities.

(e) *Other institutional activities* means all activities of an institution except: (i) instruction, departmental research, organized research, and other sponsored activities, as defined above; (ii) indirect cost activities identified in 15.306; and (iii) specialized service facilities described in 15.309-38. Other institutional activities include operation of residence halls, dining halls, hospitals and clinics, student unions, intercollegiate athletics, bookstores, faculty housing, student apartment, guest houses, chapels, theaters, public museums, and other similar auxiliary enterprises. This definition also includes any other categories of activities, costs of which are "unallowable" to sponsored agreements, unless otherwise indicated in the agreements.

15.302-2 Sponsored agreement means any grant, contract, or other agreement between the institution and the Federal Government.

15.302-3 Allocation means the process of assigning a cost, or a group of costs, to one or more cost objectives, in reasonable and realistic proportion to the benefit provided or other equitable relationship. A cost objective may be a major function of the institution, a particular service or project, a sponsored agreement, or an indirect cost activity, as described in 15.306. The process may entail assigning a cost(s) directly to a final cost objective or through one or more intermediate cost objectives.

15.303 Basic Considerations.

15.303-1 Composition of Total Costs. The cost of a sponsored agreement is comprised of the allowable direct costs incident to its performance, plus the allocable portion of the allowable indirect costs of the institution, less applicable credits as described in 15.303-5.

15.303-2 Factors Affecting Allowability of Costs. The tests of allowability of costs under these principles are: (i) they must be reasonable; (ii) they must be allocable to sponsored agreements under the principles and methods provided herein; (iii) they must be given consistent treatment through application of those generally accepted accounting principles appropriate to the circumstances; and (iv) they must conform to any limitations or exclusions set forth in these

principles or in the sponsored agreement as to types or amounts of cost items.

15.303-3 Reasonable Costs. A cost may be considered reasonable if the nature of the goods or services acquired or applied, and the amount involved therefore, reflect the action that a prudent person would have taken under the circumstances prevailing at the time the decision to incur the cost was made. Major considerations involved in the determination of the reasonableness of a cost are: (i) whether or not the cost is of a type generally recognized as necessary for the operation of the institution or the performance of the sponsored agreement; (ii) the restraints or requirements imposed by such factors as arm's length bargaining, Federal and State laws and regulations, and sponsored agreement terms and conditions; (iii) whether or not the individuals concerned acted with due prudence in the circumstances, considering their responsibilities to the institution, its employees, its students, the Government, and the public at large; and (iv) the extent to which the actions taken with respect to the incurrence of the cost are consistent with established institutional policies and practices applicable to the work of the institution generally, including sponsored agreements.

15.303-4 Allocable Costs.

(a) A cost is allocable to a particular cost objective (i.e., a specific function, project, sponsored agreement, department, or the like) if the goods or services involved are chargeable or assignable to such cost objective in accordance with relative benefits received or other equitable relationship. Subject to the foregoing, a cost is allocable to a sponsored agreement if (i) it is incurred solely to advance the work under the sponsored agreement; (ii) it benefits both the sponsored agreement and other work of the institution in proportions that can be approximated through use of reasonable methods; or (iii) it is necessary to the overall operation of the institution and, in the light of the principles provided in this Subpart, is deemed to be assignable in part of sponsored projects. Where the purchase of equipment or other capital items is specifically authorized under a sponsored agreement, the amounts thus authorized for such purchases are assignable to the sponsored agreement regardless of the use that may subsequently be made of the equipment or other capital items involved.

(b) Any costs allocable to a particular sponsored agreement under the standards provided in this Subpart may not be shifted to other sponsored agreements in order to meet deficiencies

caused by overruns or other fund considerations, to avoid restrictions imposed by law or by terms of the sponsored agreement, or for other reasons of convenience.

15.303-5 Applicable Credits.

(a) The term "applicable credits" refers to those receipts or negative expenditures that operate to offset or reduce direct or indirect cost items. Typical examples of such transactions are: purchase discounts, rebates, or allowances; recoveries or indemnities on losses and adjustments of overpayments or erroneous charges. This term also includes "educational discounts" on products or services provided specifically to educational institutions, such as discounts on computer equipment, except where the arrangement is clearly and explicitly identified as a gift by the vendor.

(b) In some instances, the amounts received from the Federal Government to finance institutional activities or service operations should be treated as applicable credits. Specifically, the concept of netting such credit items against related expenditures should be applied by the institution in determining the rates or amounts to be charged to Government sponsored agreements for services rendered whenever the facilities or other resources used in providing such services have been financed directly, in whole or in part, by Federal funds. (See 15.306-8, 15.309-9(a) and 15.309-38 for areas of potential application in the matter of direct Federal financing.)

15.303-6 Costs Incurred by State and Local Governments. Costs incurred or paid by State or local governments on behalf of their colleges and universities for fringe benefit programs, such as, pension costs, FICA and any other costs specifically incurred on behalf of and in direct benefit to, the institutions are allowable costs of such institutions whether or not these costs are recorded in the accounting records of the institutions, subject to the following:

(a) The costs meet the requirements of 15.303-1 through 15.303-5.

(b) The costs are properly supported by cost allocation plans in accordance with applicable Federal cost accounting principles.

(c) The costs are not otherwise borne directly or indirectly by the Federal Government.

15.303-7 Limitations on Allowance of Costs. Sponsored agreements may be subject to statutory requirements that limit the allowance of costs. When the maximum amount allowable under a limitation is less than the total amount determined in accordance with the principles in this Subpart, the amount

not recoverable under a sponsored agreement may not be charged to other sponsored agreements.

15.304 Direct Costs.

15.304-1 General. Direct costs are those costs that can be identified specifically with a particular sponsored project, an instructional activity or any other institutional activity or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

15.304-2 Application to Sponsored Agreements. Identification with the sponsored work rather than the nature of the goods and services involved is the determining factor in distinguishing direct from indirect costs of sponsored agreements. Typical costs charged directly to a sponsored agreement are the compensation of employees for performance of work under the sponsored agreement, including related fringe benefit costs to the extent they are consistently treated, in like circumstances, by the institution as direct rather than indirect costs; the cost of materials consumed or expended in the performance of the work; and other items of expense incurred for the sponsored agreement, including extraordinary utility consumption. The cost of materials supplied from stock or services rendered by specialized facilities or other institutional service operations may be included as direct costs of sponsored agreements provided such items are consistently treated, in like circumstances, by the institution as direct rather than indirect costs, and are charged under a recognized method of computing actual costs, and conform to generally accepted cost accounting practices consistently followed by the institution.

15.305 Indirect Costs.

15.305-1 General. Indirect costs are those that are incurred for common or joint objectives and, therefore, cannot be identified readily and specifically with a particular sponsored project, an instructional activity, or any other institutional activity. At educational institutions, such costs normally are classified under the following indirect cost categories: depreciation and use allowances, general administration and general expenses, sponsored projects administration expenses, operation and maintenance expenses; library expenses; departmental administration expenses, and student administration and services.

15.305-2 Criteria for Distribution.

(a) **Base Period.** A base period for distribution of indirect costs is the period during which the costs are incurred. The base period normally should coincide with the fiscal year

established by the institution, but in any event the base period should be so selected as to avoid inequities in the distribution of costs.

(b) *Need for Cost Groupings.* The overall objective of the indirect cost allocation process is to distribute the indirect costs described in 15.306 to the major functions of the institution in proportions reasonably consistent with the nature and extent of their use of the institution's resources. In order to achieve this objective, it may be necessary to provide for selective distribution by establishing separate groupings of cost within one or more of the indirect cost categories referred to in 15.305-1 above. In general, the cost groupings established within a category should constitute, in each case, a pool of those items of expense that are considered to be of like nature in terms of their relative contribution to (or degree of remoteness from) the particular cost objectives to which distribution is appropriate. Cost groupings should be established considering the general guides provided in (c) below. Each such pool or cost grouping should then be distributed individually to the related cost objectives, using the distribution base or method most appropriate in the light of the guides set forth in (d) below.

(c) *General Considerations on Cost Groupings.* The extent to which separate cost groupings and selective distribution would be appropriate at an institution is a matter of judgment to be determined on a case by case basis. Typical situations which may warrant the establishment of two or more separate cost groups (based on account classification or analysis) within an indirect cost category include but are not limited to the following:

(i) Where certain items or categories of expense relate solely to one of the major functions of the institution or to less than all functions, such expenses should be set aside as a separate cost grouping for direct assignment or selective allocation in accordance with the guides provided in 15.305-2(b) and (d).

(ii) Where any types of expense ordinarily treated as general administration or departmental administration are charged to sponsored agreements as direct costs, expenses applicable to other activities of the institution when incurred for the same purposes in like circumstances must, through separate cost groupings, be excluded from the indirect costs allocable to those sponsored agreements and included in the direct cost of other activities for cost allocation purposes.

(iii) Where it is determined that certain expenses are for the support of a service unit or facility whose output is susceptible of measurement on a workload or other quantitative basis, such expenses should be set aside as a separate cost grouping for distribution on such basis to organized research, instructional, and other activities at the institution or within the department.

(iv) Where activities provide their own purchasing, personnel administration, building maintenance or similar service, the distribution of general administration and general expenses or operation and maintenance expenses to such activities should be accomplished through cost groupings which include only that portion of central indirect costs (such as for overall management) which are properly allocable to such activities.

(v) Where the institution elects to treat fringe benefits as indirect charges, such costs should be set aside as a separate cost grouping for selective distribution to related cost objectives.

(vi) The number of separate cost groupings within a category should be held within practical limits, after taking into consideration the materiality of the amounts involved and the degree of precision attainable through less selective methods of distribution.

(d) *Selection of Distribution Method.*

(1) Actual conditions must be taken into account in selecting the method or base to be used in distributing individual cost groupings. The essential consideration in selecting a base is that it be the one best suited for assigning the pool of costs to cost objectives in accordance with benefits derived; a traceable cause and effect relationship; or logic and reason, where neither benefit nor cause and effect relationship is determinable.

(2) Where a cost grouping can be identified directly with the cost objective benefited, it should be assigned to that cost objective.

(3) Where the expenses in a cost grouping are more general in nature, the distribution may be based on a cost analysis study which results in an equitable distribution of the costs. Such cost analysis studies may take into consideration weighting factors, population, or space occupied if appropriate. Cost analysis studies, however, must (a) be appropriately documented in sufficient detail for subsequent review by the contracting officer or an authorized representative, (b) distribute the costs to the related cost objectives in accordance with the relative benefits derived, (c) be statistically sound, (d) be performed specifically at the institution at which

the results are to be used, and (e) be reviewed periodically, but not less frequently than every two years, updated if necessary, and used consistently. Any assumptions made in the study must be stated and explained. The use of cost analysis studies and periodic changes in the method of cost distribution must be fully justified.

(4) If a cost analysis study is not performed, or if the study does not result in an equitable distribution of the costs, the distribution shall be made in accordance with the appropriate base cited in 15.306, unless one of the following conditions is met: (a) it can be demonstrated that the use of a different base would result in a more equitable allocation of the costs, or that a more readily available base would not increase the costs charged to sponsored agreements, or (b) the institution qualifies for, and elects to use, the simplified method for computing indirect cost rates described in 15.308-7.

(e) *Order of Distribution.*

(1) Indirect cost categories consist of depreciation and use allowance, operation and maintenance, general administration and general expenses, departmental administration, sponsored projects administration, library, and student administration and services, as described in 15.306.

(2) Depreciation and use allowances, operation and maintenance expenses, and general administrative and general expenses should be allocated in that order to the remaining indirect cost categories as well as to the major functions and specialized service facilities of the institution. Other cost categories may be allocated in the order determined to be most appropriate by the institutions. When cross allocation of costs is made as provided in (3) below, this order of allocation does not apply.

(3) Normally an indirect cost category will be considered closed once it has been allocated to other cost objectives, and costs may not be subsequently allocated to it. However, a cross allocation of costs between two or more indirect cost categories may be used if such allocation will result in a more equitable allocation of costs. If a cross allocation is used, an appropriate modification to the composition of the indirect cost categories described in 15.306 is required.

15.306 Identification and Assignment of Indirect Costs.

15.306-1 Depreciation and Use Allowance.

(a) The expenses under this heading are the portion of the costs of the institution's buildings, capital improvements to land and buildings,

and equipment which are computed in accordance with 15.309.

(b) In the absence of the alternatives provided for in 15.305-2(d), the expenses included in this category shall be allocated in the following manner:

(i) Depreciation or use allowances on buildings used exclusively in the conduct of a single function, and on capital improvements and equipment used in such buildings shall be assigned to that function.

(ii) Depreciation or use allowances on buildings, used for more than one function, and on capital improvements and equipment used in such buildings, shall be allocated to the individual functions performed in each building on the basis of usable square feet of space, excluding common areas such as hallways, stairwells, and restrooms.

(iii) Depreciation or use allowances on building and capital improvements where space is used jointly, and on equipment used jointly, shall be allocated to benefiting functions in proportion to total salaries and wages applicable to the joint functions.

(iv) Depreciation or use allowances on buildings, capital improvements, and equipment used predominantly for one function and only incidentally for other(s), may be assigned to the function in which it is used predominantly.

(v) Depreciation or use allowances on certain capital improvements to land, such as paved parking areas, fences, sidewalks, and the like, not included in the cost of buildings, shall be allocated to user categories of students and employers on a full-time equivalent basis. The amount allocated to the student category shall be assigned to the instruction function of the institution. The amount allocated to the employee category shall be further allocated to the major functions of the institution in proportion to the salaries and wages of all employees applicable to those functions.

15.306-2 Operation and Maintenance Expenses.

(a) The expenses under this heading are those that have been incurred by a central service organization or at the departmental level for the administration, supervision, operation, maintenance, preservation and protection of the institution's physical plant. They include expenses normally incurred for such items as janitorial and utility services; repairs and ordinary or normal alterations of buildings, furniture and equipment; and care of grounds and maintenance and operation of buildings and other plant facilities. The operation and maintenance expense category should also include fringe benefit costs applicable to the salaries and wages

included therein, and depreciation and use allowance.

(b) In the absence of the alternatives provided for in 15.305-2(d), the expenses included in this category shall be allocated in the same manner as described in 15.306-1(b) for depreciation and use allowances.

15.306-3 General Administration and General Expenses.

(a) The expenses under this heading are those that have been incurred for the general executive and administrative offices of educational institutions and other expenses of a general character which do not relate solely to any major function of the institution, i.e., solely to (i) instruction; (ii) organized research; (iii) other sponsored activities, or (iv) other institutional activities. The general administration and general expense category should also include the fringe benefit costs applicable to the salaries and wages included therein, and appropriate share of the operation and maintenance expense, and depreciation and use allowances.

(b) In the absence of the alternatives provided for in 15.305-2(d), the expenses included in this category shall be grouped first according to common major functions of the institution to which they render services or provide benefits. The aggregate expenses of each group shall then be allocated to serviced or benefited functions on the modified total costs basis. Modified total costs consist of salaries and wages, fringe benefits, materials and supplies, services, travel, and subgrants and subcontracts up to \$25,000 each. When an activity included in this indirect cost category provides a service or product to another institution or organization, an appropriate adjustment must be made to either the expenses or the basis of allocation or both, to assure a proper allocation of costs.

15.306-4 Departmental Administration Expenses.

(a) The expenses under this heading are those that have been incurred for administrative and supporting services that benefit common or joint departmental activities or objectives. In academic deans' offices, academic departments and divisions, and organized research institutes, study centers, and research centers. Department administration expenses are subject to the following limitations.

(1) *Academic Deans' Offices.* Salaries and operating expenses are limited to those attributable to administrative functions.

(2) *Academic Departments:*

(i) The salaries of the heads of academic departments, divisions, and organized research units are limited to

amounts attributable to their administrative duties. Salaries of professorial or professional staff, whose appointments or assignments require administrative work that benefits sponsored projects, may also be included to the extent that the portion so charged is clearly and specifically supported as required in 15.309-6.

(ii) Other administrative and supporting expenses incurred within academic departments are allowable provided they are treated consistently in like circumstances. This would include expenses such as the salaries of secretarial and clerical staffs, the salaries of administrative officers and assistants, travel, office supplies, stockrooms, and the like.

(3) Other fringe benefit costs applicable to the salaries and wages included in (1) and (2) above are allowable, as well as an appropriate share of general administration and general expenses, operation and maintenance expenses, and depreciation and/or use allowances.

(b) In the absence of the alternatives provided for in 15.305-2(d), the expenses included in this category shall be allocated as follows:

(1) The administrative expenses of the dean's office of each college and school shall be allocated to the academic departments within that college or school on the modified total cost basis.

(2) The administrative expenses of each academic department, and the department's share of the expenses allocated in (1) above shall be allocated to the appropriate functions of the department on the modified total cost basis.

15.306-5 Sponsored Projects Administration.

(a) The expenses under this heading are those that have been incurred by a separate organization(s) established primarily to administer sponsored projects, including such functions as grant and contract administration (Federal and non-Federal), special security, purchasing, personnel administration, and editing and publishing of research and other reports. They include the salaries and expenses of the head of such organization, his assistants, and their immediate staff, together with the salaries and expenses of personnel engaged in supporting activities maintained by the organization, such as stock rooms, stenographic pools, and the like. The salaries of professorial or professional staff whose appointments or assignments involve the performance of such administrative work may also be included to the extent that the portion so charged to sponsored agreements

administration is clearly identified and supported as required by 15.309-6. This category should also include the fringe benefit costs applicable to the salaries and wages included therein, an appropriate share of general administration and general expenses, the operation and maintenance expenses, and depreciation and use allowance. Appropriate adjustments should be made for services provided to other functions or organizations.

(b) In the absence of the alternatives provided for in 15.305-2(d), the expenses included in this category shall be allocated to the major functions of the institution under which the sponsored projects are conducted on the basis of the modified total cost of sponsored projects.

(c) An appropriate adjustment shall be made to eliminate any duplicate charges to sponsored agreements when this category includes similar or identical activities as those included in the general administration and general expense category or other indirect cost items, such as accounting, procurement, or personnel administration.

15.306-6 Library Expenses.

(a) The expenses under this heading are those that have been incurred for the operation of the library, including the costs of books and library materials purchased for the library, less any items of library income that qualify as applicable credits under 15.303-5. The library expense category should also include the fringe benefits applicable to the salaries and wages included therein, an appropriate share of general administration and general expense, operation and maintenance expense and depreciation and use allowances. Costs incurred in the purchases of rare books (museum type books) with no value to sponsored agreements should not be allocated to them.

(b) In the absence of the alternatives provided for in 15.305-2(d), the expenses included in this category shall be allocated first on the basis of primary categories of users, including students, professional employees, and other users.

(1) The student category shall consist of full-time equivalent students enrolled at the institution, regardless of whether they earn credits toward a degree or certificate.

(2) The professional employee category shall consist of all faculty members and other professional employees of the institution, on a full-time equivalent basis.

(3) The other users category shall consist of all other users of library facilities.

(c) Amounts allocated in (b) above shall be assigned further as follows:

(1) The amount in the student category shall be assigned to the instruction function of the institution.

(2) The amount in the professional employee category shall be assigned to the major functions of the institution in proportion to the salaries and wages of all faculty members and other professional employees applicable to those functions.

(3) The amount in the other users category shall be assigned to the other institutional activities function of the institution.

15.306-7 Student Administration and Services.

(a) The expenses under this heading are those that have been incurred for the administration of student affairs and for services to students, including expenses of such activities as deans of students, admissions, registrar, counseling and placement services, student advisers, student health and infirmary services, catalogs, and commencements and convocations. The salaries of members of the academic staff whose academic appointments or assignments involve the performance of such administrative or service work may also be included to the extent that the portion so charged is supported pursuant to 15.309-6. This expense category also includes the fringe benefit costs applicable to the salaries and wages included therein, an appropriate share of general administration and general expenses, operation and maintenance, and use allowances and/or depreciation.

(b) In the absence of the alternatives provided for in 15.305-2(d), the expenses in this category shall be allocated to the instruction function, and subsequently to sponsored agreements in that function.

15.306-8 Offset for Indirect Expenses Otherwise Provided for by the Government.

(a) The items to be accumulated under this heading are the reimbursements and other payments from the Federal Government which are made to the institution to support solely, specifically, and directly, in whole or in part, any of the administrative or service activities described in 15.306-1 through 15.306-7.

(b) The items in this group shall be treated as a credit to the affected individual indirect cost category before that category is allocated to benefiting functions.

15.307 Determination and Application of Indirect Cost Rate or Rates.

15.307-1 Indirect Cost Pools.

(a) Subject to (b) below, the separate categories of indirect costs allocated to each major function of the institution as prescribed in 15.306 shall be aggregated

and treated as a common pool for that function. The amount in each pool shall be divided by the distribution base described in 15.307-2 below to arrive at a single indirect cost rate for each function. The rate for each function is used to distribute indirect costs to individual sponsored agreements of that function. Since a common pool is established for each major function of the institution, a separate indirect cost rate would be established for each of the major functions described in 15.302-1 under which sponsored agreements are carried out.

(b) In some instances a single rate basis for use across the board on all work within a major function at an institution may not be appropriate. A single rate for research, for example, might not take into account those different environmental factors and other conditions which may affect substantially the indirect costs applicable to a particular segment of research at the institution. A particular segment of research may be that performed under a single sponsored agreement or it may consist of research under a group of sponsored agreements performed in a common environment. The environmental factors are not limited to the physical location of the work. Other important factors are the level of the administrative support required, the nature of the facilities or other resources employed, the scientific disciplines or technical skills involved, the organizational arrangements used, or any combination thereof. Where a particular segment of a sponsored agreement is performed within an environment which appears to generate a significantly different level of indirect costs, provision should be made for a separate indirect cost pool applicable to such work. The separate indirect cost pool should be developed during the regular course of the rate determination process and the separate indirect cost rate resulting therefrom should be utilized, provided it is determined that (i) such indirect cost rate differs significantly from that which would have been obtained under (a) above, and (ii) the volume of work to which such rate would apply is material in relation to other sponsored agreements at the institution.

15.307-2 The Distribution Base. Indirect costs shall be distributed to applicable sponsored agreements on the basis of modified total direct costs, consisting of salaries and wages, fringe benefits, materials and supplies, services, travel, and subgrants and subcontracts up to \$25,000 each. For this purpose, an indirect cost rate should be

determined for each of the separate indirect cost pools developed pursuant to 15.307-1 above. The rate in each case should be stated as the percentage which the amount of the particular indirect cost pool is of the modified total direct costs identified with such pool. Other bases may be used where it can be demonstrated that they produce more equitable results.

15.307-3 Negotiated Lump Sum for Indirect Costs. A negotiated fixed amount in lieu of indirect costs may be appropriate for self-contained, off-campus, or primarily subcontracted activities where the benefits derived from an institution's indirect services cannot be readily determined. Such negotiated indirect costs will be treated as an offset before allocation to instruction, organized research, other sponsored activities, and other institutional activities. The base on which such remaining expenses are allocated should be appropriately adjusted.

15.307-4 Predetermined Fixed Rates for Indirect Costs. Public Law 87-638 (76 Stat. 437) authorizes the use of predetermined fixed rates in determining the indirect costs applicable under agreements with educational institutions. The stated objectives of the law are to simplify the administration of cost-type research and development contracts (including grants) with educational institutions, to facilitate the preparation of their budgets, and to permit more expeditious close out of such contracts when the work is completed. In view of the potential advantages offered by this procedure, consideration should be given to the negotiation of predetermined fixed rates for indirect costs in those situations where the cost experience and other pertinent facts available are deemed sufficient to enable the parties involved to reach an informed judgment as to the probable level of indirect costs during the ensuing accounting period.

15.307-5 Negotiated Fixed Rates and Carryforward Provisions. When a fixed rate is negotiated in advance for a fiscal year (or other time period), the over- or under-recovery for that year may be included as an adjustment to the indirect cost for the next rate negotiation. When the rate is negotiated before the carryforward adjustment is determined, the carryforward amount may be applied to the next subsequent rate negotiation. When such adjustments are to be made, each fixed rate negotiated in advance for a given period will be computed by applying the expected indirect costs allocable to sponsored agreements for the forecast

period plus or minus the carryforward adjustment (over- or under-recovery) from the prior period, to the forecast distribution base. Unrecovered amounts under lump-sum agreements or cost-sharing provisions of prior years shall not be carried forward for consideration in the new rate negotiation. There must, however, be an advance understanding in each case between the institution and the contracting officer or an authorized representative as to whether these differences will be considered in the rate negotiation rather than making the determination after the differences are known. Further, institutions electing to use this carryforward provision may not subsequently change without prior approval of the cognizant Federal agency. In the event that an institution returns to a postdetermined rate, any over- or under-recovery during the period in which negotiated fixed rates and carryforward provisions were followed will be included in the subsequent postdetermined rates. Where multiple rates are used, the same procedure will be applicable for determining each rate.

15.308 Simplified Method for Small Institutions.

15.308-1 General.

(a) Where the total direct cost of work covered by this Subpart at an institution does not exceed \$3,000,000 in a fiscal year, the use of the simplified procedure described in 15.308-2, may be used in determining allowable indirect costs. Under this simplified procedure, the institution's most recent annual financial report and immediately available supporting information with salaries and wages segregated from other costs, will be utilized as a basis for determining the indirect cost rate applicable to all sponsored agreements.

(b) The simplified procedure should not be used where it produces results which appear inequitable to the Government or the institution. In any such case, indirect costs should be determined through use of the regular procedure.

15.308-2 Simplified Procedure.

(a) Establish the total amount of salaries and wages paid to all employees of the institution.

(b) Establish an indirect cost pool consisting of the expenditures (exclusive of capital items and other costs specifically identified as unallowable) which customarily are classified under the following titles or their equivalent:

(i) General administration and general expense (exclusive of costs of student administration and services, student aid, student activities, and scholarships).

(ii) Operation and maintenance of physical plant, and depreciation and use

allowance; after appropriate adjustment for costs applicable to other institutional activities.

(iii) Library.

(iv) Department administration expenses, which will be computed as 20 percent of the salaries and expenses of deans and heads of departments.

In those cases where expenditures classified under (i) above have previously been allocated to other institutional activities, they may be included in the indirect cost pool. The total amount of salaries and wages included in the indirect cost pool must be separately identified.

(c) Establish a salary and wage distribution base, determined by deducting from the total of salaries and wages as established in (a) above the amount of salaries and wages included under (b) above.

(d) Establish the indirect cost rate, determined by dividing the amount in the indirect cost pool, (b) above, by the amount of the distribution base, (c) above.

(e) Apply the indirect cost rate to direct salaries and wages for individual agreements to determine the amount of indirect costs allocable to such agreements.

15.309 General Provisions for Selected Items of Cost. Paragraphs 15.309-1 through 15.309-44 provide principles to be applied in establishing the allowability of certain items involved in determining cost. These principles should apply irrespective of whether a particular item of cost is properly treated as direct cost or indirect cost. Failure to mention a particular item of cost is not intended to imply that it is either allowable or unallowable; rather, determination as to allowability in each case should be based on the treatment provided for similar or related items of cost. In case of discrepancy between the provisions of a specific sponsored agreement and the provisions below, the agreement should govern.

15.309-1 Advertising Costs.

(a) The term advertising costs means the costs of advertising media and corollary administrative costs. Advertising media include magazines, newspapers, radio and television programs, direct mail, exhibits, and the like.

(b) The only advertising costs allowable are those which are solely for (i) the recruitment of personnel required for the performance by the institution of obligations arising under the sponsored agreement, when considered in conjunction with all other recruitment costs, as set forth in 15.309-32; (ii) the procurement of goods and services for

the performance of the sponsored agreement; or (iii) the disposal of scrap or surplus materials acquired in the performance of the sponsored agreement except when institutions are reimbursed for disposal costs at a predetermined amount in accordance with Attachment N, OMB Circular No. A-110; or (iv) other specific purposes necessary to meet the requirements of the sponsored agreement.

(c) Costs of this nature, if incurred for more than one sponsored agreement or for both sponsored work and other work of the institution, are allowable to the extent that the principles in 15.304 and 15.305 are observed.

15.309-2 Bad Debts. Any losses, whether actual or estimated, arising from uncollectible accounts and other claims, related collection costs, and related legal costs, are unallowable.

15.309-3 Civil Defense Costs. Civil defense costs are those incurred in planning for, and the protection of life and property against, the possible effects of enemy attack. Reasonable costs of civil defense measures (including costs in excess of normal plant protection costs, first-aid training and supplies, firefighting training, posting of additional exit notices and directions, and other approved civil defense measures) undertaken on the institution's premises pursuant to suggestions or requirements of civil defense authorities are allowable when distributed to all activities of the institution. Capital expenditures for civil defense purposes will not be allowed, but a use allowance or depreciation may be permitted in accordance with provisions set forth in 15.309-9. Costs of local civil defense projects not on the institution's premises are unallowable.

15.309-4 Commencement and Convocation Costs. Costs incurred for commencements and convocations are unallowable, except as provided for in 15.306-9.

15.309-5 Communication Costs. Costs incurred for telephone services, local and long distance telephone calls, telegrams, radiograms, postage and the like, are allowable.

15.309-6 Compensation for Personal Services.

(a) *General.* Compensation for personal services covers all amounts paid currently or accrued by the institution for services rendered during the period of performance under Government sponsored agreements. Such amounts include salaries, wages, and fringe benefits (see 15.309-15). These costs are allowable to the extent that the total compensation to individual employees conforms to the established policy of the institution, consistently

applied, and *provided* that the charges for work performed directly on sponsored agreements and for other work allocable as indirect costs are determined and supported as provided below. Charges to sponsored agreements may include reasonable amounts for activities contributing and intimately related to work under the agreements, such as delivering special lectures about specific aspects of the ongoing activity, writing reports and articles, participating in appropriate seminars, consulting with colleagues and graduate students, and attending meeting and conferences. Incidental work (that in excess of normal for the individual), for which supplemental compensation is paid by an institution under institutional policy, need not be included in the payroll distribution systems described below, provided such work and compensation are separately identified and documented in the financial management system of the institution.

(b) *Payroll Distribution.* For each organizational unit of an institution, the distribution of salaries and wages of professorial or professional staff (whether charged direct or required to be distributed to more than one activity for purposes of allocating indirect costs) will be based on either a system of monitored workload or a system of personnel activity reports. The latter system will be used for nonprofessional employees whose costs are charged direct or are required to be distributed to more than one activity for purposes of allocating indirect costs. In the use of either method, it is recognized that, because of the nature of work involved in academic institutions, the various and often interrelated activities of professorial and professional employees frequently cannot be measured with a high degree of precision, that reliance must be placed on reasonably accurate approximations, and that acceptance of a degree of tolerance in measurement is appropriate.

(c) *Monitored Workload.* Under this method the distribution of salaries and wages applicable to sponsored agreements is based on budgeted or assigned workload, updated to reflect any significant changes in workload distributions. A monitored workload system used for salaries and wages charged directly or indirectly to sponsored agreements will meet the following standards:

(1) A system of budgeted or assigned workload will be incorporated into the official records of the institution and encompass both sponsored and all other activities on an integrated basis. The

system may include the use of subsidiary records.

(2) The system will reasonably reflect workload of employees, accounting for 100 percent of the work for which the employee is compensated and which is required in fulfillment of the employee's obligations to the institution. Because practices vary among institutions and within institutions as to the total activity constituting a full workload when expressed in measurable units, such as contact hours in teaching the system will be based on a determination for each individual, reflecting the ratio of each of the activities which comprise the total workload of the individual. (But see 15.308 for treatment of indirect costs under the simplified method for small institutions.)

(3) The system will provide for modification of an individual's salary or salary distribution commensurate with any significant change in the employee's workload or the ratio of activities comprising the total workload. A significant change in an employee's workload shall be considered to include the following as a minimum: when work begins or ends on a sponsored agreement, when a teaching load is materially modified, when additional unanticipated assignments are received or taken away, when an individual begins or ends a sabbatical leave, prolonged sick leave, or leave without pay, etc. Short-term (such as one or two months) fluctuation between workload categories need not be considered as long as the distribution of salaries and wages is reasonable over the longer term such as an academic period. Whenever it is apparent that a change in workload will occur or has occurred, the change will be documented over the signature of a responsible official and, if significant, entered into the system.

(4) The system will utilize workload categories reflecting activity which is applicable to each sponsored agreement, each indirect cost activity, and each major function of the institution.

(5) At least annually a statement will be signed by the employee, principal investigator, or responsible official, having first hand knowledge of the work stating that salaries and wages charged to sponsored agreements as direct charges, or that salaries and wages charged to both direct and indirect cost categories, or to more than one indirect cost category are reasonable.

(6) The system will provide for independent internal evaluations to insure that it is working effectively.

(7) In the use of this method an institution shall not be required to provide additional support or documentation for the effort actually

performed, but is responsible for assuring that the system meets the above standards.

(d) *Personnel Activity Reports.* Under this system the distribution of salaries and wages will be supported by personnel activity reports as prescribed below.

(1) Personnel activity reports will reflect the distribution of activity expended by each employee covered by the system.

(2) The reports will reflect an after-the-fact reporting of the percentage of activity of each employee. Charges may be made initially on the basis of estimates made before the services are performed, provided that such charges are promptly adjusted if significant differences are indicated by activity reports.

(3) Each report will account for 100 percent of the activity for which the employee is compensated and which is required in fulfillment of the employee's obligations to the institution. The report will reasonably reflect the percentage of activity applicable to each sponsored agreement, each indirect cost category, and each major function of the institution.

(4) To confirm that the distribution of activity represents a reasonable estimate of the work performed by the employee during the period, each report will be signed by the employee or by a responsible official having first hand knowledge of the work performed.

(5) For professorial and professional staff, the reports will be prepared each academic term, but no less frequently than every six months. For other individuals, the reports will be prepared no less frequently than monthly and will coincide with one or more pay periods.

(6) Where the institution uses time cards or other forms of after-the-fact payroll documents as original documentation for payroll and payroll charges, such documents shall qualify as a permanent activity report provided that they meet the requirements in (1) through (5) above.

(e) *Salary Rates for Faculty Members.*

(1) *Salary Rates for Academic Year.* Charges for work performed on sponsored agreements by faculty members during the academic year will be based on the individual faculty member's regular compensation for the continuous period which, under the policy of the institution concerned, constitutes the basis of his salary. Charges for work performed on sponsored agreements during all or any portion of such period are allowable at the base salary rate. In no event will charges to sponsored agreements, irrespective of the basis of computation,

exceed the proportionate share of the base salary for that period. This principle applies to all members of the faculty at an institution. Since intra-university consulting is assumed to be undertaken as a university obligation requiring no compensation in addition to full-time base salary, the principle also applies to faculty members who function as consultants or otherwise contribute to a sponsored agreement conducted by another faculty member of the same institution. However, in unusual cases where consultation is across departmental lines or involves a separate or remote operation, and the work performed by the consultant is in addition to his regular departmental load, any charges for such work representing extra compensation above the base salary are allowable provided that such consulting arrangements are specifically provided for in the agreement or approved in writing by the contracting officer or an authorized representative.

(2) *Periods Outside the Academic Year.*

(i) Except as otherwise specified for teaching activity in (ii) below, charges for work performed by faculty members on sponsored agreements during the summer months or other period not included in the base salary period will be determined for each faculty member at a rate not in excess of the base salary divided by the period to which the base salary relates, and will be limited to charges made in accordance with other parts of this section. The base salary period used in computing charges for work performed during the summer months will be the number of months covered by the faculty member's official academic year appointment.

(ii) Charges for teaching activities performed by faculty members on sponsored agreements during the summer months or other periods not included in the base salary period will be based on the normal policy of the institution governing compensation to faculty members for teaching assignments during such periods.

(3) *Part-time Faculty.* Charges for work performed on sponsored agreements by faculty members having only part-time appointments will be determined at a rate not in excess of that regularly paid for the part-time assignments; e.g., an institution pays \$5,000 to a faculty member for half-time teaching during the academic year. He devoted one-half of his remaining time to a sponsored agreement. Thus, his additional compensation, chargeable by the institution to the agreement, would be one-half of \$5,000 or \$2,500.

(f) *Noninstitutional Professional Activities.* Unless an arrangement is specifically authorized by the contracting officer or an authorized representative, an institution must follow its institution-wide policies and practices concerning the permissible extent of professional services that can be provided outside the institution for noninstitutional compensation. Where such institution-wide policies do not exist or do not adequately define the permissible extent of consulting or other noninstitutional activities undertaken for extra outside pay, the Government may require that the effort of professional staff working on sponsored agreements be allocated between (1) institutional activities, and (2) noninstitutional professional activities. If the contracting officer or an authorized representative considers the extent of noninstitutional professional effort excessive, appropriate arrangements governing compensation will be negotiated on a case-by-case basis.

15.309-7 *Contingency Provisions.* Contributions to a contingency reserve or any similar provision made for events, the occurrence of which cannot be foretold with certainty as to time, intensity, or with an assurance of their happening, are unallowable. (But see also 15.309-16(c).)

15.309-8 *Deans of Faculty and Graduate Schools.* The salaries and expenses of deans of faculty and graduate schools, or their equivalents, and their staffs are allowable.

15.309-9 *Depreciation and Use Allowances.* Institutions may be compensated for the use of their buildings, capital improvements, and equipment; provided that they are used, needed in the institution's activities, and properly allocable to sponsored agreements. Such compensation shall be made by computing either depreciation or use allowance. Use allowances are the means of providing such compensation when depreciation or other equivalent costs are not computed. The allocation for depreciation or use allowance shall be made in accordance with 15.306-1. Depreciation and use allowances are computed applying the following rules:

(a) The computation of depreciation or use allowances shall be based on the acquisition cost of the assets involved. For this purpose, the acquisition cost will exclude (1) the cost of land; (2) any portion of the cost of buildings and equipment borne by or donated by the Government, irrespective of where title was originally vested or where it is presently located; and (3) any portion of the cost of buildings and equipment

contributed by or for the institution where law or agreement prohibit recovery. For an asset donated to the institution by a third party, its fair market value at the time of the donation shall be considered as the acquisition cost.

(b) In the use of the depreciation method, the following shall be observed:

(1) The period of useful service or useful life established in each case for usable capital assets must take into consideration such factors as type of construction, nature of the equipment, technological developments in the particular area, and the renewal and replacement policies followed for the individual items or classes of assets involved.

(2) The depreciation method used to charge the cost of an asset (or group of assets) to accounting periods shall reflect the pattern of consumption of the asset during its useful life. In the absence of clear evidence indicating that the expected consumption of the asset will be significantly greater in the early portions than in the later portions of its useful life, the straight-line method shall be presumed to be the appropriate method. Depreciation methods once used shall not be changed unless approved in advance by the cognizant Federal agency.

(3) Where the depreciation method is introduced for application to assets for which use allowance was previously charged, the aggregate amount of use allowances and depreciation applicable to such assets must not exceed the total acquisition cost of the assets.

(4) When the depreciation method is used for buildings, a building "shell" may be treated separately from other building components, such as plumbing system and heating and air conditioning system. Each component item may then be depreciated over its estimated useful life. On the other hand, the entire building, including the shell and all components, may be treated as a single asset and depreciated over a single useful life.

(5) Where the depreciation method is used for a particular class of assets, no depreciation may be allowed on any such assets that have outlived their depreciable lives. (But see also (c)(3), below.)

(c) Under the use-allowance method, the following shall be observed:

(1) The use allowance for buildings and improvements (including improvements such as paved parking areas, fences, and sidewalks) will be computed at an annual rate not exceeding two percent of acquisition cost. The use allowance for equipment will be computed at an annual rate not

exceeding six and two-thirds percent of acquisition cost.

(2) In contrast to the depreciation method, the entire building must be treated as a single asset without separating its "shell" from other building components under the use-allowance method. The entire building must be treated as a single asset, and the two-percent use-allowance limitation must be applied to all parts of the building. The two-percent limitation, however, need not be applied to equipment or other assets that are merely attached or fastened to the building but not permanently fixed and are used as furnishings, decorations or for specialized purposes (e.g., dentist chairs and dental treatment units, counters, laboratory benches bolted to the floor, dishwashers, and carpeting). Such equipment and assets will be considered as not being permanently fixed to the building if they can be removed without the need for costly or extensive alterations or repairs to the building to make the space usable for other purposes. Equipment and assets which meet these criteria will be subject to the six and two-thirds percent equipment use allowance.

(3) A reasonable use allowance may be negotiated for any assets that are considered to be fully depreciated, after taking into consideration the amount of depreciation previously charged to the Government, the estimated useful life remaining at the time of negotiation, the effect of any increased maintenance charges, decreased efficiency due to age, and any other factors pertinent to the utilization of the asset for the purpose contemplated.

(d) Except as otherwise provided in (b) and (c) above, a combination of the depreciation and use-allowance methods may not be used, in like circumstances, for a single class of assets (e.g., buildings, office equipment, and computer equipment).

(e) Charges for use allowances or depreciation must be supported by adequate property records, and physical inventories must be taken at least once every two years to ensure that the assets exist and are usable, used, and needed. Statistical sampling techniques may be used in taking these inventories. In addition, when the depreciation method is used, adequate depreciation records showing the amount of depreciation taken each period must also be maintained.

15.309-10 Donated Services and Property. The value of donated services and property is not allowable either as a direct or indirect cost, except that depreciation or use allowances on donated assets are permitted in

accordance with 15.309-9(a). The value of donated services and property may be used to meet cost sharing or matching requirements, in accordance with OMB Circular No. A-110.

15.309-11 Employee Morale, Health, and Welfare Costs and Credits. The costs of house publications, health or first-aid clinics and/or infirmaries, recreational activities, employees' counseling services, and other expenses incurred in accordance with the institution's established practice or custom for the improvement of working conditions, employer-employee relations, employee morale, and employee performance, are allowable. Income generated from any of these activities will be credited to the cost thereof unless such income has been irrevocably set over to employee welfare organizations.

15.309-12 Entertainment Costs. Costs incurred for amusement, social activities, entertainment, and any items relating thereto, such as meals, lodging, rentals, transportation, and gratuities, are unallowable.

15.309-13 Equipment and Other Capital Expenditures.

(a) For purposes of this paragraph, the following definitions apply:

(1) *Equipment* means an article of nonexpendable tangible personal property having a useful life of more than two years, and an acquisition cost of \$500 or more per unit. However, consistent with institutional policy, lower limits may be established.

(2) *Capital expenditure* means the cost of the asset including the cost to put it in place. Capital expenditure for equipment, for example, means the net invoice price of the equipment, including the cost of any modifications, attachments, accessories, or auxiliary apparatus necessary to make it usable for the purpose for which it is acquired. Ancillary charges, such as taxes, duty, protective intransit insurance, freight, and installation may be included in, or excluded from, capital expenditure cost in accordance with the institution's regular accounting practices.

(3) *Special purpose equipment* means equipment which is used only for research, medical, scientific, or other technical activities.

(4) *General purpose equipment* means equipment, the use of which is not limited only to research, medical, scientific or other technical activities. Examples of general purpose equipment include office equipment and furnishings, air conditioning equipment, reproduction and printing equipment, motor vehicles, and automatic data processing equipment.

(b) The following rules of allowability shall apply to equipment and other capital expenditures:

(1) Capital expenditures for general purpose equipment, buildings, and the land are unallowable as direct charges, except where approved in advance by the contracting officer or an authorized representative.

(2) Capital expenditures for special purpose equipment are allowable as direct charges, provided that the acquisition of items having a unit cost of \$1,000 or more is approved in advance by the contracting officer or an authorized representative.

(3) Capital expenditures for improvements to land, buildings, or equipment which materially increase their value or useful life are unallowable as direct charges, except where approved in advance by the contracting officer or an authorized representative.

(4) Capital expenditures are unallowable as indirect costs. But see 15.309-9 for allowability of depreciation or use allowance on buildings, capital improvements, and equipment. Also see 15.309-33 for allowability of rental costs on land, buildings, and equipment.

15.309-14 Fines and Penalties. Costs resulting from violations of, or failure of the institution to comply with, Federal, State, and local laws and regulations are unallowable except when incurred as a result of compliance with specific provisions of the sponsored agreement or instructions in writing from the contracting officer or an authorized representative.

15.309-15 Fringe Benefits.

(a) Fringe benefits in the form of regular compensation paid to employees during periods of authorized absences from the job, such as for annual leave, sick leave, military leave, and the like, are allowable, provided such costs are distributed to all institutional activities in proportion to the relative amount of time or effort actually devoted by the employees. See 15.309-35 for treatment of sabbatical leave.

(b) Fringe benefits in the form of employer contributions or expenses for social security, employee insurance, workmen's compensation insurance, tuition or remission of tuition for individual employees or their families and the like are allowable, provided such benefits are granted in accordance with established institutional policies, and are distributed to all institutional activities on an equitable basis. See 15.309-36(b) for treatment of tuition remission provided to students.

(c) Rules for pension plan costs are as follows:

(1) Costs of the institution's pension plan which are incurred in accordance

with the established policies of the institution are allowable, provided (a) such policies meet the test of reasonableness; (b) the methods of cost allocation are equitable for all activities; (c) the amount of pension cost assigned to each fiscal year is determined in accordance with (2) below; and (d) the cost assigned to a given fiscal year is paid or funded for all plan participants within six months after the end of that year.

(2) The amount of pension cost assigned to each fiscal year shall be determined in accordance with generally accepted accounting principles. Institutions may elect to follow the "Cost Accounting Standard for Composition and Measurement of Pension Cost" (4 CFR Part 412).

(3) Premiums paid for pension plan termination insurance pursuant to the Employee Retirement Income Security Act of 1974 (Public Law 93-406) are allowable. Late payment charges on such premiums are unallowable. Excise taxes on accumulated funding deficiencies and prohibited transactions of pension plan fiduciaries imposed under the Employee Retirement Income Security Act are also unallowable.

(d) Fringe benefits may be assigned to cost objectives by identifying specific individual employees or by allocating on the basis of the salaries and wages of the employees receiving the benefits. When the allocation method is used, separate allocations must be made to selective groupings of employees, if the costs in relationship to salaries and wages differ significantly for different groups of employees. Also fringe benefits related to institutional salaries and wages treated as direct costs may be treated as direct costs.

15.309-16 Insurance and Indemnification.

(a) Costs of insurance required or approved, and maintained, pursuant to the sponsored agreement, are allowable.

(b) Costs of other insurance maintained by the institution in connection with the general conduct of its activities, are allowable subject to the following limitations: (i) types and extent and cost of coverage must be in accordance with sound institutional practice; (ii) costs of insurance or of any contributions to any reserve covering the risk of loss of or damage to Government-owned property are unallowable except to the extent that the Government has specifically required or approved such costs; and (iii) costs of insurance on the lives of officers or trustees are unallowable except where such insurance is part of an employee plan which is not unduly restricted.

(c) Contributions to a reserve for a self-insurance program are allowable to the extent that the types of coverage, extent of coverage, and the rates and premiums would have been allowed had insurance been purchased to cover the risks.

(d) Actual losses which could have been covered by permissible insurance whether through purchased insurance or self-insurance are unallowable, unless expressly provided for in the sponsored agreement except that costs incurred because of losses not covered under existing deductible clauses for insurance coverage provided in keeping with sound management practice as well as minor losses not covered by insurance, such as spoilage, breakage and disappearance of small hand tools, which occur in the ordinary course of operations, are allowable.

(e) Indemnification includes securing the institution against liabilities to third persons and other losses not compensated by insurance or otherwise. The Government is obligated to indemnify the institution only to the extent expressly provided for in the sponsored agreement, except as provided in (d) above.

15.309-17 Interest, Fund Raising, and Investment Management Costs.

(a) Costs incurred for interest on borrowed capital or temporary use of endowment funds, however represented, are unallowable.

(b) Costs of organized fund raising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions, are unallowable.

(c) Costs of investment counsel and staff and similar expenses incurred solely to enhance income from investments are unallowable.

(d) Costs related to the physical custody and control of monies and securities are allowable.

15.309-18 Labor Relations Costs.

Costs incurred in maintaining satisfactory relations between the institution and its employees, including costs of labor management committees, employees' publications, and other related activities, are allowable.

15.309-19 Losses on Other Sponsored Agreements or Contracts. Any excess of costs over income under any other sponsored agreement or contract of any nature is unallowable. This includes, but is not limited to, the institution's contributed portion by reason of cost-sharing agreements or any under-recoveries through negotiation of fixed amounts for indirect costs.

15.309-20 Maintenance and Repair Costs. Costs incurred for necessary maintenance, repair, or upkeep of property (including Government property unless otherwise provided for) which neither add to the permanent value of the property nor appreciably prolong its intended life, but keep it in an efficient operating condition, are allowable.

15.309-21 Material Costs. Costs incurred for purchased materials, supplies, and fabricated parts directly or indirectly related to the sponsored agreement are allowable. Purchases made specifically for the sponsored agreement should be charged thereto at their actual prices after deducting all cash discounts, trade discounts, rebates, and allowances received by the institution. Withdrawals from general stores or stockrooms should be charged at their cost under any recognized method of pricing stores withdrawals conforming to sound accounting practices consistently followed by the institution. Incoming transportation charges are a proper part of material cost. Direct material cost should include only the materials and supplies actually used for the performance of the sponsored agreement, and due credit should be given for any excess materials retained, or returned to vendors. Due credit should be given for all proceeds or value received for any scrap resulting from work under the sponsored agreement. Where Government-donated or furnished material is used in performing the sponsored agreement, such material will be used without charge.

15.309-22 Memberships, Subscriptions and Professional Activity Costs. (a) Costs of the institution's membership in civic, business, technical, and professional organizations are allowable.

(b) Costs of the institution's subscriptions to civic, business, professional, and technical periodicals are allowable.

(c) Costs of meetings and conferences, when the primary purpose is the dissemination of technical information, are allowable. This includes costs of meals, transportation, rental of facilities, and other items incidental to such meetings or conferences.

15.309-23 Patent Costs. Costs of preparing disclosures, reports, and other documents required by the sponsored agreement and of searching the art to the extent necessary to make such invention disclosures, are allowable. In accordance with the clauses of the sponsored agreement relating to patents, costs of preparing documents and any other patent costs, in connection with

the filing of a patent application where title is conveyed to the Government, are allowable. (See also 15.309-34.)

15.309-24 Plant Security Costs. Necessary expenses incurred to comply with security requirements, including wages, uniforms and equipment of personnel engaged in plant protection, are allowable.

15.309-25 Pre-Agreement Costs. Costs incurred prior to the effective date of the sponsored agreement, whether or not they would have been allowable thereunder if incurred after such date, are unallowable unless approved by the contracting officer or an authorized representative.

15.309-26 Professional Services Costs. (a) Costs of professional services rendered by the members of a particular profession who are not employees of the institution are allowable, subject to (b) and (c) below, when reasonable in relation to the services rendered and when not contingent upon recovery of the costs from the Government. Retainer fees to be allowable must be reasonably supported by evidence of services rendered.

(b) Factors to be considered in determining the allowability of costs in a particular case include (i) the past pattern of such costs, particularly in the years prior to the award of sponsored agreements; (ii) the impact of sponsored agreements on the institution's total activity; (iii) the nature and scope of managerial services expected of the institution's own organizations; and (iv) whether the proportion of Government work to the institution's total activity is such as to influence the institution in favor of incurring the cost, particularly where the services rendered are not of a continuing nature and have little relationship to work under sponsored agreements.

(c) Costs of legal, accounting and consulting services, and related costs, incurred in connection with the prosecution of claims against the Government, are unallowable. Costs of legal, accounting and consulting services, and related costs, incurred in connection with patent infringement litigation, are unallowable unless otherwise provided for in the sponsored agreements.

15.309-27 Profits and Losses on Disposition of Plant, Equipment, or Other Capital Assets. Profits or losses arising from the sale or exchange of plant, facilities, equipment or other capital assets, including sale or exchange of either short- or long-term investments, shall not be considered in computing the costs of sponsored agreements except for pension plans as provided in 15.309-15(c). When assets

acquired with Federal funds, in part or wholly, are disposed of, the distribution of the proceeds shall be made in accordance with Attachment N, OMB Circular No. A-110.

15.309-28 Proposal Costs. Proposal costs are the costs of preparing bids or proposals on potential Government and non-Government sponsored agreements or projects, including the development of data necessary to support the institution's bids or proposals. Proposal costs of the current accounting period of both successful and unsuccessful bids and proposals normally should be treated as indirect costs and allocated currently to all activities of the institution, and no proposal costs of past accounting periods will be allocable to the current period. However, the institution's established practices may be to treat proposal costs by some other recognized method. Regardless of the method used, the results obtained may be accepted only if found to be reasonable and equitable.

15.309-29 Public Information Services Costs. Costs of news releases pertaining to specific research or scientific accomplishment are allowable when they result from performance of sponsored agreements.

15.309-30 Rearrangement and Alteration Costs. Costs incurred for ordinary or normal rearrangement and alteration of facilities are allowable. Special arrangement and alteration costs incurred specifically for the project are allowable when such work has been approved in advance by the contracting officer or an authorized representative.

15.309-31 Reconversion Costs. Costs incurred in the restoration or rehabilitation of the institution's facilities to approximately the same condition existing immediately prior to commencement of a sponsored agreement, fair wear and tear excepted, are allowable.

15.309-32 Recruiting Costs. (a) Subject to (b), (c), and (d) below, and provided that the size of the staff recruited and maintained is in keeping with workload requirements, costs of "help wanted" advertising, operating costs of an employment office necessary to secure and maintain an adequate staff, costs of operating an aptitude and educational testing program, travel costs of employees while engaged in recruiting personnel, travel costs of applicants for interviews for prospective employment, and relocation costs incurred incident to recruitment of new employees, are allowable to the extent that such costs are incurred pursuant to a well managed recruitment program. Where the institution uses employment agencies, costs not in excess of standard

commercial rates for such services are allowable.

(b) In publications, costs of help wanted advertising that includes color, includes advertising material for other than recruitment purposes, or is excessive in size (taking into consideration recruitment purposes for which intended and normal institutional practices in this respect), are unallowable.

(c) Costs of help wanted advertising, special emoluments, fringe benefits, and salary allowances incurred to attract professional personnel from other institutions that do not meet the test of reasonableness or do not conform with the established practices of the institution, are unallowable.

(d) Where relocation costs incurred incident to recruitment of a new employee have been allowed either as an allocable direct or indirect cost, and the newly hired employee resigns for reasons within his control within 12 months after hire, the institution will be required to refund or credit such relocation costs to the Government.

15.309-33 Rental Cost of Buildings and Equipment.

(a) Rental costs of buildings or equipment are allowable to the extent that the decision to rent or lease is in accordance with 15.303-3. Rental arrangements should be reviewed periodically to determine if circumstances have changed and other options are available.

(b) Rental costs under "sale and lease back" arrangements are allowable only up to the amount that would be allowed if the institution continued to own the property.

(c) Rental costs under "less-than-arms-length" leases are allowable only up to the amount that would be allowed if the institution owned the property. For this purpose, a "less-than-arms-length" lease is one under which one party to the lease agreement is able to control or substantially influence the actions of the other.

(d) Where significant rental costs are incurred under leases which create a material equity in the leased property, they are allowable only up to the amount that would be allowed if the institution purchased the property on the date the lease agreement was executed. For this purpose, a material equity in the property exists when the lease:

(1) is noncancelable or is cancelable only upon the occurrence of some remote contingency, and

(2) has one or more of the following characteristics:

(i) Title to the property passes to the institution at some time during or after the lease period.

(ii) The term of the lease corresponds substantially to the estimated useful life of the property (i.e., the period of economic usefulness to the legal owner of the property).

(iii) The initial term is less than the useful life of the property and the institution has the option to renew the lease for the remaining useful life at substantially less than fair rental value.

(iv) The property was acquired by the lessor to meet the special needs of the institution and will probably be usable only for that purpose and only by the institution.

(v) The institution has the right, during or at the expiration of the lease, to purchase the property at a price which at the inception of the lease appears to be substantially less than the probable fair market value at the time it is permitted to purchase the property (commonly called a lease with a bargain purchase option), except for any discount normally given to educational institutions.

15.309-34 *Royalties and Other Costs for Use of Patents.* Royalties on a patent or amortization of the cost of acquiring a patent or invention or rights thereto, necessary for the proper performance of the sponsored agreement and applicable to tasks or processes thereunder, are allowable unless the Government has a license or the right to free use of the patent, the patent has been adjudicated to be invalid or has been administratively determined to be invalid, the patent is considered to be unenforceable, or the patent has expired.

15.309-35 *Sabbatical Leave Costs.* Costs of leave of absence by employees for performance of graduate work or sabbatical study, travel, or research are allowable provided the institution has a uniform policy on sabbatical leave for persons engaged in instruction and persons engaged in research. Such costs will be allocated on an equitable basis among all related activities of the institution. Where sabbatical leave is included in fringe benefits for which a cost is determined for assessment as a direct charge, the aggregate amount of such assessments applicable to all work of the institution during the base period must be reasonable in relation to the institution's actual experience under its sabbatical leave policy.

15.309-36 Scholarships and Student Aid Costs.

(a) Costs of scholarships, fellowships, and other programs of student aid are allowable only when the purpose of the sponsored agreement is to provide training to selected participants and the change is approved by the contracting officer or an authorized representative.

However, tuition remission and other forms of compensation paid as, or in lieu of, wages to students performing necessary work are allowable provided that (1) there is a bonafide employer-employee relationship between the student and the institution for the work performed, (2) the tuition or other payments are reasonable compensation for the work performed and are conditioned explicitly upon the performance of necessary work, and (3) it is the institution's practice to similarly compensate students in nonsponsored as well as sponsored activities.

(b) Charges for tuition remission and other forms of compensation paid to students as, or in lieu of, salaries and wages shall be subject to the reporting requirements stipulated in 15.309-6, and shall be treated as direct or indirect cost in accordance with the actual work being performed. Tuition remission may be charged on an average rate basis.

15.309-37 Severance Pay.

(a) Severance pay is compensation in addition to regular salaries and wages which is paid by an institution to employees whose services are being terminated. Costs of severance pay are allowable only to the extent that such payments are required by law, by employer-employee agreement, by established policy that constitutes in effect an implied agreement on the institution's part, or by circumstances of the particular employment.

(b) Severance payments that are due to normal, recurring turnover and which otherwise meet the conditions of (a) above may be allowed provided the actual costs of such severance payments are regarded as expenses applicable to the current fiscal year and are equitably distributed among the institution's activities during that period.

(c) Severance payments that are due to abnormal or mass terminations are of such conjectural nature that allowability must be determined on a case-by-case basis. However, the Government recognizes its obligation to participate, to the extent of its fair share, in any specific payment.

15.309-38 Specialized Service Facilities.

(a) The costs of institutional services involving the use of highly complex or specialized facilities such as electronic computers, wind tunnels, and reactors are allowable, provided the charge for the service meets the conditions of (b) through (d) below.

(b) The cost of each service normally shall consist of both its direct costs and its allocable share of indirect costs with deductions for appropriate income or Federal financing as described in 15.303-5.

(c) The cost of such institutional services when material in amount will be charged directly to users, including sponsored agreements based on actual use of the services and a schedule of rates that does not discriminate between federally and nonfederally supported activities of the institution, including services used by the institution for internal purposes. Charges for the use of specialized facilities should be designed to recover not more than the aggregate cost of the services over a long-term period agreed to by the institution and the contracting officer or an authorized representative. Accordingly, it is not necessary that the rates charged for services be equal to the cost of providing those services during any one fiscal year as long as rates are reviewed periodically for consistency with the long-term plan and adjusted if necessary.

(d) Where the costs incurred for such institutional services are not material, they may be allocated as indirect costs. Such arrangements must be agreed to by the institution and the contracting officer or an authorized representative.

(e) Where it is in the best interest of the Government and the institution to establish alternative costing arrangements, such arrangements may be worked out with the contracting officer or an authorized representative.

15.309-39 Special Services Costs. Costs incurred for general public relations activities, alumni activities and similar services, are unallowable.

15.309-40 Student Activity Costs. Costs incurred for intramural activities, student publications, student clubs and other student activities are unallowable unless specifically provided for in the sponsored agreements.

15.309-41 Taxes.

(a) In general, taxes which the institution is required to pay and which are paid or accrued in accordance with generally accepted accounting principles are allowable. Payments made to local governments in lieu of taxes which are commensurate with the local government services received are allowable, except for (i) taxes from which exemptions are available to the institution directly or which are available to the institution based on an exemption afforded the Government and in the latter case when the contracting officer or an authorized representative makes available the necessary exemption certificates; and (ii) special assessments on land which represent capital improvements.

(b) Any refund of taxes, interest, or penalties, and any payment to the institution of interest thereon, attributable to taxes, interest, or

penalties which were allowed as sponsored agreement costs, will be credited or paid to the Government in the manner directed by the Government. However, any interest actually paid or credited to an institution incident to a refund of tax, interest and penalty will be paid or credited to the Government only to the extent that such interest accrued over the period during which the institution had been reimbursed by the Government for the taxes, interest, and penalties.

15.309-42 Transportation Costs. Costs incurred for freight, express, cartage, postage, and other transportation services relating either to goods purchased, in process, or delivered, are allowable. When such costs can readily be identified with the items involved, they may be charged directly as transportation costs or added to the cost of such items. Where identification with the materials received cannot readily be made, inbound transportation costs may be charged to the appropriate indirect cost accounts if the institution follows a consistent, equitable procedure in this respect. Outbound freight, if reimbursable under the terms of the sponsored agreement, should be treated as a direct cost.

15.309-43 Travel Costs.

(a) Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the institution. Such costs may be charged on an actual basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip and not to selected days of the trip, and results in charges consistent with those normally allowed by the institution in its regular operations.

(b) Travel costs are allowable subject to (c), (d), (e) and (f) below, when they are directly attributable to specific work under a sponsored agreement or are incurred in the normal course of administration of the institution or a department or sponsored program thereof.

(c) The difference in cost between first-class air accommodations and less than first-class air accommodations is unallowable except when less than first-class air accommodations are not reasonably available to meet necessary mission requirements, such as where less than first-class accommodations would (i) require circuitous routing, (ii) require travel during unreasonable hours, (iii) greatly increase the duration of the flight, (iv) result in additional costs which would offset the

transportation savings, or (v) offer accommodations which are not reasonably adequate for the medical needs of the traveler.

(d) Costs of personnel movements of a special or mass nature are allowable only when authorized or approved in writing by the contracting officer or an authorized representative.

(e) Foreign travel costs are allowable only when the travel has received specific prior approval. Each separate foreign trip must be specifically approved. For purposes of this provision, foreign travel is defined as "any travel outside of Canada and the United States and its territories and possessions."

However, for an organization located outside Canada and the United States and its territories and possessions, foreign travel means travel outside that country.

(f) Domestic travel costs are allowable when permitted by the sponsored agreement. Expenditures for such travel will not be allowed if they exceed the amount specified by more than 25 percent or \$500, whichever is greater, except with an advance approval of the contracting officer or an authorized representative.

15.309-44 Termination Costs Applicable to Sponsored Agreements.

(a) Termination of sponsored agreements generally gives rise to the incurrence of costs or to the need for special treatment of costs, which would not have arisen had the agreement not been terminated. Items peculiar to termination are set forth below. They are to be used in conjunction with all other provisions of this Subpart in the case of termination.

(b) The cost of common items of material reasonably usable on the institution's other work will not be allowable unless the institution submits evidence that it could not retain such items at cost without sustaining a loss. In deciding whether such items are reasonably usable on other work of the institution, consideration should be given to the institution's plans and orders for current and scheduled work. contemporaneous purchases of common items by the institution will be regarded as evidence that such items are reasonably usable on the institution's other work. Any acceptance of common items as allowable to the terminated portion of the agreement should be limited to the extent that the quantities of such items on hand, in transit, and on order are in excess of the reasonable quantitative requirements of other work.

(c) If in a particular case, despite all reasonable efforts by the institution, certain costs cannot be discontinued

immediately after the effective date of termination, such costs are generally allowable within the limitations set forth in this Subpart, except that any such costs continuing after termination due to the negligent or willful failure of the institution to discontinue such costs will be considered unallowable.

(d) Loss of useful value of special tooling, special machinery, or equipment is generally allowable, *provided* (i) such special tooling, machinery, or equipment is not reasonably capable of being used in the other work of the institution; (ii) the interest of the Government is protected by transfer of title or by other means deemed appropriate by the contracting officer or an authorized representative; and (iii) the loss of useful value as to any one terminated agreement is limited to that portion of the acquisition cost which bears the same ratio to the total acquisition cost as the terminated portion of the agreement bears to the entire terminated agreement and other Government agreements for which the special tooling, special machinery, or equipment was acquired.

(e) Rental costs under unexpired leases are generally allowable where clearly shown to have been reasonably necessary for the performance of the terminated agreement, less the residual value of such leases, if (i) the amount of such rental claimed does not exceed the reasonable use value of the property leased for the period of the agreement and such further period as may be reasonable; and (ii) the institution makes all reasonable efforts to terminate, assign, settle, or otherwise reduce the cost of such lease. There also may be included the cost of alterations of such leased property, *provided* such alterations were necessary for the performance of the agreement, and of reasonable restoration required by the provisions of the lease.

(f) Settlement expenses including the following are generally allowable: (i) accounting, legal, clerical, and similar costs reasonably necessary for the preparation and presentation to contracting officers or equivalent of settlement claims and supporting data with respect to the terminated portion of the agreement, and the termination and settlement of subagreements; and (ii) reasonable costs for the storage, transportation, protection, and disposition of property provided by the Government or acquired or produced by the institution for the agreement, except when the institution is reimbursed for disposals at a predetermined amount in accordance with the provisions of OMB Circular No. A-110.

(g) Claims under subagreements, including the allocable portion of claims which are common to the agreement and to other work of the institution, are generally allowable.

15.310 Certification of Charges. To assure that expenditures for sponsored agreements are proper and in accordance with the research agreement documents and approved project budgets, the annual and/or final fiscal reports or vouchers requesting payment under the agreements will include a certification, signed by an authorized official of the university, which reads essentially as follows:

"I certify that all expenditures reported (or payments requested) are for appropriate purposes and in accordance with the provisions of the application and award documents."

15.803-2 [Amended]

4. In Part 15, 15.803-2 the reference "15.302-2" is amended to read "15.302-1(b)".

15.807 [Amended]

5. In Part 15, 15.807 the reference "15.307-1(b)" at the end of the third sentence is amended to read "15.307-1".

15.809 [Amended]

6. In Part 15, 15.809 the reference "15.309-46" is amended to read "15.309-44".

15.809-1 [Amended]

7. In Part 15, 15.809-1 the reference at the end of the title "(15.309-5)" is amended to read "(15.309-4)".

15.809-2 [Amended]

8. In Part 15, 15.809-2 the reference in the title and at the end of the first sentence "15.309-7" is amended to read "15.309-6".

15.809-3 [Amended]

9. In Part 15, 15.809-3 the reference at the end of the title "(15.309-36)" is amended to read "(15.309-35)".

15.809-5 [Deleted]

10. In Part 15, paragraph 15.809-5 is deleted.

[FR Doc. 80-22773 Filed 7-29-80; 8:45 am]

BILLING CODE 7510-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5733

[C-24996]

Colorado; Withdrawal of Public Lands for Dallas Creek Project

Correction

In FR Doc. 80-20575, published at page 46388, on Thursday, July 10, 1980, on page 46389, in the first column, the third line down, "Doels Placer, Mineral Survey 4545," should be corrected to

read "Doels Placer, Mineral Survey 4645,".

BILLING CODE 1505-01-M

43 CFR Public Land Order 5739

[M-40645]

Montana; Withdrawal for Bannack Historic Site

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: To withdraw certain lands around the Town of Bannack from operation of the mining laws only for protection of its historical value.

EFFECTIVE DATE: July 30, 1980.

FOR FURTHER INFORMATION CONTACT: Dan Stark, Montana State Office 406-657-6291.

By virtue of 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), it is ordered as follows:

1. Subject to valid existing rights, the following described lands which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from location and entry under the general mining laws (30 U.S.C., Ch. 2) but not from leasing under the mineral leasing laws, for the Bannack National Historic District:

Principal Meridian

T. 8 S., R. 11 W.,

Sec. 5, Lot 8;

Sec. 6, Lots 6, 7, 8, 9, and 11;

Sec. 7, Lots 1, 2, 3, east 660 feet of Lot 4, 6,

7, 8, north 660 feet of Lot 10, and

NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 8, Lot 5.

The area, described contains 305 acres in Beaverhead County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal shall remain in effect for a period of 20 years from the date of this order.

Dated: July 22, 1980.

Guy R. Martin,

Assistant Secretary of the Interior.

[FR Doc. 80-22882 Filed 7-29-80; 8:45 am]

BILLING CODE 4310-04-M

43 CFR Public Land Order 5740

[A-8736]

Arizona; Withdrawal of Forest Land for Historical Site

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 10 acres of land in the Coronado National Forest from operation of the mining laws only.

EFFECTIVE DATE: July 30, 1980.

FOR FURTHER INFORMATION CONTACT:

Evelyn Tauber, 202-343-6486 or Mario L. Lopez, Chief, Branch of Lands and Minerals Operations, 2400 Valley Bank Center, Phoenix, Arizona 85073. Telephone No. 602-261-4774.

By virtue of 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, it is ordered as follows:

1. Subject to valid existing rights, the following described national forest land is hereby withdrawn from entry or location under the mining laws (30 U.S.C., Ch. 2), and reserved as a historical site:

Gila and Salt River Meridian

Coronado National Forest

Dragoon Spring Stage Station Historic Site
T. 16 S., R. 23 E.,

Sec. 32, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$,
SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$
SE $\frac{1}{4}$.

The area described contains 10 acres in Cochise County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of national forest lands under lease, license or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal shall remain in effect for a period of 20 years from the date of this order.

Dated: July 22, 1980.

Guy R. Martin,

Assistant Secretary of the Interior.

[FR Doc. 80-22883 Filed 7-29-80; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Foreign Fishing Regulations; Northeast Pacific Ocean Reserve Release

AGENCY: National Oceanic and Atmospheric Administration (NOAA)/Commerce.

ACTION: Final rule.

SUMMARY: This document increases the total allowable level of foreign fishing (TALFF) of Pacific whiting in the fishery conservation zone off the Washington, Oregon, and California coasts by releasing part of the reserves of Pacific whiting for allocation by the Department of State.

DATE: This additional TALFF becomes effective on July 29, 1980.

FOR FURTHER INFORMATION CONTACT:

Dr. Thomas E. Kruse, Acting Director, Northwest Region, National Marine Fisheries Service, 1700 Westlake Avenue North, Seattle, Washington 98109, telephone (206) 442-7575.

SUPPLEMENTARY INFORMATION: On February 10, 1977, a preliminary fishery management plan (PMP) prepared by the Secretary of Commerce was published in the *Federal Register* (42 FR 8578). The PMP established conservation and management measures for the foreign trawl fisheries of the Washington, Oregon, and California region under authority of section 201(g) of the Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq. The PMP was subsequently amended on November 30, 1977 (42 FR 60945), May 4, 1979 (44 FR 26131), and May 16, 1980 (appearing in 45 FR 34003 on May 21, 1980). The Third Amendment to the PMP established an optimum yield (OY) for Pacific whiting of 175,000 metric tons (m.t.) a domestic annual harvest (DAH) of 40,000 m.t., and a TALFF of 100,000 m.t. Because of uncertainties in stock abundance and DAH, 35,000 m.t. of the optimum yield were held in reserve until better information on these points could be obtained. Provisions were made in the Third Amendment for the Regional Director to release the whiting reserve to TALFF as soon as practical after July 1 if events and available data justified this action. On July 9, the Regional Director published his

proposed action to release 20,000 m.t. of the whiting reserve to TALFF (45 FR 46141). No comments were received during the 15 day comment period ending July 23.

The following criteria for release of the reserve were established in the Third Amendment to the PMP. The Regional Director may withhold all or part of the Pacific whiting reserve if, as of June 15:

(1) The results of the spring larval whiting assessment do not support the OY estimate; or

(2) All or part of the Pacific whiting reserve will be harvested by vessels of the United States during the rest of the fishing year, as determined by reported U.S. catch and effort compared to previously projected U.S. catch and effort for the rest of the fishing year.

Statistics reviewed by the Regional Director indicated as of June 15 that the criteria for partial release of the whiting reserve were met:

(1) The 1980 whiting larvae survey showed no significant changes in spawning biomass, therein supporting the 1980 estimate of OY; and

(2) Although shore based processors expressed no intention to process more whiting than originally estimated, joint venture operations expect to harvest 15,000 m.t. beyond their initial estimate of 28,000 m.t. Therefore, 15,000 m.t. of the reserve will be held for that purpose.

Based on the above information, and with the rulemaking authority delegated by the Assistant Administrator, the Regional Director has determined that 20,000 m.t. of the 35,000 m.t. reserve shall be added to TALFF.

The Assistant Administrator for Fisheries has determined that this action does not require the preparation of a regulatory analysis under Executive Order 12044.

Signed at Washington, D.C., this 24th day of July, 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

(16 U.S.C. 1801 et seq.)

§ 611.20 [Amended]

Appendix 1 to 50 CFR 611.20 is revised so that the part under "North Pacific Ocean Fisheries: Washington, Oregon, and California Trawl Fisheries" reads as follows:

Species	Species code	Area	OY	DAH	JVP ¹	Reserve	TALFF
Whiting, Pacific.....	704		175,000	55,000	43,000	0	120,000
Flounders.....	129		38,400			0	¹⁰ 120
Mackerel, jack.....	208		55,000			0	¹⁰ 3,600
Rockfishes (excluding Pacific Ocean perch).....	849		43,300			0	¹⁰ 886
Pacific Ocean perch.....	780		1,000			0	¹⁰ 74
Sablefish.....	703		13,400			0	¹⁰ 208
Other species.....	499		26,100			0	¹⁰ 600

¹ JVP is a subset of DAH.

¹⁰ Allowable incidental catch of these species is determined as a percentage of the Pacific whiting TALFF (see § 611.70(b)(1)(i)(A)).

[FR Doc. 80-22898 Filed 7-29-80; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 45, No. 148

Wednesday, July 30, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Ch. I

NRC Action Plan; Request for Comments

AGENCY: Nuclear Regulatory Commission.

ACTION: Request for comments.

SUMMARY: In response to the March 28, 1979 accident at Three Mile Island Unit No. 2, the Commission has approved an NRC Action Plan. The Plan provides a comprehensive and integrated approach for the necessary correction and improvement of the regulation and operation of nuclear facilities based on the experience from the accident and the official studies and investigations of the accident. Many of the required immediate actions have already been taken by nuclear reactor licensees and others are scheduled to be complete by the end of 1980. However, there are other long term actions, studies, and research described in the Plan from which future regulatory requirements will be drawn. The Commission believes that the views of the public on the NRC Action Plan would be of help to it in evaluating the Plan's impact, both short term and long term, and in assessing the possible need for modification of the Plan.

DATE: Comment period expires: October 28, 1980.

ADDRESSES: Written comments or suggesting for consideration in connection with the NRC Action Plan should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. A copy of the NRC Action Plan (NUREG-0660, "NRC Action Plan Developed as a Result of the TMI-2 Accident") is also available for inspection at the same address. It is

also available at all NRC Local Public Document Rooms (LPDRs). A revision, which consists of a new Chapter V and corrections for several errors found in the original text, will be issued in August 1980 to all recipients of the May 1980 version.

Copies of the NRC Action Plan (NUREG-0660, "NRC Action Plan Developed as a Result of the TMI-2 Accident") are available upon request by persons who wish to comment, at no cost, from NRC's GPO Sales Program, Division of Technical Information and Document Control, ATTN: Sales Manager, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Phone 301-492-9530).

FOR FURTHER INFORMATION CONTACT: Mr. Warren Minners, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (phone 301-492-7581).

SUPPLEMENTARY INFORMATION: The NRC Action Plan was developed to provide a comprehensive and integrated plan for the actions now judged necessary by the Nuclear Regulatory Commission to correct or improve the regulation and operation of nuclear facilities. The Action Plan was based on the experience from the accident at Three Mile Island and the official studies and investigations of the accident.

Those who have investigated the accident include the Congress, the General Accounting Office, the President's Commission on the Accident at Three Mile Island, the NRC Special Inquiry Group, the NRC Advisory Committee on Reactor Safeguards (ACRS), the Lessons-Learned Task Force and the Bulletins and Orders Task Force of the NRC Office of Nuclear Reactor Regulation, the Special Review Group and the NRC Office of Inspection and Enforcement, the NRC Staff Siting Task Force and Emergency Preparedness Task Force, and the NRC Offices of Standards Development and Nuclear Regulatory Research.

In the development of the Action Plan, NRC has transformed the recommendations of these groups into discrete, scheduled tasks that specify changes (or studies of possible future changes) in NRC's regulatory requirements or its organization and procedures. The Plan also identifies the organizational elements responsible for the various actions and contains estimates of the resources and schedule

necessary for both NRC and the industry to accomplish the actions. As is the nature of any plan, the actions, resources, and schedules in the near term are likely to be more accurate than are those for the long term. In recognition of this, the overall plan is not intended to be inviolable—changes in the specified actions will be made as necessary to reflect new information.

Some actions to improve the safety of nuclear power plants now operating were judged to be necessary immediately after the accident and could not be delayed until an action plan was developed, although they were subsequently included in the Action Plan. Such actions came from the Bulletins and Orders issued by the Commission immediately after the accident, the first report of the Lessons-Learned Task Force issued in July 1979, the recommendations of the Emergency Preparedness Task Force, and the NRC staff and Commission. Before these immediate actions were applied to operating plants, they were approved by the Commission. Many of these short term actions have already been implemented.

Development of the Action Plan began after the immediate corrective actions were well under way and at a time when the principal external investigation, that of the President's Commission, had been completed. In developing the Action Plan, the various recommendations and possible actions of all the principal investigations were assessed and either rejected, adopted, or modified. These assessments and decisions were made under the direction of a TMI Action Plan Steering Group, which served to integrate and coordinate the development of the Action Plan by the various program offices of the agency. The decisions on whether to include specific items in the Plan were based primarily on whether they were necessary to respond to the recommendations of the principal investigations. However, decisions on the priority and resources to be afforded the various actions in the Plan have been based primarily on their relative risk-reduction potential. Having considered the various recommendations and various ways of responding to them, the Action Plan represents a collective NRC assessment of the types and degree of improvement that are necessary and describes the

means and schedule for attaining the improvements.

When determining the schedules for developing and implementing changes in requirements, the primary concern was the perceived immediacy of the need for corrective actions. As discussed above, many actions were taken to improve safety immediately or soon after the accident. These actions were generally considered to be interim improvements until a better, more comprehensive, or more desirable solution could be implemented. However, in scheduling the longer term improvements, the availability of both NRC and industry resources was also considered, as well as the safety significance of the actions. Thus, the Action Plan presents a sequence of actions that will result in a gradually increasing improvement in safety as individual actions are completed and the initial immediate actions are replaced or supplemented by longer term, more durable improvements.

On May 15, 1980, after review of the last version of the Action Plan, the Commission approved the staff's recommendations on those items in the Action Plan that should be implemented or considered over the long term to further enhance safety and also approved a list of requirements for new operating licenses which the staff recommended for imposition in current operating license reviews. On June 5, 1980, the Commission provided further guidance to the NRC staff on implementing the new operating license requirements of the NRC Action Plan. The Office of Nuclear Reactor Regulation was directed to proceed with safety evaluations using the list of new requirements and, in cases where Atomic Safety and Licensing Boards (ASLBs) have been awaiting NRC staff actions, preparation and presentation of testimony before Boards in individual operating license cases.

On June 16, 1980, the Commission issued a Statement of Policy (45 FR 41738) as further Commission guidance on operating licenses for the Boards and the NRC staff. Accompanying this policy was a report, "TMI-Related Requirements for New Operating Licenses (NUREG-0694)." The Commission decided that current operating license applications should be measured against the regulations, as augmented by the list of new requirements in NUREG-0694, and that the remaining items of the Action Plan should be addressed through the normal process for development and adoption of new requirements rather than through

immediate imposition on pending applications.

The staff has been directed to seek public comment on the TMI-2 Action Plan for the purpose of developing further refinements, particularly with respect to the establishment of priorities for addressing those remaining items in the Action Plan not included in the list of new requirements for operating licenses. In the event that public comments lead the staff to conclude that substantive changes to the list of requirements for new operating licenses are necessary, the Commission will be promptly notified.

Dated at Bethesda, Maryland this 23d day of July 1980.

For the Nuclear Regulatory Commission.

William J. Dircks,

Acting Executive Director for Operations.

[FR Doc. 80-22887 Filed 7-29-80; 8:45 am]

BILLING CODE 7590-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 399

[Policy Statements Docket 37982; PS-DR-66C; Dated: July 24, 1980]

Statements of General Policy; Domestic Passenger Fare Flexibility

AGENCY: Civil Aeronautics Board.

ACTION: Extension of reply comment period.

SUMMARY: On May 14, 1980, the CAB announced an interim policy of broadened flexibility for airlines to set domestic passenger fares, and asked for comments on the policy. In response to a request from the Indianapolis Airport Authority, this notice extends the filing date for reply comments to August 7, 1980.

DATES: Reply comments by: August 7, 1980.

Comments and relevant information received after this date will be considered by the Board only to the extent practicable.

ADDRESSES: Twenty copies of comments should be sent to Docket 37982, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Copies may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Julien R. Schrenk, Chief, Domestic Fares and Rates Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825

Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5298.

SUPPLEMENTARY INFORMATION: In PS-94, 45 FR 40969, June 17, 1980, the Board announced an interim policy that broadened the zones within which airlines may set domestic passenger fares with limited risk of suspension by the agency. The policy includes full downward flexibility in all markets, and full upward flexibility for flights up to 200 miles. For flights between 200 and 400 miles, airlines may set fares up to 50 percent above the standard industry fare level. For flights over 400 miles, they may set fares up to 30 percent above this level. By PS-DR-66A, 45 FR 40994, June 17, 1980, the Board asked for public comments on this interim policy. Initial comments were due July 17, 1980, with reply comments due August 1, 1980.

On July 21, 1980, the Indianapolis Airport Authority asked for a 30-day extension of the reply comment period. The Authority stated that it is consulting with several other communities about the effects of fare flexibility and is exploring the possibility of filing joint comments. It argued that such coordination takes time and cannot be done before August 1.

Because of the importance of this rulemaking and the broad public interest that has been expressed, the Board would like to have as many comments as possible, particularly from the communities concerned. The requested extension of the reply comment period would be too long, however, in view of the need to bring this proceeding to a speedy conclusion. We are therefore extending the period until August 7, 1980. If the parties are unable to file joint reply comments, we would still appreciate receiving their views in individual reply comments.

Accordingly, under the authority delegated in 14 CFR 385.20(d), the time for filing reply comments on PS-94, as requested by PS-DR-66A, is extended to August 7, 1980.

(Secs. 204, 403, 404, and 1002 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758, 760, and 788, as amended, 49 U.S.C. 1324, 1373, 1374, and 1482)

Mark Schwimmer,

Acting Associate General Counsel, Rules and Legislation.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-22880 Filed 7-29-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 200

[Docket No. R-80-845]

Use of Materials Bulletin No. 78 (UM 78) for Polybutylene Pipe and Tubing; Transmittal of Proposed Rule to Congress

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of transmittal of proposed rule to Congress under Section 7(o) of the Department of HUD Act.

SUMMARY: Recently enacted legislation authorizes Congress to review certain HUD rules for fifteen (15) calendar days of continuous session of Congress prior to each such rule's publication in the Federal Register. This Notice lists and summarizes for public information a proposed rule which the Secretary is submitting to Congress for such review. This proposed rule would revise HUD Use of Materials Bulletin No. 78 (UM 78) to incorporate the latest standards of the American Society for Testing and Materials regarding polybutylene pipe and tubing. The new bulletin would be UM 78a.

FOR FURTHER INFORMATION CONTACT: Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, 451 7th Street, SW, Washington, D.C. 20410 (202) 755-6207.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both the Senate Banking, Housing and Urban Affairs Committee and the House Banking, Finance and Urban Affairs Committee the following rulemaking document:

24 CFR Part 200—Subpart S—Minimum Property Standards (MPS)—Use of Materials Bulletin No. 78a for Polyethylene (PE), Acrylonitrile-Butadiene-Styrene (ABS), Poly (Vinyl Chloride) (PVC) and Polybutylene (PB) Plastic Piping for Domestic Cold Water Service

(Sec. 7(o), Department of HUD Act (42 U.S.C. 3535(o)); sec. 324 of the Housing and Community Development Amendments of 1978)

Issued at Washington, D.C. July 24, 1980.

Moon Landrieu,
Secretary, Department of Housing and Urban Development.

[FR Doc. 80-22809 Filed 7-29-80; 8:45 am]

BILLING CODE 4210-01-M

24 CFR Part 215

[Docket No. R-80-842]

Rent Supplement Payments

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of transmittal of interim rule to Congress under Section 7(o) of the Department of HUD Act.

SUMMARY: Recently enacted legislation authorizes Congress to review certain HUD rules for fifteen (15) calendar days of continuous session of Congress prior to each such rule's publication in the Federal Register. This Notice lists and summarizes for public information an interim rule which the Secretary is submitting to Congress for such review. This interim rule sets forth definitions of "qualified tenant" and "adjusted income" in the Section 101 Rent Supplement Program which are consistent with the definitions in Section 8 of the United States Housing Act of 1937.

FOR FURTHER INFORMATION CONTACT: Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, 451 7th Street SW., Washington, D.C. 20410, (202) 755-6207.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both the Senate Banking, Housing and Urban Affairs Committee and the House Banking, Finance and Urban Affairs Committee the following interim rulemaking document:

24 CFR Part 215—Rent Supplement Payments

(Sec. 7(o) of the Department of HUD Act, 42 U.S.C. 3535(o), Section 324 of the Housing and Community Development Amendments of 1978)

Issued at Washington, D.C., July 24, 1980.

Moon Landrieu,
Secretary, Department of Housing and Urban Development.

[FR Doc. 80-22799 Filed 7-29-80; 8:45 am]

BILLING CODE 4210-01-M

24 CFR Part 236

[Docket No. R-80-841]

Mortgage Insurance and Interest Reduction Payment for Rental Projects

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of transmittal of interim rule to Congress under Section 7(o) of the Department of HUD Act.

SUMMARY: Recently enacted legislation authorizes Congress to review certain HUD rules for fifteen (15) calendar days of continuous session of Congress prior to each such rule's publication in the Federal Register. This Notice lists and summarizes for public information an interim rule which the Secretary is submitting to Congress for such review. This interim rule sets forth a definition of income in the Section 236 Rental Projects program which is consistent with the definition in Section 8 of the United States Housing Act of 1937.

FOR FURTHER INFORMATION CONTACT: Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, 451 7th Street SW., Washington, D.C. 20410, (202) 755-6207.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both the Senate Banking, Housing and Urban Affairs Committee and the House Banking, Finance and Urban Affairs Committee the following interim rulemaking document:

24 CFR Part 236—Mortgage Insurance and Interest Reduction Payment for Rental Projects

(Sec. 7(o) of the Department of HUD Act, 42 U.S.C. 3535(o), Section 324 of the Housing and Community Development Amendments of 1978)

Issued at Washington, D.C., July 24, 1980.

Moon Landrieu,
Secretary, Department of Housing and Urban Development.

[FR Doc. 80-22800 Filed 7-29-80; 8:45 am]

BILLING CODE 4210-01-M

Office of the Secretary

24 CFR Part 888

[Docket No. R-80-843]

Fair Market Rents for New Construction and Substantial Rehabilitation for Philadelphia, Pa.; Transmittal of Interim Rule to Congress

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of transmittal of interim rule to Congress under Section 7(o) of the Department of HUD Act.

SUMMARY: Recently enacted legislation authorizes Congress to review certain HUD rules for fifteen (15) calendar days of continuous session of Congress prior to each such rule's publication in the *Federal Register*. This Notice lists and summarizes for public information an interim rule which the Secretary is submitting to Congress for such review. This rule would amend the Section 8 Fair Market Rent schedule applicable to new construction and substantial rehabilitation for rental projects in the Philadelphia, Pennsylvania area, published in the *Federal Register* on January 11, 1980 (45 FR 2534).

FOR FURTHER INFORMATION CONTACT: Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, 451 7th Street, SW., Washington, D.C. 20410 (202) 755-8207.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both the Senate Banking, Housing and Urban Affairs Committee and the House Banking, Finance and Urban Affairs Committee the following rulemaking document:

24 CFR Part 888—Schedule A—Fair Market Rents for New Construction and Substantial Rehabilitation for Philadelphia, Pa.

(Sec. 7(o) Department of HUD Act, (42 U.S.C. 3535(o)), sec. 324 Housing and Community Development Amendments of 1978)

Issued at Washington, D.C. July 24, 1980.

Moon Landrieu,

Secretary, Department of Housing and Urban Development.

[FR Doc. 80-22907 Filed 7-29-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 904

Public Disclosure of Comments Received From Federal Agencies on the Arkansas State Permanent Program Submitted Under Pub. L. 95-87

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

ACTION: Proposed rule: announcement of public disclosure of comments.

SUMMARY: Before the Secretary of the Interior may approve permanent state regulatory programs submitted under Section 503(a) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), the views of certain federal agencies must be solicited and disclosed. The Secretary has solicited comments of these agencies, and is today announcing their public disclosure.

ADDRESSES: Copies of the comments received are available for public review during business hours at:

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

Arkansas Department of Pollution Control and Ecology, 8001 National Drive, Little Rock, Arkansas 65101, Telephone (501) 371-1701.

FOR FURTHER INFORMATION CONTACT: Richard D. Rieke, Assistant Regional Director, State and Federal Programs, Office of Surface Mining, Scarritt Building, 818 Grand Ave., Kansas City, Missouri 64106, Telephone (816) 374-3920.

SUPPLEMENTARY INFORMATION: The Secretary of the Interior is evaluating the permanent regulatory program submitted by Arkansas for his review on February 19, 1980. See the February 27, 1980 *Federal Register* (45 FR 12918-12919), April 9, 1980 *Federal Register* (45 FR 24210-24211) and the June 6, 1980 *Federal Register* (45 FR 38088-38090). In accordance with Section 503(b)(1) of SMCRA and 30 CFR 732.13(b)(1) the Arkansas program may not be approved until the Secretary has solicited and publicly disclosed the views of the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other federal agencies concerned with or having special expertise relevant to the program as proposed. In this regard, the following federal agencies were invited to comment on the Arkansas program:

Department of Agriculture
Soil Conservation Service
Forest Service
Agricultural Stabilization and Conservation Service
Science and Education Administration
Advisory Council on Historic Preservation
Department of Labor
Mine Safety and Health Administration
U.S. Environmental Protection Agency
Water Resources Council
Department of Energy
Department of the Interior
Bureau of Indian Affairs

Bureau of Land Management
Bureau of Mines
Heritage Conservation and Recreation Service
Water and Power Resources Service
Fish and Wildlife Service
National Park Service
Geological Survey
U.S. Army Corps of Engineers
Arkansas White-Red Basin Inter-Agency Committee

Of those agencies invited to comment, OSM received comments from the following offices:

Bureau of Land Management
Advisory Council on Historic Preservation
U.S. Army Corps of Engineers
Soil Conservation Service
Fish and Wildlife Service
Heritage Conservation and Recreation Service
Bureau of Mines
National Park Service
Mine Safety and Health Administration
Geological Survey
U.S. Environmental Protection Agency
Department of Energy
Water and Power Resources Service

These comments are available for review and copying during business hours, at the locations listed above under "Addresses."

Dated: July 24, 1980.

Carl C. Close,

Assistant Director, State and Federal Programs.

[FR Doc. 80-22918 Filed 7-29-80; 8:45 am]

BILLING CODE 4310-05-M

Notices

Federal Register

Vol. 45, No. 148

Wednesday, July 30, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL AERONAUTICS BOARD

[Dockets Nos. 33363 and 37687]

Former Large Irregular Air Service Investigation Phase III; Application of Action Air Cargo Corp.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on August 1, 1980, at 10:00 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., July 25, 1980.

William A. Pope II,
Administrative Law Judge.

[FR Doc. 80-22859 Filed 7-29-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 38511]

People Express Fitness Investigation; Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge Elias C. Rodriguez. Future communications should be addressed to him.

Dated at Washington, D.C., July 25, 1980.

Joseph J. Saunders,
Chief Administrative Law Judge.

[FR Doc. 80-22860 Filed 7-29-80; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Hawaii Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Hawaii Advisory Committee (HAC) of the Commission will convene at 2 p.m. and will end at 5 p.m., on August 23, 1980, at

Ala Moana Hotel, 410 Atkinson Drive, Honolulu, Hawaii 96806.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Western Regional Office, 3660 Wilshire Bldg., Suite 801, Los Angeles, CA 90010.

Purpose of this meeting is to plan press conference, and discuss program planning.

Dated at Washington, D.C., July 25, 1980.

Thomas L. Neumann,
Advisory Committee Management Officer.

[FR Doc. 80-22846 Filed 7-29-80; 8:45 am]

BILLING CODE 6335-01-M

Hawaii Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a conference of the Hawaii Advisory Committee (SAC) of the Commission will convene at 10:00 a.m. and will end at 11:00 a.m., on August 25, 1980, at the Prince Kuhio Federal Building, 300 Ala Moana Boulevard, Room 7323, Honolulu, Hawaii 96850.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Western Regional Office, 3660 Wilshire Bldg., Suite 801, Los Angeles, CA 90010.

Purpose of this conference to release report of Native Hawaiian.

Dated at Washington, D.C., July 25, 1980.

Thomas L. Neumann,
Advisory Committee Management Officer.

[FR Doc. 80-22847 Filed 7-29-80; 8:45 am]

BILLING CODE 6335-01-M

Minnesota Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Minnesota Advisory Committee (SAC) of the Commission will convene at 7:00 p.m. and will end at 9:00 p.m., on August 22, 1980, at Holiday Inn, 250 S. 1st Avenue E., Duluth, Minnesota 55801.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

Purpose of this meeting is to review and discuss Minnesota police report draft; discuss follow-up conference with Minnesota Human Relations Commission co-sponsoring.

Dated at Washington, D.C., July 25, 1980.

Thomas L. Neumann,
Advisory Committee Management Officer.

[FR Doc. 80-22845 Filed 7-29-80; 8:45 am]

BILLING CODE 6335-01-M

South Carolina Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the South Carolina Advisory Committee (SAC) of the Commission will convene at 1:30 p.m. and will end at 5:00 p.m., on August 18, 1980, at the Gervais Room, Carolina Townhouse, 1615 Gervais St., Columbia, South Carolina 29202.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Southern Regional Office, Citizens Trust Bank Bldg., Rm. 362, 75 Piedmont Avenue N.E., Atlanta, Georgia 30303.

The purpose of this meeting is to discuss plans for SAC project on voting procedures. Members will be encouraged to alert Southern Regional Office on potential or developing racial crises.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 24, 1980.

Thomas L. Neumann,
Advisory Committee Management Officer.

[FR Doc. 80-22844 Filed 7-29-80; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Allocation of FY 1980 Quotas for Export of Unprocessed Western Red Cedar

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

ACTION: Notice of Export Quota Allocations.

SUMMARY: The Department of commerce (Department) has issued final

allocations of the FY 1980 quota, established by section 7(i) of the Export Administration Act, for the export of unprocessed western red cedar harvested from state or federal lands. This notice describes in detail the method used in making these allocations

FOR FURTHER INFORMATION CONTACT: Mr. Converse Hettinger, Director, Short Supply Division, Office of Export Administration, (202) 377-3984

SUPPLEMENTARY INFORMATION: Section 7(i) of the Export Administration Act of 1979 (Pub. L. 96-72 to be codified at 50 U.S.C. App. 2401 *et seq.*) requires validated licensing of exports of unprocessed western red cedar harvested from state or federal lands and establishes a quota of 30 MMBF (million board feet) scribner of such cedar which may be exported during the period October 1, 1979–September 30, 1980. By regulation published in the *Federal Register* on April 2, 1980, the Department established a validated licensing system for western red cedar, including a procedure for applying to participate in the allocation of the statutory quota for FY 1980.

The Department has now completed its review of the applications for a share of the FY 1980 quota and has issued to qualifying applicants quota allocations against which licenses will be issued for the remainder of this fiscal year. The method used by the Department in making these allocations is described below.

The procedure for applying to participate in the allocation of the statutory quota for the fiscal year commencing October 1, 1980 will be described in a separate *Federal Register* Notice.

Method of Allocating FY 1980 Western Red Cedar Export Quota

In the regulations published in the *Federal Register* concerning the licensing of exports of unprocessed western red cedar (45 FR 21615, April 2, 1980), the method to be used in allocating the unshipped balance of the first fiscal year's statutory quota of 30,000 MBF (thousand board feet) was described in § 377.7(f)(1) as follows:

"In allocating the statutory quota(s), the Office of Export Administration will first aggregate all quantities of western red cedar commodities listed in Supplement No. 4 of this Part 377 which were exported between October 1, 1979 and April 16, 1980. From that aggregate will be deducted those quantities determined by the Office of Export Administration, after reviewing the reports and evidence submitted under (d) above, to have been harvested from lands other than federal or state lands. The remainder will

then be subtracted from the overall statutory quota of thirty million board feet scribner for the period October 1, 1979–September 30, 1980. The Office of Export Administration will then review the applications submitted under (e) above for a share in the export quota and, based on that review, will determine what proportion of the remainder of the first year's quota to allot to each of the four categories set forth under 377.7(e) above. . . . After determining the quantity to be allocated to each of these four categories (historical exporters, inventory owners, contract harvesters, and hardship and exceptions applicants) set forth in subsection (e) quota shares will be allocated to successful applicants within each of the first three categories on a proportionate basis and written notification thereof will be mailed as soon as possible to each person receiving a quota share. Quota shares under the hardship and exceptions category will be allocated after a case-by-case review of each presentation and in accordance with the merits of each case. Persons applying under the hardship and exceptions category will also be notified in writing as to whether their applications have been successful." (Parenthetical explanation added.)

There was a considerable degree of overlap among the categories in which the 49 applicants for quota shares sought allocations. Of the 26 firms claiming allocations as historical exporters, 10 also held harvesting contracts, and 18 reported owning inventories as of October 1, 1979. Moreover, 19 of the 30 inventory owners also sought allocations as holders of harvesting contracts.

The specific steps taken by the Department in making these allocations were as follows:

Step (1) Determination of quantity of unprocessed western red cedar commodities subject to quota which were exported during the period October 1, 1979–April 16, 1980.

(A) *Logs.* Exporters reported shipments of western red cedar logs totaling 44,236 MBF during the period October 1, 1979–April 16, 1980. Bureau of the Census data (EM 522) * supports the exporters' reports, showing total western red cedar log exports of 44,177 MBF for the same period. Of the total reported log exports, the exporters documented 30,396 MBF as having originated from private lands, leaving a balance of 13,840 MBF (44,236–30,396) or 31.3 percent of reported exports subject to the statutory quota.

* EM-522: U.S. Exports. Bureau of the Census data on U.S. exports broken down by month and U.S. Customs Districts. In reviewing this data, the Department considered only exports shipped through Customs Districts in the Northwest United States (i.e. Seattle, Portland and Anchorage) thus eliminating other species erroneously classified as western red cedar.

(B) *Lumber.* Section 7(i)(4) of the Export Administration Act of 1979 provides that unprocessed western red cedar, including lumber with wane originating from state or federal lands, shall be subject to the statutory quota. While no exports of lumber with wane originating from state or federal lands were reported to the Department, the Bureau of the Census data used by the Department shows that a total of 16,662 MBF of rough lumber and 2,802 MBF of dressed lumber was exported during the October 1, 1979–April 16, 1980 period.

(i) *State or Federal Origin Lumber.* To determine the proportion of total lumber exports that originated from state or federal lands, the Department multiplied total lumber exports by the proportion (31.3 percent) of total reported log exports determined in Step (1)(A) above to have been of state or federal origin. This yielded 6,092 MBF (19,464 × .313) of lumber which the Department assumed to be of state or federal origin.

(ii) *State or Federal Origin Lumber, With Wane.* The Department then consulted with government forestry experts, trade associations, lumber inspection bureaus and numerous industry sources, and accepted the estimate that, on average, 10 percent of western red cedar lumber exports contain at least some wane. (All the sources consulted indicated that western red cedar lumber cut to export specifications generally is of high grade (No. 4 Clear or Better) cut from first growth quality cedar logs.) This estimate, provided by the U.S. Forest Service's Forest Products Laboratory in Madison, Wisconsin, was generally corroborated by a Western Wood Products Association survey. Accordingly, the Department multiplied by 10 percent the 6,092 MBF of lumber exports calculated under (B)(i) above to be of state or federal origin and concluded that the total western red cedar lumber export volume over the period of October 1, 1979–April 16, 1980 which contained wane and was thus subject to the statutory quota was 609 MBF (6,092 × .10).

(C) *Total Exports (October 1, 1979–April 16, 1980) of Western Red Cedar Subject to Quota.*

Total fiscal year 1980 exports subject to the statutory quota were thus calculated to be as follows:

Logs	13,840
Lumber	609
Total	14,449 MBF

This total was then subtracted from the fiscal year 1980 statutory quota to

determine the quantity still available for allocation:

FY 1980 Statutory Quota	30,000 MBF
Total Already Exported	14,449 MBF
Quota Available for Allocation	15,551 MBF

Step (2) Allotment to Hardship Category of a Share of the Quota Available for Allocation.

After reviewing the individual hardship applications, the Department determined that the meritorious applications could be accommodated by reserving a total of 2 percent of the quota available for allocation. Accordingly, 2 percent of the quota available for allocation, or 311,026 MBF (311,026 board feet) were reserved for this category, $(15,551 \times .02)$. This left 98 percent available for allotment to the other three categories of claimants.

Step (3) Determination of Adjusted Statutory Quota.

The 2 percent hardship allotment and fiscal year 1980 lumber exports subject to quota, as calculated under Step 1(B)(ii) above, were then deducted from the top of the statutory quota to arrive at an "adjusted statutory quota" of 29,079,751 MBF. $(30,000,000 - 311,026 - 609,223 = 29,079,751)$. (Unlike the exports of logs subject to quota, these lumber exports could not be attributed to any particular exporter and were thus deducted from the top of the statutory quota.)

Step (4) Allotment of Shares of the Adjusted Statutory Quota to the Other Three Categories of Applicants.

The Department then allotted proportionate shares of the adjusted statutory quota to each of the other three categories of applicants as described below.

(A) *Historical Exporters.* Historical exporters claimed exports of 142,589 MBF of western red cedar logs over the eighteen month base period of April 1, 1978—September 30, 1979. (This was well within the Bureau of the Census figures for the same period used by the Department which show exports of 155,483 MBF.) The total claimed by the exporters was then reduced by one-third to reflect an annual level of 95,059 MBF $(142,589 \times 12/18)$. This figure was then multiplied by the proportion of state or federal content, as determined under Step 1(A) above, to arrive at the aggregate annual base period exports of state or federal origin cedar $(95,059 \times .313 = 29,753 \text{ MBF})$. These aggregate annual base period exports equal 99.18% of the statutory quota (29,753 divided by 30,000).

(B) *Inventory Owners.* Owners of

inventories claimed and documented 16,590 MBF of state or federal origin cedar logs in inventories destined for export on October 1, 1979. No lumber inventories were claimed. Aggregate inventories thus equal 55.30% of the statutory quota (16,590 divided by 30,000).

(C) *Contract Harvesters.* Holders of contractual obligations to harvest from state or federal lands claimed and documented 50,323 MBF of Washington

Historical Exporters:	99.18% of the statutory quota
Inventory Owners:	55.30% of the statutory quota
Contract Harvesters:	167.74% of the statutory quota
Total Claims:	322.22% of the statutory quota

Each of these three categories was then allotted a proportionate share of the adjusted statutory quota based on

Historical Exporters:	$\frac{99.18}{322.22}$ or $31\% \times 29,079,751^{**} = 9,014,723 \text{ MBF}$
Inventory Owners:	$\frac{55.30}{322.22}$ or $17\% \times 29,079,751^{**} = 4,943,558 \text{ MBF}$
Contract Harvesters:	$\frac{167.74}{322.22}$ or $52\% \times 29,079,751^{**} = 15,121,470 \text{ MBF}$

***This figure represents the "adjusted statutory quota". (See*

Step (3) above.)

Step (5) Preliminary Allocations to Individual Applicants.

Applicants in each category except hardship were then allocated their proportionate shares of the total adjusted statutory quota allotted to that category based on the proportion which their individual claims bore to aggregate claims under that category.

Step (6) Final Allocations.

Where an applicant received a preliminary allocation in more than one category his allocations were combined. Each applicant's preliminary allocation or combined preliminary allocation was then adjusted by subtracting the quantity of cedar subject to quota which the applicant had already exported this fiscal year. Where an exporter had already shipped a quantity in excess of his allocation, that exporter was excluded from further consideration and the full quantity was deducted from the top of the statutory quota. The balance of the adjusted statutory quota was then reallocated among the remaining applicants. This process was repeated as necessary before the final allocations were made. For example, where an exporter had already shipped 500 MBF of unprocessed western red cedar

State and U.S. Forest Service western red cedar timber intended to be harvested and exported during fiscal year 1980 (no other state and no other federal agency owned timber was claimed). This figure represents 167.74% of the statutory export quota for this fiscal year (50,323 divided by 30,000).

(D) *Allotment by Category of Proportionate Shares.* Total claims on the statutory quota under (A), (B), and (C) above were as follows:

the percentage of the statutory quota it claimed as a proportion of the total claims made:

subject to quota and was allocated a total quota of 400 MBF, the full 500 MBF was subtracted from the adjusted statutory quota (29,079,751 MBF) and he was removed from further consideration this year. The remaining balance of the adjusted statutory quota was then reallocated to the three non-hardship categories using the percentages in Step (4)(D) above, and then proportionately among the remaining applicants in each category. This method assured that the final allocations made to applicants in categories other than hardship aggregated 98 percent of the total quota available for allocation.

Hardship applicants whose applications had been found to be meritorious by the Department after a case-by-case review were then allocated the remaining 2% of the quota available for allocation which had been reserved for them under Step (2) above according to the Department's assessment of the relative degree of hardship experienced by each applicant.

Allocation of Quotas in Future Fiscal Years

It should not be assumed that the identical system will be used in

allocating the statutory quotas applicable to subsequent fiscal years. For example, the Department assumes that all inventories of the controlled commodities which were on hand as of October 1, 1979 were claimed by the applicants for quota shares for the period October 1, 1979–September 30, 1980, and there will thus be no need to allocate any portion of future years' quotas to this category. Furthermore, the volume of cedar to be harvested under pre-October 1, 1979, contracts in the fiscal year commencing October 1, 1980, and thus the degree of financial exposure, will vary—both in the aggregate and among individual harvesters—from the preceding year's level. Finally, next year's quota allocations are expected to be made before October 1, 1980, and there will thus be no need to reduce the statutory quota available for allocation by exports made after that date.

(Secs. 3, 4, 7, 12, and 21, Pub. L. 96-72, to be codified at 50 U.S.C. App. 2401 *et seq.*; Executive Order 12214 (45 FR 29783, May 6, 1980); Departmental Organization Order 10-3, (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Order 41-1 (45 FR 11862, February 22, 1980))

Dated: July 25, 1980.

Eric L. Hirschhorn,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 80-22788 Filed 7-29-80; 6:45 am]

BILLING CODE 3510-25-M

National Technical Information Service

U.S. Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly, foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of patents cited are available from the Commissioner of Patents & Trademarks, Washington, DC 20231, for \$5.00 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for \$5.00 each (\$10.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to avoid premature disclosure. Claims and other technical data will usually be made available to serious prospective

licensees upon execution of a non-disclosure agreement.

Requests for information on the licensing of particular inventions should be directed to the addresses cited for the agency-sponsors.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

U.S. Department of Agriculture, Program Agreements & Patent Branch, Admin. Ser. Div. Federal Building, Science & Education Admin., Hyattsville, Md. 20782

Patent Application 6-132,583: Vacuum-Operated Produce Handling Systems; filed Mar. 21, 1980.

Patent Application 6-132,597: Mushroom-Growing Medium; filed Mar. 21, 1980.

Patent Application 824,777: Preparation of Protein Concentrates from Whey and Seed Products; filed Aug. 15, 1977.

Patent 4,194,998: Highly Absorbent Polyhydroxy Polymer Graft Copolymers without Saponification; filed Oct. 30, 1978, patented Mar. 25, 1980; not available NTIS.

Patent 4,195,519: Measurement of Water Flow Rate; filed Aug. 31, 1978, patented Apr. 1, 1980; not available NTIS.

Patent 4,195,695: Land Imprinter; filed Dec. 30, 1977, patented Apr. 1, 1980; not available NTIS.

National Bureau of Standards, Patent Advisors Office, Room A-419, Admin. Building, Washington, D.C. 20234

Patent Application 895,340: Method and Apparatus for Measuring Gas Flow Speed; filed Apr. 11, 1978.

U.S. Department of Energy, Assist. Gen. Couns. for Patents, Washington, D.C. 20545

Patent Application 948,266: Subthreshold Neutron Interrogator for Detection of Radioactive Materials; filed Oct. 3, 1978.

Patent Application 954,679: Compact, Maintainable 80-KeV Neutral Beam Module; filed Oct. 25, 1978.

Patent Application 957,618: Device for Measuring the Fluid Density of a Two-Phase Mixture; filed Nov. 30, 1978.

Patent Application 961,153: Automatic Sweep Circuit; filed Nov. 16, 1978.

Patent Application 963,654: Annular Flow Diverter Valve; filed Nov. 24, 1978.

Patent Application 963,655: Crossed-Field Divertor for a Plasma Device; filed Nov. 24, 1978.

U.S. Department of Transportation, Patent Counsel, 400 7th Street, SW., Washington, D.C. 20590

Patent Application 6-135,370: Combination Absolute and Differential Temperature System; filed Mar. 31, 1980.

U.S. Department of Health & Human Services, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, Md. 20205

Patent Application 6-085,418: Method of Synthesizing Chlorozotocin; filed Oct. 16, 1979.

Patent Application 6-104,983: High Resolution Electron Microscope Cold Stage; filed Mar. 4, 1980.

U.S. Department of the Navy, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217

Patent 4,181,892: Sweeping Noise Blanker; filed May 12, 1978, patented Jan. 1, 1980; not available NTIS.

Patent Application 4,185,273: Data Rate Adaptive Control Device for Manchester Code Decoders; filed Jul. 27, 1977, patented Jan. 22, 1980; not available NTIS.

Patent 4,186,373: System for Measuring In Situ Acoustic Energy Properties of Ocean Floor Soils; filed May 22, 1978, patented Jan. 29, 1980; not available NTIS.

Patent 4,187,698: Coupling for Misaligned Shafts; filed Jun. 12, 1978, patented Feb. 12, 1980; not available NTIS.

Patent 4,188,120: Radiodine Detector Based on Laser Induced Fluorescence; filed Jan. 6, 1978, patented Feb. 12, 1980; not available NTIS.

Patent 4,188,172: Method and Means for Injecting Hot Liquid when Pumping Cold Liquid; filed May 24, 1978, patented Feb. 12, 1980; not available NTIS.

Patent 4,189,268: Diver-Controlled Underwater Linear Milling Machine; filed May 24, 1978, patented Feb. 19, 1980; not available NTIS.

[FR Doc. 80-22789 Filed 7-29-80; 6:45 am]

BILLING CODE 3510-04-M

U.S. Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly, foreign licensing in accordance with the licensing policies of the agency-sponsors.

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Requests for information on the licensing of particular inventions should

be directed to the addresses cited for the agency-sponsors.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

U.S. Department of Energy, Assist. Gen. Couns. for Patents, Washington, D.C. 20545

Patent application 960,410: Beam Heated Linear theta-Pinch Device for Producing Hot Plasma; filed Nov. 13, 1978.

Patent application 942,229: Method of Removing Actinide Elements from Mammalian Tissue; filed Sep. 14, 1978.

Patent application 949,163: Radiation Detection System; filed Oct. 6, 1978.

Patent application 956,317: Method for Fabricating Boron Carbide Articles; filed Oct. 31, 1978.

Patent application 956,709: Cross-Flow Electrofilter and Method; filed Nov. 1, 1978.

Patent application 957,619: Treatment of Electrochemical Cell Components with Lithium Tetrachloroaluminate (LiAlCl₄ sub 4) to Promote Electrolyte Wetting; filed Nov. 3, 1978.

Patent application 960,982: Method for Inhibiting Corrosion in Aqueous Systems; filed Nov. 15, 1978.

Patent application 961,152: Ceramic Component for Electrodes; filed Nov. 16, 1978.

Patent application 967,178: Method of Making V₃Ga Superconductors; filed Dec. 6, 1978.

Patent 4,148,405: Solid Feeder and Method; filed Dec. 1, 1977, patented Apr. 10, 1979; not available NTIS.

Patent 4,150,759: Solids Feeder Apparatus; filed Dec. 1, 1977, patented Apr. 24, 1979; not available NTIS.

Patent 4,152,248: Hydrogenation of Coal Liquid Utilizing a Metal Carbonyl Catalyst; filed May 2, 1978, patented May 1, 1979; not available NTIS.

Patent 4,153,427: Apparatus and Method for Feeding Coal into a Coal Gasifier; filed Feb. 23, 1978, patented May 8, 1979; not available NTIS.

U.S. Department of the Navy, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217

Patent 4,178,722: Grinding and Polishing Tool; filed Jan. 18, 1978, patented Dec. 18, 1979; not available NTIS.

Patent 4,179,194: Electrically Controllable Wide Angle of View Optical Notch Filter; filed Feb. 2, 1976, patented Dec. 18, 1979; not available NTIS.

Patent 4,179,782: Cable Terminal-Ferrule Attaching Apparatus; filed May 1, 1978, patented Dec. 25, 1979; not available NTIS.

Patent 4,181,904: Acoustic-Wave Convolver Utilizing Diffused Waveguides and Beam Compression Techniques; filed Aug. 9, 1978, patented Jan. 1, 1980; not available NTIS.

Patent 4,183,088: Random Number Generator; filed Jan. 31, 1962, patented Jan. 8, 1980; not available NTIS.

Patent 4,185,161: Modular Guyline Insulator; filed Aug. 22, 1977, patented Jan. 22, 1980; not available NTIS.

Patent 4,185,274: High-Speed Electrooptical A/D Converter; filed Jul. 12, 1978, patented Jan. 22, 1980; not available NTIS.

Patent 4,188,710: Ohmic Contacts for Group III-V N-Type Semiconductors Using Epitaxial Germanium Films; filed Aug. 11, 1978, patented Feb. 19, 1980; not available NTIS.

Patent 4,194,142: Mode Control Apparatus for a Separable-Insert Coaxial Magnatron; filed Jul. 10, 1978, patented Mar. 18, 1980; not available NTIS.

[FR Doc. 80-22790 Filed 7-29-80; 8:45 am]

BILLING CODE 3510-04-M

National Oceanic and Atmospheric Administration

National Marine Fisheries Service; Issuance of Permit

On May 7, 1980, Notice was published in the *Federal Register* (45 FR 30104), that an application had been filed with the National Marine Fisheries Service by Steven R. Morello, 182 Michigan Avenue, Paterson, New Jersey 07503, and Craig N. McLean, 352 Riverside Avenue, Rutherford, New Jersey 07070, for a permit to take by harassment one member from each of five (5) species of cetaceans in the waters of Cape Cod Bay or Stellwagen Banks for the purpose of scientific research.

Notice is hereby given that on July 24, 1980, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the National Marine Fisheries Service issued a Permit to Steven R. Morello and Craig N. McLean, for the above taking subject to certain conditions set forth therein.

Issuance of this Permit, as required by the Endangered Species Act of 1973, is based on a finding that such permit: 1) was applied for in good faith; 2) will not operate to the disadvantage of the endangered species which are the subject of the permit and 3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries,
National Marine Fisheries Service,
3300 Whitehaven Street, N.W.,
Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region,
Federal Building, 14 Elm Street,
Gloucester, Massachusetts 01930.

Dated: July 24, 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 80-22886 Filed 7-29-80; 8:45 am]

BILLING CODE 3510-22-M

COPYRIGHT ROYALTY TRIBUNAL

Cable Royalty Distribution Proceeding

July 25, 1980.

17 U.S.C. 111(d)(4) authorizes the Copyright Royalty Tribunal (Tribunal) to distribute royalty fees paid by cable systems to certain copyright owners who have filed claims with the Tribunal. The procedure for distribution of the cable royalty fees is set forth at 17 U.S.C. 111(d)(5).

On September 12, 1979 the Tribunal, pursuant to 17 U.S.C. 111(d)(5)(B) declared the existence of a controversy concerning the distribution among copyright owners of cable royalty fees paid by cable systems for secondary transmissions during 1978. 17 U.S.C. 804(e) requires the Tribunal to render a final decision within one year from the commencement of the proceeding.

On February 14, 1980, after hearing the views of claimants, the Tribunal ruled that the current cable distribution proceeding would be conducted in two phases. Phase I would determine the allocation of cable royalties to specific groups of claimants. Phase II would allocate cable royalties to individual claimants within each group.

In order to permit the Tribunal to proceed to Phase II of this proceeding, the Tribunal is publishing this summary statement of its Phase I determinations. In accordance with 17 U.S.C. 803(b), a full and complete statement of the Tribunal's conclusions of law, findings of fact, and other relevant determinations will be included in the Tribunal's final determination. Final distribution of cable royalties to claimants will be made at the conclusion of this proceeding. This notice does not constitute a "final determination" pursuant to 17 U.S.C. 803(b) or a "final decision" under 17 U.S.C. 804(e) and 17 U.S.C. 810.

The Tribunal finds under 17 U.S.C. 111 and its legislative history that the Tribunal has broad discretion in determining the distribution of cable royalties to eligible claimants subject to the record made in the distribution proceeding.

The Tribunal has determined that no mathematical formula or theory or combination of formulas and theories provided a satisfactory basis for the distribution of royalty fees. The Tribunal

therefore proposes to distribute the royalty fees on the basis of the entire record made in this proceeding.

The Tribunal has determined that in the current and any subsequent cable distribution proceedings, the royalty fees shall be distributed by the application to the record of the proceeding of a combination of factors. While these factors admit of different formulations and certain interrelationships, they can be concisely set forth. In its final determination, the Tribunal will discuss in detail these factors, the relative weight accorded them, and their application to categories of claimants.

The Tribunal finds that the primary factors to be applied are:

1. The harm caused to copyright owners by secondary transmissions of copyrighted works by cable systems.
2. The benefit derived by cable systems from the secondary transmission of certain copyrighted works, and
3. The marketplace value of the works transmitted.

The Tribunal finds that secondary factors to be applied to the distribution of royalty fees are:

1. Quality of copyrighted program material, and
2. Time-related considerations.

The Tribunal finds as a matter of law and the record of this proceeding that royalty fees shall not be allocated to broadcaster claimants for the secondary transmission of the broadcast day as a compilation.

The Tribunal finds as a matter of law and the record of this proceeding that royalty fees shall not be allocated to broadcaster claimants who have acquired rights to syndicated programming in a market, which rights are exclusive against other broadcasters in that market, when the syndicated programming is included in distant broadcasts which are retransmitted into the broadcasters markets.

The Tribunal finds as a matter of law and the record of this proceeding that royalty fees shall not be allocated to copyright owners of cartoon characters.

The Tribunal finds that cable royalty fees awarded by the Tribunal for the secondary transmission of certain sporting events shall be distributed to the sports claimants except when contractual arrangements specifically provide that such royalties shall be distributed to broadcaster claimants. In its Phase I determination, the Tribunal has awarded the full share of these royalty fees to the sports claimants. The evidentiary consideration of this issue has not been concluded and the Tribunal in its final determination will

make such adjustments as may be warranted on the basis of the Phase II proceedings.

The Tribunal finds that the Public Broadcasting Service is not a network for purposes of 17 U.S.C. 111.

The Tribunal finds that the record made in this proceeding provides no basis for an allocation of royalty fees to commercial radio.

In accordance with the above, the Tribunal, in its final determination, will provide for the following allocation to categories of the specified percentage of the \$14,644,871.44 available for distribution:

1. Motion Picture Association of America, Christian Broadcasting Network, and other program syndicators—75%.
2. Joint Sports Claimants and N.C.A.A.—12%.
3. Public Broadcasting Service (for all purposes)—5%.
4. Music Performing Rights Societies—4.5%.
5. U.S. and Canadian Television Broadcasters—3.25%.
6. National Public—2.5%.

Phase II of this proceeding will commence at 10:00 a.m. August 18, 1980 in Room 538, 2033 K St., N.W., Washington, D.C. and will continue on such subsequent days as are necessary. Any claimant who wishes to present testimony during Phase II shall inform the Tribunal of such intention not later than August 13 and shall advise the Tribunal of the names of proposed witnesses. Because of the requirements of the Copyright Act concerning the conclusion of this proceeding, there will not be a rebuttal period during Phase II and the record will be completely closed at the conclusion of the hearings.

In preparation for Phase II, the Tribunal in its Order of May 7 directed joint claimants to advise the Tribunal of the status of arrangements for voluntary agreements for distribution of royalty fees among the members of a joint claim. On the basis of the replies to this Order, it is the understanding of the Tribunal that there are no Phase II issues involving the distribution of royalty fees among the Joint Sports Claimants, the National Collegiate Athletic Association, the Public Broadcasting Service, National Public Radio, and among the commercial television stations represented by the National Association of Broadcasters.

There are pending before the Tribunal a number of claims filed by copyright owners who are not associated with a joint claim or joint representation before the Tribunal. These claimants shall submit not later than August 15 any entitlement justification which they

wish to have considered by the Tribunal in the determination of their share of the royalty fees.

All communications shall be addressed to Mary Lou Burg, Chairman, Copyright Royalty Tribunal, 1111 20th St., N.W., Room 450, Washington, D.C. 20036.

Mary Lou Burg,

Chairman, Copyright Royalty Tribunal.

[FR Doc. 80-22876 Filed 7-29-80; 8:45 am]

BILLING CODE 1410-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on the M-X Environmental Impact Statement; Meeting Cancellation

The meeting of the Defense Science Board Task Force on the M-X Environmental Impact Statement scheduled for 30-31 July 1980 in the Pentagon, Arlington, Virginia, as published in the Federal Register (Vol. 45, No. 136, dated Monday, July 14, 1980, FR Doc. 80-20971) has been cancelled.

Dated: July 28, 1980.

M. S. Healy,

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

[FR Doc. 80-23041 Filed 7-29-80; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF EDUCATION

Bilingual Education and Minority Languages Affairs; Solicitation for Field Readers to Evaluate Grant Applications

AGENCY: Department of Education

ACTION: Notice for individuals interested in reviewing applications submitted under programs administered by the Office of Bilingual Education and Minority Languages Affairs.

SUMMARY: The Director of the Office of Bilingual Education and Minority Languages Affairs (OBEMLA), Department of Education (ED), invites interested individuals to apply to serve as field readers for programs administered by OBEMLA. These programs include the Bilingual Education Act programs (covered by regulations in 45 CFR Parts 123 and 123a-123i), the Bilingual Vocational Education programs (45 CFR Part 105, Subpart 5) and the Indochina Refugee Children Assistance Program (45 CFR Part 122a).

Each year the Secretary selects field readers who have expertise in bilingual education and related fields to evaluate grant applications against criteria

published in program regulations. The initial selection of qualified individuals is made from a computerized roster containing names, personal information, and qualifications of prospective field readers. Final selection of field readers follows review of the field reader application forms and résumés maintained on file by OBEMLA. The existence, characteristics, and use of this system of records were announced in a notice (09-40-0079) published on October 9, 1979 in the *Federal Register* (44 FR 58218). Applications to serve as field readers for the fiscal year 1981 funding cycle should be mailed to OBEMLA as soon as possible, but no later than October 31, 1980. You may obtain an application by calling or writing OBEMLA.

FOR FURTHER INFORMATION CONTACT: The Office of Bilingual Education and Minority Languages Affairs (OBEMLA), U.S. Department of Education, 400 Maryland Avenue, S.W., (Room 421, Reporters Building), Washington, D.C. 20202. Telephone: (202) 245-2600.

(Catalog of Federal Domestic Assistance Program No. 13.403, Bilingual Education; 13.545, Indochina Refugee Children Assistance; No. 13.558, Bilingual Vocational Training; 13.586 Bilingual Vocational Instructor Training; 13.587, Bilingual Vocational Instructional Materials, Methods, and Techniques. Part I of OMB Circular A-95 does not apply)

Dated: July 25, 1980.

Shirley M. Hufstедler,
Secretary of Education.

[FR Doc. 80-22819 Filed 7-29-80; 8:45 am]
BILLING CODE 4000-01-M

Mina Shaughnessy Scholars Program

AGENCY: Department of Education.

ACTION: Application notice for receipt of applications for new awards for fiscal year 1981.

Applications are invited for new awards under the Mina Shaughnessy Scholars Program of the Department of Education, Fund for the Improvement of Postsecondary Education.

Authority for this program is contained in section 404 of the General Education Provisions Act (20 U.S.C. 1221d), as amended. This program issues awards to institutions of postsecondary education and other public and private educational institutions and agencies. The purpose of the awards is to improve postsecondary education.

Closing date for transmittal of applications: Applications for awards must be mailed (postmarked) or hand-delivered by October 17, 1980.

Applications delivered by Mail: An application sent by mail must be addressed to the Mina Shaughnessy Scholars Program, Attention: 13.925H, Department of Education, Fund for the Improvement of Postsecondary Education, 400 Maryland Avenue, S.W., Room 3123, Washington, D.C. 20202.

To establish proof of mailing, an applicant must show one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

If an application is sent through the U.S. Postal Service, the Secretary does not accept a private metered postmark, or a mail receipt that is not dated by the U.S. Postal Service as proof of mailing. An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand-delivered must be taken to the Mina Shaughnessy Scholars Program, Attention: 13.925H, Department of Education, Fund for the Improvement of Postsecondary Education, 400 Maryland Avenue, S.W., Room 3123, Washington, D.C. 20202.

The Secretary will accept hand-delivered applications between 8:00 a.m., and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays. Applications that are hand-delivered will not be accepted after 4:30 p.m. on October 17, 1980.

Program information: This competition solicits proposals from institutions acting on behalf of individuals who will produce materials that will further one or more of the objectives of the Fund for the Improvement of Postsecondary Education. The objectives of the Fund are set out at 45 CFR 1501.8. Applications will be evaluated in accordance with the criteria set out at 45 CFR 1501.7.

Available funds: Approximately \$250,000 is estimated to be available for new awards in Fiscal Year 1981. It is estimated that these funds could support approximately 20 new awards. The estimated maximum amount for new awards will be \$18,000 for a 15-month project period.

The estimates set forth in the preceding paragraph do not bind the Secretary except as may be required by applicable statute and regulations.

Application forms: Application forms and program information packages may be obtained from the Department of Education, Fund for the Improvement of Postsecondary Education, Attention: 13.925H, 400 Maryland Avenue, S.W., Room 3123, Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages.

Applicable regulations: The regulations governing awards made by the Fund for the Improvement of Postsecondary Education are set forth in 45 CFR Part 1501. Awards are also subject to the Education Division General Administrative Regulations (EDGAR), 45 CFR Parts 100a and 100c, except that CFR 100a.201(a) [How to Use Un-Weighted Selection Criteria] and 45 CFR 100a.217(a)(2) [Requiring three or more persons to review applications] do not apply.

Further information: For further information, contact the Department of Education, Fund for the Improvement of Postsecondary Education, Attention: 13.925H, 400 Maryland Avenue, S.W., Room 3123, Washington, D.C. 20202. Telephone: 202/245-8091. (20 U.S.C. 1221d)

Dated: July 25, 1980.

(Catalog of Federal Domestic Assistance No. 84.116, Fund for the Improvement of Postsecondary Education. Part I of OMB Circular A-95 does not apply)

Shirley M. Hufstедler,
Secretary of Education.

[FR Doc. 80-22820 Filed 7-29-80; 8:45 am]
BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Interagency Coal Export Task Force; Formation and Requests for Issues for Consideration

AGENCY: Department of Energy.

ACTION: Formation of Interagency Coal Export Task Force and requests for issues for consideration.

SUMMARY: The Deputy Secretary of Energy has been requested by the President of the United States to form an Interagency Coal Export Task Force to explore the possibility of increasing United States coal exports. In connection with the undertaking, the Deputy Secretary is requesting outside groups to provide their views on the issues which underlie this study.

FOR FURTHER INFORMATION CONTACT: Arthur K. Ingeberman, Department of Energy, Room GA-353, Washington, D.C. 20585, (202) 252-9684.

SUPPLEMENTARY INFORMATION: The purpose of the Task Force is to report to the President of the United States on the potential to increase United States coal exports in a manner consistent with other national policies, including our commitment to environmental protection goals. As the basis for its report, the Task Force will prepare:

A compilation of present and forecasted United States coal export levels under current policies and programs and an assessment of alternative proposals to increase such levels, including the costs and benefits of each;

An analysis of the environmental, social and economic costs and benefits of achieving different levels of coal exports; and

An assessment of the roles to be played by government and the private sector and what government actions, if any, are needed.

The Task Force will examine these issues for the time-frame 1980 to 2000. It will submit its report in December 1980.

The Task Force is chaired by the Deputy Secretary of Energy, assisted by the Executive Assistant to the Secretary and the Deputy Secretary and by the Assistant Secretary for Fossil Energy. It is composed of the following or their representatives: Secretary of State; Secretary of the Interior; Secretary of Commerce; Secretary of Labor; Secretary of Transportation; Assistant to the President for National Security Affairs; Secretary of the Army (Corps of Engineers); Director, Office of Management and Budget; Chairman, Council of Economic Advisors; Chairman of the Council on Environmental Quality; Administrator of the Environmental Protection Agency; President and Chairman of the Export-Import Bank; and United States Trade Representative.

The staff of the Task Force is composed of six working "subgroups" organized on a subject matter basis, as follows:

1. supply and demand.
2. inland transportation.
3. ports and ocean transportation.
4. marketing and business issues.
5. international cooperation.
6. environmental issues and impacts.

The Operations of the staff are coordinated by an Executive Secretariat, composed of chairpersons from these

subgroups and special staff assigned to the project by the Department of Energy.

The Deputy Secretary in a letter dated July 15, 1980, requested the views of a variety of industry and consumer groups. The letter invited written submissions helpful in surfacing issues and problems, suggesting what the Federal Government should or should not do to foster increased exports, identifying matters which should be analyzed, assessing the relative importance of various problems and proposed solutions, and making concrete proposals for action.

Any public submissions with respect to this area or requests for a copy of the referenced letter should be directed to the information source indicated in the foregoing part of this Notice.

Issued in Washington, D.C., July 24, 1980.

Bernhardt Wruble,

Executive Assistant to the Secretary and Deputy Secretary.

[FR Doc. 80-22841 Filed 7-29-80; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Karchmer Pipe & Supply 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.

DATE: July 9, 1980. Comments by: August 29, 1980.

ADDRESS: Send to Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT:

Alan L. Wehmeyer, Chief, Crude Products Management Branch, 324 East 11th Street, Kansas City, Missouri 64106. Phone (816)/374-5932.

SUPPLEMENTARY INFORMATION: On July 9, 1980, the Office of Enforcement of the

ERA executed a Consent Order with Karchmer Pipe & Supply Company, Inc. ("Karchmer") of Centralia, Illinois. Under 10 CFR 205.199(b), a Consent Order which involves a sum of less than \$500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Karchmer, with its home office located in Centralia, Illinois, is a firm engaged in the production and sale of crude oil, and is subject to the Mandatory Petroleum and Allocation Regulations at 10 CFR, Parts 210, 211, and 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 Karchmer the Office of Enforcement, ERA, and Karchmer entered into a Consent Order, the significant terms of which are as follows:

1. This Consent Order covers the production and sales of crude oil by Karchmer during the period September 1, 1973 through August 31, 1976.

2. The reason for the overcharges was Karchmer sold crude oil at prices in excess of the applicable ceiling price, as defined at 6 CFR 150.354 and at 10 CFR 210.73.

3. It is understood that Karchmer does not, by entering into the Consent Order, admit that it has violated any regulations of the DOE.

4. The provisions of 10 CFR 205.199, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Karchmer 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 \$107,000.00, which includes interest as specified in Terms and Conditions, paragraph 1, of the Consent Order. The refund shall be made within 30 days after the Consent Order becomes effective. Such refund will be made 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 205.199(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 your comments or written notification of a claim to Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64108. You may obtain a free copy of this Consent Order by writing to the same address or by calling (816) 374-5932.

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 Karchmer Pipe & Supply Company, Inc. Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on

August 29, 1980. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures at 10 CFR 205.9(f).

Issued in Kansas City, Mo. on the 21st day of July, 1980.

William D. Miller,

Manager, Central Enforcement District,
Economic Regulatory Administration.

David H. Jackson,

Chief Enforcement Counsel, Central
Enforcement District.

[FR Doc. 80-22895 Filed 7-29-80; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 80-CERT-024]

Orange and Rockland Utilities, Inc.; Recertification of Eligible Use of Natural Gas to Displace Fuel Oil

Orange and Rockland Utilities, Inc. (Orange and Rockland), One Blue Hill Plaza, Pearl River, New York 10965, filed an application on June 23, 1980 for recertification of an eligible use of natural gas to displace fuel oil at its facilities at the Lovett Plant generating station, Tomkins Cove, and/or the Bowline Point generating station, West Haverstraw, both located in Rockland County, New York, with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595. Notice of that application was published in the *Federal Register* (45 FR 46160, July 9, 1980) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

On July 25, 1979, Orange and Rockland received the original certification (ERA Docket No. 79-CERT-054) of an eligible use of natural gas purchased from East Tennessee Natural Gas Company for use at these facilities for a period of one year.

The Administrator has carefully reviewed Orange and Rockland's application for recertification in accordance with 10 CFR Part 595. The Administrator has determined that Orange and Rockland's application satisfies the criteria enumerated in 10 CFR Part 595, therefore, has granted the recertification and transmitted that recertification to the Federal Energy Regulatory Commission. A copy of the transmittal letter and the actual recertification are appended to this notice.

Issued in Washington, D.C., July 24, 1980.

Douglas G. Robinson,

Deputy Administrator for Policy, Economic
Regulatory Administration.

Recertification by the Economic Regulatory Administration to the Federal Energy Regulatory Commission of the Use of Natural Gas for Fuel Oil Displacement by the Orange and Rockland Utilities, Inc.

[ERA Docket No. 80-CERT-024]

Application for Recertification

Pursuant to 10 CFR Part 595, Orange and Rockland Utilities, Inc. (Orange and Rockland), filed an application for recertification of an eligible use of approximately 50,000 Mcf of natural gas per day at its Lovett Plant and/or Bowline Point generating facilities in Rockland County, New York, with the Administrator of the Economic Regulatory Administration (ERA) on June 23, 1980. The application states that the eligible seller of the gas is the East Tennessee Natural Gas Company (East Tennessee) and that the gas will be transported by the Tennessee Gas Pipeline Company. The application indicates that approximately 1.96 million Mcf of natural gas will be used to displace approximately 316,700 barrels of No. 6 fuel oil (0.37-0.6 percent sulfur). The application also states that neither the gas nor the displaced fuel oil will be used to displace coal in the applicant's facilities.

Recertification

Based upon a review of the information contained in the application, as well as other information available to ERA, the ERA hereby recertifies, pursuant to 10 CFR Part 595, that the use of approximately 50,000 Mcf of natural gas per day at Orange and Rockland's Lovett Plant and/or Bowline Point generating facilities purchased from East Tennessee is an eligible use of gas within the meaning of 10 CFR Part 595.

Effective Date

This recertification is effective July 25, 1980, and expires one year from that date, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. It is effective during this period of time for the use of amounts not to exceed the certified volume of natural gas when used at the listed facilities to displace fuel oil and when the gas is purchased from the eligible seller named in this certificate.

Issued in Washington, D.C., on July 24, 1980.

Douglas G. Robinson,

Deputy Administrator for Policy, Economic
Regulatory Administration.

Re ERA Recertification of Eligible Use, ERA Docket No. 80-CERT-024 (Recertification of ERA Docket No. 79-CERT-054), Orange and Rockland Utilities, Inc.

Mr. Kenneth F. Plumb,

Secretary, Federal Energy Regulatory
Commission, 825 North Capitol Street,
N.E., Washington, D.C.

Dear Mr. Plumb: Pursuant to the provisions of 10 CFR Part 595, I am hereby transmitting to the Commission the enclosed recertification of an eligible use of natural

gas to displace fuel oil. This recertification is required by the Commission as a precondition to interstate transportation of fuel oil displacement gas in accordance with the authorizing procedures in 18 CFR Part 284, Subpart F. This gas is presently being transported pursuant to ERA's certification of eligible use in Docket No. 79-CERT-054 which expires on July 24, 1980.

As noted in the recertification, it is effective for one year from July 25, 1980, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. A copy of the enclosed recertification is also being published in the *Federal Register* and provided to the applicant.

Should the Commission have any questions, please contact Mr. Albert F. Bass, Deputy Director, Natural Gas Division, Economic Regulatory Administration, 2000 M Street, N.W., Room 7108, Washington, D.C. 20461, telephone (202) 653-3286. All correspondence and inquiries regarding this recertification should reference ERA Docket No. 80-CERT-024.

Sincerely,

Douglas G. Robinson,

Deputy Administrator for Policy, Economic Regulatory Administration.

FR Doc. 80-22896 Filed 7-29-80; 8:45 am

BILLING CODE 6450-01-M

[ERA Case Nos. 54015-2390-04—54015-2390-05]

General Public Utilities Corp.—Jersey Central Power & Light Co.; Issuance of Proposed Prohibition Orders Pursuant to the Powerplant and Industrial Fuel Use Act of 1978

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice pursuant to Section 701(b) of the powerplant and Industrial Fuel Use Act of 1978 (FUA), 42 U.S.C. 8301 *et seq.*, of the issuance of the following proposed prohibition orders which would prohibit the powerplants named below from burning natural gas or petroleum as their primary energy source.

Proposed Prohibition Orders

Pursuant to the authority granted by Section 301(b) of FUA, ERA issues these proposed prohibition orders to the following powerplants (Sayreville 4 and 5) owned by Jersey Central Power and Light Company (JCP&L).

ERA case No.	Generating station	Powerplant No.	MW	Location
54015-2390-04-82	Sayreville	4	138	Sayreville, N.J.
54015-2390-05-82	Sayreville	5	125	Sayreville, N.J.

Statement of Basis and Rationale for Proposed Prohibition Orders

ERA has issued regulations applicable to existing facilities 10 CFR Part 504 (Regulations), to implement the prohibitions contained in Section 301(b) of Title III of FUA. Section 504.5 of the Regulations sets forth the basis upon which ERA will propose to prohibit by order the use of natural gas or petroleum as a primary energy source by a powerplant where ERA finds that the powerplant has or previously had the technical capability to use an alternate fuel as a primary energy source.

Jersey Central reported to the Federal Energy Regulatory Commission (FPC Form 67), for the year ending December 31, 1979, that Sayreville 4 and 5 burned the equivalent of 2,228,767 barrels of oil annually. Assuming an average capacity factor of 60%, the estimated potential oil displacement in converting Sayreville 4 and 5 to an alternate fuel (coal) is the equivalent of 6,106 barrels of oil per day.

Finding of Technical Capability

In accordance with Section 301(b) of Title III of FUA, these proposed orders are based on a finding by ERA that Sayreville 4 and 5 have or previously

had the technical capability to use an alternate fuel (coal) as a primary energy source. This finding is based upon: (1) Federal Power Commission (FPC) Form 67 (filed by JCP&L in 1975), and FPC Form 36 (filed by JCP&L in 1973) which indicate that Boilers 7 and 8 (Units 4 and 5 at the Sayreville Station) have the technical capability to use an alternate fuel (coal) as a primary energy source; (2) a letter signed by Ivan R. Finfrock, Vice President of Generation at JCP&L, confirming that units 4 and 5 are alternate fuel capable; and (3) a site visit made by the staff of ERA on June 18, 1980, where it was observed that the powerplant was equipped with coal transfer facilities, coal crushers, bottom and fly ash handling facilities, and other equipment required solely for the use of coal as a fuel. Based on this documentation and the site visit, ERA concludes that Sayreville units 4 and 5 have the technical capability to use an alternate fuel (coal) as a primary energy source.

The technical capability finding is made in accordance with the requirements of Section 504.5(d) of the Regulations, taking into consideration the ability of the powerplants, from the

point of fuel intake, to physically sustain combustion of coal and maintain heat transfer. This finding also recognizes, in accordance with Section 504.5(d), that Sayreville 4 and 5 are capable of burning coal, notwithstanding the fact that minor adjustments must be made to the units before using an alternate fuel (coal) as their primary energy source or that additional pollution control equipment may be necessary to meet air quality requirements.

Other Required Findings

Section 301(b) of FUA requires that prior to the issuance of a final prohibition order ERA must also find that (1) the powerplant has the technical capability to use coal or another alternate fuel as a primary energy source, or it could have such capability without (A) substantial physical modification of the powerplant or (B) substantial reduction, in the rated capacity of the powerplant; and (2) it is financially feasible to use coal or another alternate fuel as a primary energy source in such powerplant.

Proposed Prohibition Orders Under Title III of FUA

Subject to the other required findings that ERA must make, ERA hereby proposes to prohibit Sayreville 4 and 5 from burning petroleum or natural gas as their primary energy source.

Description of Prohibition Order Proceedings

Pursuant to Section 301 of FUA, ERA has promulgated Regulations applicable to the issuance of prohibition orders to existing facilities, a summary of which follows:

(1) ERA must initially gather information with respect to the question of technical capability of a powerplant to burn an alternate fuel as its primary energy source. ERA may convene a conference with a utility in accordance with Section 501.32 of the Regulations. If the powerplant has or previously had such capability the utility will be informed that ERA is considering issuance of a proposed prohibition order. In this case, ERA has made the required initial finding for the powerplants and informed JCP&L accordingly.

(2) If a decision is made to issue a proposed prohibition order, ERA must publish its technical capability finding and proposed prohibition order in the *Federal Register* as required by Section 701(b) of FUA. ERA, having made that decision in this case, herein publishes

the required technical capability finding and proposed prohibition orders. In accordance with Section 301(b) of FUA, a proposed prohibition order is not required to contain, at this point in the proceeding, the other required findings that ERA must make before a final prohibition order can be issued.

(3) In accordance with Section 501.51(b)(3) of the Regulations, a public comment period of at least three months is to commence after publication of a proposed prohibition order, during which period the utility will be given an opportunity to challenge ERA's initial finding of technical capability contained in a proposed prohibition order. During this three month comment period, the utility is required to furnish ERA with such additional evidence as is necessary to enable ERA to make the other statutory findings which are required to be made by ERA prior to issuance of a final prohibition order. The utility will also be required, during this period, to identify, but not to demonstrate its entitlement to, any exemptions for which the powerplant may qualify.

(4) Subsequent to the end of the initial three month comment period, ERA will issue a notice of whether it intends to proceed with the proposed prohibition order. Within three months of the issuance of the notice of intention to proceed with the proposed prohibition order, the owner or operator of the powerplant that may be subject to the proposed prohibition order may demonstrate that the powerplant would qualify for an exemption if the proposed prohibition order had been established by rule.

(5) Subsequent to the end of the second three month period, ERA will, if it intends to issue the final prohibition order, prepare and publish a Notice of Availability of a Tentative Staff Decision.

(6) Under the provisions of Section 701(d) of FUA, any interested person may request a public hearing on the proposed prohibition order. Under the Regulations, interested persons wishing a hearing must make their request in writing no later than 45 days after publication of the Notice of Availability of the Tentative Staff Decision. If a hearing is requested, ERA shall provide interested persons with an opportunity to present oral data, views and arguments at a public hearing held in accordance with Subpart C of 10 CFR Part 501.

(7) At the hearing, if any, interested persons will have the opportunity to question the parties about ERA's proposed prohibition order and Tentative Staff Decision, the utility's showing on any exemptions and rebuttal

of ERA's proposed prohibition order, and ERA's rebuttal to any showing or potential qualification for exemption.

(8) After the hearing, if any, or the close of the comment period on the Tentative Staff Decision, ERA shall determine whether the final prohibition order will be issued, based upon ERA's review of the entire administrative record. The final prohibition order, if issued, together with a summary of the basis therefor, will be published in the *Federal Register*. Such order shall not take effect earlier than sixty days after publication.

Comment and Public Hearing Procedures

ERA hereby also gives notice of the opportunity to submit written comments, views, and arguments by interested persons regarding these proposed prohibition orders. Comments need not be limited to ERA's technical capability finding, but may include a discussion of all three statutory findings.

The initial comment period shall remain open for a period of three months after publication of these proposed orders in the *Federal Register*, unless reduced at the request of the recipient of the proposed prohibition orders pursuant to 10 CFR Part 501.51 (b)(8). Notice of any such change during the time for public comment will be published in the *Federal Register*. Comments should make reference to the case numbers set forth in this notice and proposed prohibition orders. Comments should address the adequacy and validity of the finding and any other aspects or impacts of the proposed prohibition orders believed to be relevant.

Written comments on the proposed prohibition orders should be directed to Public Hearing Management (Case Nos. 54015-2390-04-41 and 54015-2390-05-41), U.S. Department of Energy, Room 3214, 2000 M Street, NW., Washington, D.C. 20461, and should be received before 4:30 p.m., ninety days after the date of publication of this notice in the *Federal Register*.

In accordance with 10 CFR 501.34, any interested person may request a public hearing on the proposed prohibition orders. The request must include a description of the person's interest in the proposed prohibition orders, an outline of the anticipated content of the presentation to be made at the public hearing, and an address and telephone number where the person requesting the public hearing may be reached.

Comments and other documents submitted to DOE Public Hearing Management should be identified on the outside of the envelope in which they

are transmitted and on the document itself with the designation "Proposed Prohibition Orders for the Sayreville Powerplants 4 and 5." Fifteen copies should be submitted. All written comments, all oral presentations, and all other relevant information submitted to or available to ERA will be considered by ERA. Any information or data considered to be confidential by the person furnishing it must be so identified in writing in accordance with 10 CFR 501.7(f). ERA reserves the right to determine the confidential status of the information or data and to treat it in accordance with that determination.

For further information contact: William L. Webb (Office of Public Information), Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room B-110, Washington, D.C. 20461, (202) 653-4055.

Robert L. Davies (Office of Fuels Conversion), Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room 3002, Washington, D.C. 20461, (202) 653-3649.

Marx Elmer (Office of General Counsel), Department of Energy, 1000 Independence Avenue, S.W., Room 6G-087, Washington, D.C. 20585, (202) 252-2967.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*; E.O. 12009 (42 FR 46267))

Issued in Washington, D.C., July 24, 1980.

Robert L. Davies,

Assistant Administrator Office of Fuels Conversion Economic Regulatory Administration.

[FR Doc. 80-22846 Filed 7-29-80; 8:45 am]

BILLING CODE 6450-01-M

Survey of Federal Facilities Powerplants and Major Fuel Burning Installations

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Federal facilities survey.

SUMMARY: Pursuant to the provisions of Executive Order 12217, all Federal Agencies which own or operate powerplants or major fuel burning installations with a fuel heat input rate of 50 million Btu per hour or greater are required to submit to the Department of Energy the Federal Facilities Power Plant & MFBI Survey Form (DOE Form 5020.1) which is published with this notice. Completed forms are to be submitted by August 29, 1980 to Mr. Walter A. Romanek, Chief, Federal Facilities Branch, Office of Fuels Conversion, ERA, DOE, 2000 M Street N.W., Room 3214, Washington, D.C.

20461. Copies of the survey form are available at this same address.

APPROVAL: In accordance with the Federal Property Management Regulations (FPMR) 101-11.11, DOE Form 5020.1 has been exempted from the Interagency Reports Management Program by the General Services Administration, National Archives and Records Service.

SUPPLEMENTARY INFORMATION:

Executive Order 12217 affirms the leadership role Federal agencies have in conjunction with the Powerplant and Industrial Fuel Use Act of 1978 (92 Stat. 3317; Pub. L. 95-620) to reduce petroleum and natural gas consumption through the expanded use of coal and other alternate fuels. The purpose of the order and the survey is to insure and expedite Federal compliance with the Act's provisions.

Once an agency has identified facilities subject to the Act's jurisdiction, it should proceed to develop long and short range fuel substitution plans, as required by Executive Order 12217. In addition, annual agency plans as required by Executive Order 12217, should indicate which facilities each agency has prioritized for fuel substitution. Pursuant to Executive Order 12217, ERA is preparing guidelines to assist Federal agencies in the preparation of their annual fuel substitution plans. The guidelines will be made available shortly.

Issued in Washington, D.C., July 24, 1980.

Robert L. Davies,

*Assistant Administrator, Office of Fuels
Conversion, Economic Regulatory
Administration.*

BILLING CODE 6450-01-M

DOE F 5020.1
(5-80)

GSA APPROVAL
NO. 0248-DOE-OT

**U.S. DEPARTMENT OF ENERGY
ECONOMIC REGULATORY ADMINISTRATION
OFFICE OF FUELS CONVERSION**

**FEDERAL FACILITIES POWER
PLANT & MFBI SURVEY**

**BY AUTHORITY OF THE POWER PLANT & INDUSTRIAL
FUEL USE ACT OF 1978**

INSTRUCTIONS

1. **PURPOSE** — This form is a requirement for data from federal agencies to aid ERA in implementing the Power Plant and Industrial Fuel Use Act of 1978 (FUA). This survey is designed to obtain data required to assess the feasibility and impact of issuing prohibition orders to selected federal agencies and facilities prohibiting them from burning oil or natural gas as the primary fuel source in power plants and major fuel burning installations (MFBIs).
2. **WHO SHOULD SUBMIT** — DOE F. 5020.1 is required to be submitted by all federal agencies who own or operate power plants or MFBIs with a fuel heat input rate of 50 million Btu per hour or greater. This form must be completed and filed by a responsible individual at either the facility or, if applicable, the parent federal agency.
3. **TO WHOM** — File two copies with:
Department of Energy
Economic Regulatory Administration
Office of Fuels Conversion
Federal Facilities Branch
Attention: Walter A. Romanek
2000 M Street, N.W.
Washington, DC 20461
4. **WHEN** — This Form must be received by DOE within 30 days.
5. **GENERAL INSTRUCTIONS** — Each facility must submit Section I, General Facility Information. Section II, Unit Data, must be submitted for each individual power plant or MFB with a heat input rate equal or greater than 50 million Btu per hour.
6. **DEFINITIONS**
 - A. **Primary Fuel**. The fuel used for operation except for small amounts needed for start-up, testing, flame stabilization, and control uses.
 - B. **Secondary Fuel**. A fuel supply used for operation when the primary fuel is not available.
 - C. **Facility**. Any location at which an agency of the United States Government conducts business.
 - D. **Agency**. An administrative division or department of the Federal Government.
 - E. **Year of Record**. A calendar year for which 12 months of complete operating data is available. The 12 month period may include time for maintenance overhauls, seasonal shutdowns, etc.

SPECIFIC INSTRUCTIONS**SECTION I: General Facility Information**

- Item No. 1-6 Limit responses to the number of blocks provided. Use standard abbreviations where appropriate.

SECTION II: Unit Data

- Item No. 1. Assign each power plant, MFB or other unit an identification number if it does not already have one. Numbers shall be consecutively assigned with the oldest unit listed as No. 1.
4. Enter manufacturer's model number, if available. If model number is not available, describe equipment design in a few words, i.e., shop assembled water tube boiler, or 12 cylinder diesel engine.
5. Enter the maximum continuous combustor heat input rating for the equipment (nameplate rating if applicable).
- 6 & 7. The following applies to both primary and secondary fuels.
- A. Enter primary/secondary fuels used during 1978 and 1979.
- B. Enter total fuel consumption for 1978 and 1979 for primary and secondary fuel(s). Fuel consumption shall be entered in units of tons of coal (2,000 lb/ton), barrels of oil (42 gal/bbl), and thousand cubic feet for natural gas.
- C. Enter total fuel cost for 1978 and 1979 for primary and secondary fuel(s) to nearest thousand dollars.

8. Annual Hours of Operation — Enter total actual annual hours of operation for 1978 and 1979.
- 9-13 Applicable to boilers only.
16. Indicate year (last two digits) when the equipment was constructed.
17. Enter first year of operation of unit.
18. Estimated Years of Remaining Useful Life — Indicate remaining years of useful life before rebuilding or retirement must be addressed.
19. If a retirement date has been scheduled for the unit or for the facility, indicate date and whether the unit or the facility is being retired. If necessary, explain on a separate sheet.
20. Indicate pollution control equipment presently installed on this unit.
21. List only those units for which funds have been approved in the current budget or under contract/construction.
22. Applicable only to power plants with steam turbine generators.

U.S. DEPARTMENT OF ENERGY
ECONOMIC REGULATORY ADMINISTRATION
OFFICE OF FUELS CONVERSION
FEDERAL FACILITIES POWER PLANT & MFB I SURVEY

BY AUTHORITY OF THE POWER PLANT & INDUSTRIAL FUEL USE ACT OF 1978

OFFICIAL USE ONLY

SECTION I - GENERAL FACILITY INFORMATION

1. FACILITY NAME AND LOCATION:

A. NAME

B. ADDRESS

CITY

STATE

ZIP

C. ADDRESS

CITY

STATE

ZIP

D. TELEPHONE

(Include Area Code)

2. PRINCIPAL OFFICER AT THE PARENT AGENCY RESPONSIBLE FOR THIS FACILITY:

A. NAME

B. TITLE
(I.E., SECRETARY OF
DEFENSE)

C. ADDRESS

CITY

STATE

ZIP

3. NAME OF PRINCIPAL
GOVERNMENT OFFICIAL
AT FACILITY

A. TITLE
(I.E., BASE COMMANDER)

4. AUTHORIZED PERSON TO CONTACT IN FUTURE CORRESPONDENCE:

A. NAME

B. TITLE

5. TRANSPORTATION FACILITIES AVAILABLE FOR FUEL DELIVERY

1 = RAIL 2 = TRUCK 3 = BARGE 4 = PIPELINE

6. TOTAL NUMBER OF POWER PLANTS & MFB I's REPORTED ON THIS FORM

7. CERTIFICATION:

CERTIFYING OFFICER I CERTIFY TO THE BEST OF MY KNOWLEDGE THAT THE INFORMATION IN THIS REPORT IS CORRECT.

NAME _____ SIGNATURE _____

DATE _____ TITLE _____

TITLE 18 USC 1001, MAKES IT A CRIME FOR ANY PERSON KNOWINGLY AND WILLINGLY TO MAKE TO ANY AGENCY OR DEPARTMENT OF THE UNITED STATES ANY FALSE, FICTITIOUS OR FRAUDULENT STATEMENTS AS TO ANY MATTER WITHIN ITS JURISDICTION.

U.S. DEPARTMENT OF ENERGY
ECONOMIC REGULATORY ADMINISTRATION
OFFICE OF FUELS CONVERSION
FEDERAL FACILITIES POWER PLANT & MFB SURVEY

BY AUTHORITY OF THE POWER PLANT & INDUSTRIAL FUEL USE ACT OF 1978

OFFICIAL USE ONLY

SECTION II - UNIT DATA		FILL IN THIS SECTION FOR EACH UNIT	
FACILITY NAME _____			
1. UNIT NUMBER	<div style="border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></div>		
A. OTHER IDENTIFICATION USED BY FACILITY	<div style="border: 1px solid black; width: 100%; height: 20px;"></div>		
2. TYPE OF UNIT			
1. BOILER	<div style="border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></div>		
2. GAS TURBINE	<div style="border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></div>		
3. INTERNAL COMBUSTION ENGINE	<div style="border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></div>		
4. OTHER _____	<div style="border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></div>		
3. EQUIPMENT MANUFACTURER	<div style="border: 1px solid black; width: 100%; height: 20px;"></div>		
4. MODEL NUMBER OR DESCRIPTION	<div style="border: 1px solid black; width: 100%; height: 20px;"></div>		
5. DESIGN HEAT INPUT RATE (MM/BTU/HR)	<div style="border: 1px solid black; width: 100%; height: 20px;"></div>		
6. PRIMARY FUEL			
A. 1 - COAL	<div style="border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></div>		
2 - RESIDUAL	<div style="border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></div>		
3 - DISTILLATE	<div style="border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></div>		
4 - NATURAL GAS	<div style="border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></div>		
5 - OTHER _____	<div style="border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></div>		
B. FUEL CONSUMPTION (TONS OF COAL, BARRELS OF OIL, THOUSAND CUBIC FEET OF NATURAL GAS)	<div style="border: 1px solid black; width: 100%; height: 20px;"></div>		
C. FUEL COST (\$000's)	<div style="border: 1px solid black; width: 100%; height: 20px;"></div>		
7. SECONDARY FUEL(S)			
A. 0 - NO SECONDARY FUEL	<div style="border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></div>		
1 - COAL	<div style="border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></div>		
2 - RESIDUAL	<div style="border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></div>		
3 - DISTILLATE	<div style="border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></div>		
4 - NATURAL GAS	<div style="border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></div>		
5 - OTHER _____	<div style="border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></div>		
B. FUEL CONSUMPTION (TONS OF COAL, BARRELS OF OIL, THOUSAND CUBIC FEET OF NATURAL GAS)	<div style="border: 1px solid black; width: 100%; height: 20px;"></div>		
C. FUEL COST (\$000's)	<div style="border: 1px solid black; width: 100%; height: 20px;"></div>		
8. ANNUAL HOURS OF OPERATION (ACTUAL)	<div style="border: 1px solid black; width: 100%; height: 20px;"></div>		
QUESTIONS 9-13 ARE APPLICABLE TO BOILER ONLY			
9. WAS UNIT DESIGNED TO BURN COAL?	<div style="border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></div>		
10. IF THE ANSWER TO QUESTION 9 IS YES, TYPE OF COAL?	<div style="border: 1px solid black; width: 100%; height: 20px;"></div>		
11. IF COAL IS THE PRIMARY FUEL, DO YOU INTEND TO CONTINUE ITS USE?	<div style="border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></div>		
12. IF THE UNIT WAS DESIGNED TO BURN COAL AND IS NOT NOW USING COAL AS A FUEL, IS ANY OF THE AUXILIARY EQUIPMENT REQUIRED FOR BURNING COAL STILL IN PLACE?	<div style="border: 1px solid black; width: 20px; height: 20px; display: inline-block;"></div>		

(OVER)

<p>13. IF THE ANSWER TO QUESTION 12 IS YES, IS ANY OR ALL OF THE EQUIPMENT STILL OPERATIONAL? <input type="checkbox"/></p> <p>1 = ALL EQUIPMENT OPERABLE 2 = MORE THAN 50% OF EQUIPMENT OPERABLE 3 = LESS THAN 50% OF EQUIPMENT OPERABLE 4 = NO EQUIPMENT OPERABLE</p>	<p>19. PLANNED RETIREMENT DATE <input type="text"/> <input type="text"/> <input type="text"/></p>
<p>14. HAS A TECHNICAL AND ECONOMIC EVALUATION BEEN MADE FOR CONVERTING THIS UNIT TO USE FUEL OTHER THAN NATURAL GAS OR OIL? YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>NOT APPLICABLE <input type="checkbox"/></p>	<p>20. CURRENTLY INSTALLED POLLUTION CONTROL EQUIPMENT FOR:</p> <p>A. PARTICULATES YES <input type="checkbox"/> NO <input type="checkbox"/> TYPE <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p>B. SO₂ YES <input type="checkbox"/> NO <input type="checkbox"/> TYPE <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p>C. OTHER EQUIPMENT (DESCRIBE) <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p>
<p>15. IF THE ANSWER TO QUESTION 14 IS YES, INDICATE THE ESTIMATED COST OF CONVERSION AND YEAR THAT THE ESTIMATE WAS PREPARED.</p> <p>A. ESTIMATED COST (\$000's) <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p>B. YEAR ESTIMATE PREPARED <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p>C. ESTIMATED TIME TO CONVERT (DAYS) <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p>	<p>21. PLANNED NEW UNITS (QUANTITY) <input type="text"/></p> <p>A. TYPE:</p> <p>1 = BOILER 3 = INTERNAL COMBUSTION ENGINE <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p>2 = GAS TURBINE 4 = OTHER <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p>(IDENTIFY) <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p>B. DESIGN HEAT INPUT FOR EACH UNIT (MM/BTU/HR) <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p>C. FUEL CAPABILITY</p> <p>0 = NO SECONDARY FUEL 3 = DISTILLATE <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p>1 = COAL 4 = NATURAL GAS <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p>2 = RESIDUAL 5 = OTHER <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p>(SPECIFY) <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p>D. PRIMARY FUEL <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p>E. SECONDARY FUEL(S) <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p>F. ESTIMATED FIRST YEAR OF OPERATION <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p>
<p>16. YEAR CONSTRUCTED <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p>	<p>22. FOR STEAM TURBINE GENERATING UNITS, DESCRIBE ANY MANIFOLD STEAM PIPING ARRANGEMENT CONNECTING MULTIPLE BOILERS AND/OR TURBINES. I.E., UNITS 01 AND 02 BOTH SUPPLY STEAM TO TURBINE NO. 1.</p> <p><input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p>
<p>17. FIRST YEAR OF OPERATION <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p>	<p>23. COMMENTS (REFERENCE ITEM NUMBER AND USE ADDITIONAL SHEET(S) IF NECESSARY.)</p> <p><input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p>
<p>18. ESTIMATED YEARS OF REMAINING USEFUL LIFE <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p>	<p>23. COMMENTS (REFERENCE ITEM NUMBER AND USE ADDITIONAL SHEET(S) IF NECESSARY.)</p> <p><input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p>

Office of Energy Research**Energy Research Advisory Board;
Open Meeting**

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Energy Research Advisory Board
Date and Time: August 18-22, 1980 (will continue on August 23, 1980, if necessary)
9:00 a.m.-3:00 p.m.

Place: Museum of Contemporary Art, 700 Prospect Street, La Jolla, California

Plenary sessions will be held on August 18 and 22, at the Museum of Contemporary Art, 700 Prospect Street, La Jolla, California. Research and Development Subpanels will be holding working sessions at various times and locations in La Jolla August 19-21. These groups consist of:

Conservation R&D Subpanel; Energy Research R&D Subpanel; Nuclear Energy R&D Subpanel; Resource Applications R&D Subpanel; Solar Energy R&D Subpanel

Times and locations of Subpanel working sessions will be posted in the lobby at 1200 Prospect Street, La Jolla, California. Additional information can be obtained by calling the Energy Research Advisory Board Office (202-252-8933)

Contact: Georgia Hildreth, Director, Advisory Committee Management, Department of Energy, Forrestal Building—Room 8G087, 1000 Independence Avenue SW., Washington, D.C. 20585, Telephone: 202-252-5187

Purpose of the Board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department

Tentative Agenda:

- New Business
- Review and consideration of Fusion Review Report
- Discussion and preparation of report on Technology Base component of DOE's R&D programs
- Public Comment (10 minute rule)

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Office at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Board is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Public Reading Room, Room 5B180, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C., between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Executive Summary: Available approximately 30 days following the meeting from the Advisory Committee Management Office.

Issued at Washington, D.C. on July 25, 1980.

Georgia Hildreth,

Director, Advisory Committee Management.

[FR Doc. 80-22840 Filed 7-29-80; 8:45 am]

BILLING CODE 6450-01-M

**Federal Energy Regulatory
Commission**

[Project No. 2426]

**California Department of Water
Resources; Application for Approval
of Exhibits R and S**

July 23, 1980.

Take notice that the California Department of Water Resources filed on May 21, 1980, an application for approval of Exhibit R (Recreation Use Plan) and, on May 12, 1980, an application for approval of Exhibit S (Fish and Wildlife Resources Management Plan) for its California Aqueduct Project, FERC No. 2426. The project is part of the California State Water Project and is located in Alameda, Contra Costa, Fresno, Kern, Kings, Los Angeles, Merced, Riverside, San Bernardino, San Joaquin, San Luis Obispo, and Stanislaus Counties, California. Correspondence with the California Department of Water Resources should be addressed to: Mr. Ronald B. Robie, Director, California Department of Water Resources, P.O. Box 368, Sacramento, California 95802.

The Recreation Use Plan, filed in accordance with Article 50 of the license, describes existing facilities and proposes to provide additional and upgraded recreational facilities consisting of overnight camping areas, a visitor's center, day-use areas, and access for fishing. The Fish and Wildlife Resources Management Plan filed in accordance with Article 51 of the license, proposes to provide for the establishment of a self-propagating warm water fishery, a put-and-take trout fishery, a year-round trout fishery, and an enhanced wildlife habitat, all at various locations within the project.

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 8, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-22825 Filed 7-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2757]

**Colorado River Water Conservation
District and Colorado-Ute Electric
Association, Inc.; Application for Major
License**

July 23, 1980.

Take notice that an application was filed on January 31, 1980, under the Federal Power Act, 16 U.S.C. Section 791(a)-825(r), by the Colorado River Water Conservation District and Colorado-Ute Electric Association, Inc. (Applicants), for a license for the Juniper-Cross Mountain Project. The project would be located in the vicinity of the Town of Maybell and 25 to 50 miles west of the City of Craig in Moffat County, Colorado on the Yampa River. The project would affect lands of the United States administered by the Bureau of Land Management. Correspondence with the Applicants on this matter should be addressed to: Roland C. Fisher, Secretary-Engineer, Colorado River Water Conservation District, P.O. Box 1120, Glenwood Springs, Colorado 81601, John J. Bugas, President, Colorado-Ute Electric Association, P.O. Box 1149, Montrose, Colorado 81401, and Robert L. McCarty, McCarty and Noone, 490 L'Enfant Plaza East, Suite 3306, Washington, D.C. 20024.

Project Description—The Juniper-Cross Project would consist of two developments comprising: a) *The Juniper Development*—consisting of: (1) a 220-foot high, 690-foot long, rockfill dam; (2) a reservoir with a surface area of 17,800 acres and a gross storage capacity of 1,083,000 acre-feet at a maximum water surface elevation of 6,125 feet (U.S.G.S. datum); (3) a 23-foot diameter, 980-foot long steel or concrete lined power tunnel; (4) a 53-foot high,

130-foot wide spillway gate section with three 35-foot high, 35-foot wide radial gates and a concrete lined chute; (5) a 1450-foot long, 24-foot high, 24-foot wide diversion tunnel; (6) a powerhouse containing four turbine-generator units with a total rated capacity of 98 MW; and (7) appurtenant facilities. b) *The Cross Mountain Development*—consisting of: (1) a 260-foot high, 400-foot long concrete-arch dam; (2) a reservoir with an area of 9,100 acres and a gross storage capacity of 208,000 acre-feet at a maximum water surface elevation of 5,888 feet (U.S.G.S. datum); (3) a 17-foot diameter, 600-foot long concrete or steel lined power tunnel; (4) a powerhouse containing four turbine-generator units with a total rated capacity of 50 MW; and (5) appurtenant facilities.

Power from the two plants would be transmitted to a substation in Craig, Colorado via a new 230-kV 43-mile-long overhead transmission line which would be located along the right-of-way of an existing 138-kV transmission line except for connections from each power plant. The transmission line is proposed to be licensed as part of the project.

The project, in an average year, would generate 348,900,000 kWh which would save the equivalent of 573,000 barrels of oil or 162,000 tons of coal annually.

Energy produced by the project would be utilized by Colorado-Ute Electric Association for distribution to its customers.

Applicant's proposed recreation plan at both reservoirs provides for the development of boat launching ramps, establishment of a sport fishery, campgrounds, picnic areas, hiking trails, and interpretive visitor areas.

The application was filed during the term of a preliminary permit for the Juniper-Cross Project, issued February 14, 1977.

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. Since this application was filed during the term of a preliminary permit, any party intending to file a competing application should review 18 CFR 4.33(h). A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (as amended 44 Fed. Reg. 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33(a) and (d), (as amended, 44 Fed. Reg. 61328, October 25, 1979.)

Comments, Protests or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 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 5, 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. 80-22826 Filed 7-29-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP80-430]

Columbia Gas Transmission Corp.; Application

July 24, 1980.

Take notice that on July 1, 1980, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP80-430 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing certain revised service agreements and the construction and operation of certain natural gas facilities and for permission and approval to abandon certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically Applicant requests authorization for the following:

1. The construction and operation of a 3,300 horsepower (ISO rating) addition at Greencastle Compressor Station in Franklin County, Pennsylvania (Project No. 1);

2. The construction and operation of a 2,320 horsepower (ISO rating) addition at Gettysburg Compressor Station in

Adams County, Pennsylvania (Project No. 2);

3. The construction and operation of approximately 1.0 mile of 8-inch transmission pipeline loop in Lancaster County, Pennsylvania (Project No. 3);

4. The abandonment of 2,710 horsepower (NEMA rating) and related facilities at Deposit Compressor Station in Delaware County, New York (Project No. 4);

5. The abandonment of 1,080 horsepower (NEMA rating) at Adaline Compressor Station in Marshall County, West Virginia (Project No. 5);

6. The abandonment of 1,080 horsepower (NEMA rating) at Smithfield Compressor Station in Wetzel County, West Virginia (Project No. 6);

7. A new point of delivery by Applicant to Pennsylvania Gas and Water Company in Luzerne County, Pennsylvania, through existing facilities of Transcontinental Gas Pipe Line Corporation (Project No. 7).

Applicant states that it originally estimated receipt of 38,600,000 Mcf of natural gas from an affiliate, Columbia LNG Corporation, at its Loudoun Compressor Station. Applicant notes that the Cove Point supply of gas from Algeria has been stopped and it is unknown how soon the supply can be restored. Should the gas supply be restored by November 1, 1980, Applicant states it wishes to increase the capacity of its 1804 System on order to meet the increased total daily entitlement (TDE) requests of certain Eastern Market Area customers. Applicant states it has determined that there are existing compressor units available within its system which are no longer required at their present locations and which could be utilized in conjunction with 1.0 mile of 8-inch pipeline loop to increase the capacity of the 1804 system. Applicant proposes to abandon completely its Deposit Compressor Station (Project No. 4), and to abandon compressor units at Adaline Compressor Station (Project No. 6) and to install these two units at its existing Gettysburg Compressor Station (Project No. 2).

Applicant estimates the cost of constructing the facilities proposed herein as Project Nos. 1 through 3 would be \$2,875,000 which would be financed from internally generated funds.

In the event Cove Point supply is not resumed by November 1, 1980, Applicant states that it may be necessary to replace these volumes from alternate supply sources in order to meet existing TDE requests. Applicant avers that it has determined that as much as 63,000,000 Mcf may be available from other interstate pipeline companies. However, Applicant also

notes that these alternative gas supplies would be received in the western portion of Applicant's system, whereas the replacement volumes are required in the Eastern Market Area. Applicant states that it would require 4,600,000 Mcf of the replacement volumes at its Loudoun Compressor Station which could not be transported via its existing facilities and has negotiated an agreement with Consolidated System LNG Company (Consolidated) for the transportation of an average of 51,000 Mcf per day to Loudoun during the months of December 1980, and January, February, 1981. It is stated that the only facility required to implement the arrangement is a new interconnection between Applicant's Line 1804 and Consolidated's Loudoun pipeline, approximately 8.1 miles east of the Greencastle Compressor Station. Applicant avers that it would construct this interconnection under its currently effective gas supply budget-type authorization.

Applicants requests authorization to revise the service agreements with certain of its customers as follows:

(1) A revised service agreement with Bluefield Gas Company (Bluefield), dated June 9, 1980, effectuating an increase in Bluefield's contract demand under Applicant's Rate Schedule CDS from 5,300 Mcf per day to 5,600 Mcf per day.

(2) A revised service agreement with the Waterville Gas and Oil Company (Waterville), dated June 9, 1980, effectuating an increase in delivery pressure from 50 psig to 60 psig with no change in TDE. Waterville has further requested that its purchases from Applicant be transferred effective October 20, 1980, from Applicant's Rate Schedule G to Applicant's Rate Schedule SGS, it is stated.

(3) A revised service agreement with Kane Gas Light and Heating Company (Kane), dated June 9, 1980 effectuating an increase in Kane's contract demand under Applicant's Rate Schedule CDS from 800 dekatherms (dt) equivalent per day to 950 dt equivalent per day.

(4) A revised service agreement with National Fuel Gas Supply Corporation (National Fuel) dated June 9, 1980, effectuating an increase in National Fuel's contract demand under Applicant's Rate Schedule CDS from 21,400 dt equivalent per day to 31,500 dt equivalent per day. National Fuel has further requested that its currently effective service agreement be amended to include all points of delivery that may be authorized by the Commission subsequent to the service agreement date.

(5) A revised service agreement with Columbia Gas of West Virginia, Inc. (CWV), dated June 9, 1980, effectuating an increase in CWV's existing contract demand under Applicant's Rate Schedule CDS of 39,000 dt equivalent per day in Zone 6 from 99,000 dt equivalent to 138,000 dt equivalent per day and an offsetting reduction in existing contract demand under Applicant's Rate Schedule CDS from 205,800 Mcf per day to 167,300 Mcf per day in Zone 1.

(6) A revised service agreement with Baltimore Gas and Electric Company (Baltimore) effectuating an increase in Baltimore's TDE under Rate Schedules CDS and WS from 457,000 dt equivalent to 475,000 dt equivalent. Baltimore has requested that this be accomplished by increasing its contract demand under Applicant's Rate Schedule CDS from 342,700 dt equivalent per day to 360,000 dt equivalent per day and its existing maximum daily quantity under Applicant's Rate Schedule WS from 114,300 dt equivalent to 115,000 dt equivalent. In addition Baltimore has requested an increase in its winter contract quantity under Applicant's Rate Schedule WS from 5,715,00 dt equivalent to 8,280,000 dt equivalent.

(7) A revised service agreement with Washington Gas Light Company (Washington) effectuating an increase in Washington's contract demand under Applicant's Rate Schedule CDS from 382,400 dt equivalent per day to 408,900 dt equivalent per day.

(8) A revised service agreement with UGI Corporation (UGI) effectuating an increase in UGI's TDE under Applicant's Rate Schedules CDS and WS from 237,800 dt equivalent to 300,000 dt equivalent. UGI has requested that this be accomplished by increasing its contract demand under Applicant's Rate Schedule CDS from 179,100 dt equivalent per day to 250,000 dt equivalent per day and by decreasing its existing maximum daily quantity under Applicant's Rate Schedule WS from 58,700 dt equivalent to 50,000 dt equivalent.

In addition, UGI has requested a reduction in its winter contract quantity under Applicant's Rate Schedule WS from 2,935,000 dt equivalent to 2,500,000 dt equivalent.

(9) A revised service agreement with Pennsylvania Gas and Water Company (Penn Gas) effectuating an increase in Penn Gas's contract demand under Applicant's Rate Schedule CDS from 29,700 dt equivalent per day to 39,700 dt equivalent per day.

Applicant states that those customer located within its Eastern Market Area have been advised that Applicant is

willing to grant their requests for increased TDE's conditioned on, among other things, the availability of the Cove Point supply.

An person desiring to be heard or to make any protest with reference to said application should on or before August 14, 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 157.70). 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 the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-22827 Filed 7-29-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP80-432]

Columbia Gulf Transmission Co. et al.; Application

July 23, 1980.

Take notice that on July 1, 1980, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, Columbia Gas Transmission Corporation (Columbia Gas), 1700 MacCorkel Avenue, S.E.,

Charleston, West Virginia 25325, and Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP80-432 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange and transportation of natural gas in accordance with the provisions of an agreement dated June 25, 1980, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Columbia Gas and Natural has acquired the right to purchase natural gas volumes in Vermilion Block 287 (V-287), East Cameron Block 354 (E-354), and South Marsh Island Block 265 (SMI-265), offshore Louisiana. It is further stated that pursuant to the agreement, Applicants propose to exchange up to 8,000 Mcf per day of Natural's volumes attributable to V-287 and E-354 with Columbia Gas' volumes attributable to SMI-265. Additionally, it is said that Columbia Gulf requests authorization to transport Natural's E-354 and V-287 volumes should these gas supplies become available prior to the initial receipt of the gas from SMI-265.

It is stated that in order to attach natural gas available in V-287, Columbia Gulf, Natural and others constructed 5.25 miles of 8-inch pipeline extending from the "A" platform in V-287 to an existing underwater sidetap on Columbia Gulf's existing pipeline system in Vermilion Block 267 (V-267) under budget authorization (Vermilion point of receipt). It is further stated that Natural and others were authorized to construct a joint venture pipeline connecting gas reserves in E-354 to pipeline facilities jointly owned by Columbia Gulf and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) in West Cameron Block 601 at which Columbia Gulf would receive Natural's volumes attributable to E-354 (West Cameron point of receipt).

To the extent that excess volumes remain after the above-described exchange is effected, it is stated that imbalances would be corrected by Columbia Gulf's increasing or decreasing deliveries of natural gas for Natural's account at the outlet of the compression facilities on the Vermilion Block 245 (V-245) platform and at the underwater interconnection of the jointly owned 16-inch pipeline and Columbia Gulf's 30-inch Blue Water Header in Vermilion Block 248 (V-248).

It is further stated that, in the event Natural's volumes attributable to V-287 and/or E-354 are available prior to the

receipt of Columbia Gas' SMI-265 volumes, the agreement provides for the transportation of Natural's volumes by Columbia Gulf on an interim basis until the exchange commences. Applicants state that Columbia Gulf would receive, at the West Cameron point of receipt, up to 4,000 Mcf per day of Natural's gas and would transport such gas through existing facilities for delivery for Natural's account at V-245. Columbia Gulf would also receive at the Vermilion point of receipt up to 4,000 Mcf of gas for Natural's account, and would transport such gas through existing facilities for delivery to Natural at V-248, it is said.

Applicants state that Columbia Gulf would be entitled to receive from Natural a monthly demand charge of \$2.26 per Mcf of contract demand for transportation of natural gas from the West Cameron point of receipt and a monthly demand charge of \$.71 per Mcf of contract demand for transportation of natural gas from the Vermilion point of receipt.

Applicants assert that the agreement would remain in force for a primary term of 15 years commencing June 25, 1980, and would continue from year-to-year thereafter.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 14, 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 motion believes

that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-22828 Filed 7-29-80; 8:45 am]
BILLING CODE 6450-85-M

[Project NO. 3037]

Elizabeth Webbing Mills Co., Inc.; Application for Short-Form License (Minor)

July 23, 1980.

Take notice that Elizabeth Webbing Mills Co., Inc. (Applicant) filed on June 11, 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 the Elizabeth Webbing Mills Hydroelectric Project No. 3037. The project would be located on the Blackstone River in the Towns of Central Falls and Pawtucket, in Providence County, Rhode Island. Correspondence with the Applicant should be directed to: Mr. Elliot Lifland, President, Elizabeth Webbing Mills Co., Inc., P.O. Box 157, Pawtucket, Rhode Island 02862.

Project Description—The proposed run-of-the-river project would consist of: (1) an existing granite masonry dam, 156 feet long and 10 feet high, with provisions for installing 12-inch flashboards; (2) a reservoir of negligible storage capacity; and new project works including (3) a headrace; (4) a powerhouse, 40 feet wide and 70 feet long, with an installed capacity of 675 kW; (5) electrical facilities; (6) a tailrace; and (7) other appurtenances. The Applicant estimates the annual generation would average about 4,360,000 Kwh.

Purpose of Project—Project energy developed at this project will be almost entirely utilized by the Applicant's internal manufacturing processes, with the balance of the energy being sold to the Blackstone Valley Electric Company for sale to customers in its service area.

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 26, 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 26, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (*as amended* 44 Fed. Reg. 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d), (*as amended*, 44 Fed. Reg. 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in Section 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before September 26, 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. 80-22829 Filed 7-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP61-92]

El Paso Natural Gas Co.; Petition To Amend

July 23, 1980.

Take notice that on July 9, 1980, El Paso Natural Gas Company (Petitioner), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP61-92 a petition to amend the order issued in the instant docket on January 11, 1965,¹ pursuant to Section 7(c) of the Natural Gas Act so as to authorize the establishment of a new delivery point between Petitioner and Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), under an authorized exchange agreement between the parties, 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 by order of January 11, 1965, as amended, it received authorization to construct and operate certain facilities and to deliver natural gas on an exchange basis to Northern at certain designated points in Moore, Ochiltree, Hemphill and Yoakum Counties, Texas, and Beaver, Roger Mills and Woodward Counties, Oklahoma. Petitioner states that this strangement is a part of the authorized exchange of natural gas provided pursuant to the 1963 services agreement, dated August 17, 1962, as amended, between Petitioner and Northern.

Petitioner states that it has advised Northern that it has acquired additional quantities of natural gas, which gas Petitioner desires to make available for delivery to Northern as a part of the authorized exchange arrangement. It is stated that such gas to be delivered to Northern, for exchange, is attributable to Petitioner's purchase interest in the production from the Abraham Unit No. 1 Well located in Roger Mills County, Oklahoma. Petitioner asserts that it and Northern have entered into a letter agreement dated January 2, 1980, wherein the parties have agreed, *inter alia*, to revise Exhibit B to special Rate Schedule Z-1 to reflect the proposed additional point necessary for the delivery of natural gas to Northern. The proposed additional delivery point to be made a part of the authorized exchange agreement is described as follows: Abraham Unit No. 1 Well located in Roger Mills County, Oklahoma.

Petitioner additionally states that its deliveries of natural gas to Northern at the Abraham Unit No. 1 well would be commingled with natural gas purchased

by Northern and delivered into Northern's system through common measurement facilities owned and operated by Northern therefore, Petitioner asserts that it would require no additional facilities.

Upon receipt of the authorization requested herein, Petitioner asserts that Northern would make available to Petitioner quantities of natural gas equivalent to those delivered by Petitioner to Northern from said well, thereby obviating the need for Petitioner to construct and operate duplicative field gathering facilities.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 14, 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. 80-22830 Filed 7-29-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-408]

High Island Offshore System; Application

July 24, 1980.

Take notice that on June 19, 1980, High Island Offshore System (Applicant), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP80-408 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline facilities and an increased transportation service capacity, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has received requests from certain of its existing gas shippers for firm capacity in an aggregate amount which substantially exceeds the sum of the original contract demands of Applicant's system as well as the firm capacity of Applicant's

¹ This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

existing system. In order to meet these needs, Applicant proposes herein to increase the firm capacity of its system from approximately 988,000 Mcf per day to approximately 2,610,500 Mcf per day.

If granted, Applicant states, the increase would be achieved through a two-phase construction program. The first phase, it is stated, involves the construction of approximately 66 miles of 36-inch pipeline between High Island Block 264, offshore Texas, and West Cameron Block 167, offshore Louisiana, at an estimated cost of \$199,965,220. When completed Applicant maintains that its capacity would be increased to 2,204,300 Mcf per day.

Applicant further maintains that Phase II consists of the installation of an additional 45,800 horsepower of compression at the High Island Block 264 complex at an estimated cost of \$42,214,270. Applicant states that Phase II construction would elevate Applicant's capacity to 2,610,500 Mcf per day.

The total estimated cost of the proposed facilities, \$143,189,490, would be financed with treasury funds, retained earnings and other funds generated internally, together with borrowings from banks under short-term lines of credit as required.

Applicant proposes to provide the additional service as follows:

Shipper	Present		Proposed	
	Original contract demand (Mcf)	Currently effective contract demand (Mcf)	Phase I interim revised contract demand (Mcf)	Phase II revised original contract demand (Mcf)
Michigan Wisconsin Pipe Line Company.....	197,600	135,300	295,500	350,000
Natural Gas Pipeline Company.....	197,600	135,300	236,400	280,000
Texas Gas Transmission Corporation.....	197,600	135,300	253,300	300,000
Transcontinental Gas Pipe Line Corporation.....	197,600	135,300	348,700	413,000
United Gas Pipe Line Company.....	185,600	127,100	270,200	320,000
United Gas Pipe Line Company (short haul agreement).....	30,000	20,500	15,400	18,200
Columbia Gas Transmission Corporation.....	61,000	41,800	152,000	180,000
Consolidated Gas Supply Corporation.....	37,500	25,700	59,100	70,000
El Paso Natural Gas Company.....	40,000	27,400	46,500	55,000
National Fuel Gas Supply Corporation ²	8,300	5,700	7,000	8,300
Northern Natural Gas Company, Division of Inter North, Inc.	35,000	24,000	84,400	100,000
Northern Natural Gas Company, Division of Inter North, Inc. (short haul agreement).....	95,000	65,000	120,300	124,000
Southern Natural Gas Company (short haul agreement) ²	30,000	20,500	10,200	12,000
Tennessee Gas Pipeline Company.....	23,000	15,700	236,400	280,000
Trunkline Gas Company ²	200,000	137,000	188,900	200,000

¹ Because this is a short haul transportation agreement, the effective capacity needed is only 40 percent of the contract demand volume. The contract demand figure listed in the transportation agreement is 2.5 times the amount shown above.

² Shipper did not request an increase in original contract demand.

³ Unlike each of the other of Applicant's shippers who have requested an increase in their original Contract Demand, Tennessee is said to have steadfastly refused to execute a revised Exhibit A. At the same time, Tennessee is said to contend that its needs have increased from its original contract demand of 23,000 Mcf per day to a requirement of 280,000 Mcf per day. Unless and until Tennessee executes a revised Exhibit A in such amount, Applicant would not construct those facilities associated with service to Tennessee until such time as Tennessee has executed a revised Exhibit A. Applicant states.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 14, 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. 80-22631 Filed 7-29-80; 8:45 am)

BILLING CODE 6450-85-M

[Docket No. CP80-445]

**Lone Star Gas Co., a Division of
ENSERCH CORPORATION; Application
July 24, 1980.**

Take notice that on July 8, 1980, Lone Star Gas Company, a Division of ENSERCH CORPORATION (Applicant), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CP80-445 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of gas replacement facilities and pipeline in Garvin County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that a pipeline bridge on which its Line TC-A 12 crossed the Washita River in Garvin County, Oklahoma, partially collapsed during a flood. In order to restore pipeline purchases and exchanges upstream from Line TC-A and to save the estimated \$300,000 cost of constructing a new pipeline bridge, Applicant proposes herein to utilize another pipeline bridge which is owned by several entities and

operated by Warren Petroleum Company.

Applicant further proposes to replace and relocate approximately 0.74 mile of 12-inch Line TC-A with 0.86 mile of 6-inch pipeline. Applicant maintains that the use of the 6-inch pipe would not appreciably reduce the design deliverability capacity, although it would lower maximum capacity flow rates of Line TC-A from 81,000 Mcf per day to 58,000 Mcf per day under maximum operating pressures. However, it is stated that the lower maximum capacity is adequate because the current maximum flow rate under present operating conditions is 12,000 Mcf per day. Applicant asserts that the cost of replacement with 12-inch pipe would be an estimated additional \$30,000 and would not be immediately available, while 6-inch pipe and related materials are available from existing surplus stock.

Applicant reports that it may wish to purchase and utilize approximately 406 feet of unused 8-inch pipeline situated on the existing pipeline bridge. Applicant contends that utilization of the 8-inch pipeline would not appreciably change the design deliverability capacity of the system, and that the pipeline would not be used if purchase terms are unacceptable or if the pipeline turns out to be functionally unsuitable.

Applicant estimates the cost of constructing the proposed replacement facilities to be \$97,125 which would be financed by funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 14, 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 the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the

Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that 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. 80-22833 Filed 7-29-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER80-420]

Long Island Lighting Co.; Order Accepting for Filing and Suspending Proposed Rate Changes, Denying Waiver, Instituting Investigation, Granting Interventions, Consolidating Proceedings, and Establishing Other Procedures

July 24, 1980.

On May 19, 1980, Long Island Lighting Company (LILCO) tendered for filing an amendment to its transmission (wheeling) agreement with the Power Authority of the State of New York (PASNY). In the amendment, LILCO proposes an increase of \$154,305 (18%)¹ to the rate charged PASNY for wheeling service to three municipal utilities located on Long Island, New York.² LILCO requests waiver of our filing requirements (a) to permit utilization of a test period ending more than seven months prior to the date of tender,³ and (b) to permit the rate change to become effective as of June 1, 1980, without sixty days advance notice.⁴

Notice of the filing was issued June 4, 1980 with comments, protests and petitions to intervene due June 27, 1980. On June 27, 1980, both PASNY and the Municipal Electric Utility Association of New York State (MEUA), filed petitions to intervene. MEUA protests the preference of retail customers over

wholesale customers in the curtailment provisions of the provisions of the underlying contract.⁵ MEUA also objects to the revenue level of the new wheeling rate. In its petition, PASNY takes no position on the merits of LILCO's filing.

The interventions may be in the public interest and shall be granted. Our review of LILCO's filing indicates that the proposed rate changes are cost-justified. However, the curtailment provision, which subordinates wholesale loads to retail loads, may be unduly discriminatory, or, alternatively, the changes here may be excessive considering the relative curtailment priority of the wheeling services involved. The hearing which we ordered in Docket No. ER79-512, is limited in scope to the resolution of these same two interdependent issues. Accordingly, this docket shall be consolidated and set for hearing with Docket No. ER79-512.

LILCO has not shown good cause for waiver of the Commission's notice requirement. Therefore, we shall accept the proposed rate change for filing and suspend it for one day, following 60 days from the date of its tender, to become effective July 30, 1980, subject to refund pending the outcome of this proceeding.

LILCO has shown good cause for waiver of our test year regulations. LILCO notes that the revised filing requirements approved in Docket No. RM79-64 (Order No. 91, issued June 27, 1980) do not require the submittal of case-in-chief testimony and exhibits for increases of the magnitude proposed herein (under \$200,000) and that, in any event, its Period I study falls within the 15 month stale data rule approved in Docket No. RM79-64. Although Order No. 91 will not be implemented until 180 days after issuance, waivers may be granted.

The Commission orders: (A) LILCO's rate changes filed in this docket for transmission wheeling service to PASNY hereby are accepted for filing and suspended until July 30, 1980, when they shall become effective, subject to refund.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by § 402(a) of the Department of Energy Act and by the Federal Power Act, specifically §§ 205 and 206, and by the Commission's rules of practice and procedure and the regulations under the

¹ Based upon an historical test period of the twelve months ended June 30, 1979. This is the same test period LILCO filed in support of its most recent transmission rate change application regarding PASNY. *Long Island Lighting Co.*, Docket No. ER80-512, order issued March 4, 1980.

² Villages of Freeport, Greenport, and Rockville Centre. The rate schedule is designated as: *Long Island Lighting Co.* Supplement No. 2 to Rate Schedule FERC No. 29 (Supersedes Supplement No. 1).

³ 18 CFR § 35.13(b)(4)(iii).

⁴ 18 CFR § 35.3.

⁵ The same curtailment issues, the same contract, and the same cost of service are at issue in *Long Island Lighting Co.*, Docket No. ER79-512, supra note 1. The only difference here is that LILCO seeks a higher revenue level than sought in Docket No. ER 79-512.

Federal Power Act (18 C.F.R., Chapter I) a public evidentiary hearing shall be held concerning the issues identified for investigation in this order.

(C) This docket hereby is consolidated with Docket No. ER79-512 for purposes of hearing and decision.

(D) Petitioners PASNY and MEUA are hereby permitted to intervene in this proceeding subject to the Commission's rules and regulations. Participation by the intervenors shall be limited to the issue of whether the curtailment provision contained in the transmission agreement is unduly discriminatory, including whether the wheeling rates should be modified to reflect the curtailment priorities associated with them. The admission of the intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any order entered in this proceeding.

(E) LILCO's request for waiver of the applicable test period filing requirement in 18 CFR § 35.13 (b)(4)(iii) is hereby granted.

(F) LILCO's request for waiver of the applicable notice requirement in 18 CFR § 35.3(a) is hereby denied.

(G) The Secretary shall promptly publish this order in the Federal Register.

By the Commissions
Kenneth F. Plumb,
Secretary.

[FR Doc. 80-22833 Filed 7-29-80; 8:45 am]
BILLING CODE 6450-95-M

[Docket No. CP80-444]

Michigan Wisconsin Pipeline Co.; Application

July 23, 1980.

Take notice that on July 7, 1980,¹ Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP80-444 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a change in service by rate schedule for City Gas Company (City Gas) to be effective September 1, 1980, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that City Gas has informed Applicant that it desires to change its presently effective service agreement under Rate Schedule SGS-1,

having a contract demand of 6,000 Mcf of natural gas and an annual contract quantity of 1,022,925 Mcf of natural gas as authorized in Docket No. CP79-289, to a service agreement pursuant to Rate Schedule CD-1, with those entitlements stated in a dekatherms. Applicant asserts that such change would be permitted under the provisions of Section 8 of the general terms and conditions of its FERC Gas Tariff, Original Volume I.

Applicant further asserts that the requested changes would not result in any increase in peak day or annual entitlement nor adversely affect its ability to meet the requirements of its other customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 14, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-22834 Filed 7-29-80; 8:45 am]
BILLING CODE 6450-95-M

[Docket No. CP80-443]

Michigan Wisconsin Pipe Line Co. and United Gas Pipe Line Co.; Application

July 24, 1980.

Take notice that on July 8, 1980, Michigan Wisconsin Pipe Line Company (Mich Wis), One Woodward Avenue, Detroit, Michigan 48226, and United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP80-443 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline and related facilities necessary to connect gas reserves underlying High Island Area Block A-325, East Addition, offshore Texas (Block A-325), to the pipeline facilities of the High Island Offshore System (HIOS), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicants propose to connect the gas reserves underlying Block A-325 by constructing and operating the lateral pipeline facilities required to connect the production platform in such block to an undersea valve in High Island Area Block A-345 on the east leg of the pipeline facilities of HIOS. It is stated that these proposed lateral pipeline facilities would be comprised of 4.4 miles of 10 $\frac{3}{4}$ -inch pipeline and measurement facilities.

Applicants assert that pursuant to the terms and conditions embodied in a construction and ownership agreement between them dated February 19, 1980, they have agreed to own from inception undivided interests of 67.5 and 32.5 percent, respectively, in the proposed facilities, which percentages reflect the relative gas purchase rights of the two parties to the reserves underlying Block A-325. It is further asserted that such lateral pipeline facilities would be operated by Mich Wis in accordance with an operating agreement executed on February 19, 1980, between Mich Wis as operator and Mich Wis and United as owners.

The estimated cost of the proposed facilities is \$4,992,830 which cost would be borne by Applicants in proportion to their respective ownership interests and/or to the extent that the facilities would be utilized, it is said. It is further stated that Applicants would finance this project with funds on hand.

Applicants assert that 9,100,000 Mcf of proven gas reserves have been developed in Block A-325 with 2,500,000 Mcf of potential reserves estimated. Applicants state that average daily deliveries are estimated to be 15,000 Mcf

¹ The application was initially tendered for filing on July 7, 1980; however, the fee required by Section 159.1 of the Regulations was not paid until July 10, 1980; thus the filing was not completed until the latter date.

of gas. Applicants maintain that the subject gas reserves would assist in offsetting decline production from other sources of supply presently being experienced by Applicants.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 14, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-22835 Filed 7-29-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. PV-1332]

National Transit Co.; Tentative Valuation

July 24, 1980.

Notice is hereby served that the Federal Energy Regulatory Commission is considering a tentative valuation, effective December 31, 1978, for National Transit Company, an interstate oil pipeline, 206 Seneca Street, Oil City, Pennsylvania 16301.

On or before August 27, 1980, persons other than those specifically designated in Section 198a(h) of the Interstate Commerce Act may file with the Federal Energy Regulatory Commission, pursuant to rule 70 of the Interstate Commerce Commission's "General Rules of Practice" (49 CFR 1100.70), an original and three copies of petitions for leave to intervene in this proceeding. The petitioner shall attach to the petition a certificate of service as prescribed in rule 20 (49 CFR 1100.20).

If the petition for leave to intervene is granted, the petitioner is eligible to protest the valuation. Persons designated in Section 19a(h) of the Act may protest without filing a petition.

Francis J. Connor,
Administrative Officer, Oil Pipeline Board.
[FR Doc. 80-22791 Filed 7-29-80; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 2711]

Northern States Power Co.; Application for Approval of Exhibit R

July 23, 1980.

Take notice that an application for approval of Exhibit R was filed on March 13, 1979, under the Federal Power Act, 16 U.S.C. § 791(a)—835(r), by Northern States Power Company (NSP), Licensee for the Trego Project No. 2711 located on the Namekagon River in Washburn County, Wisconsin. Correspondence with the Licensee regarding the application should be addressed to: Mr. John L. Carroll, President, Northern States Power Company, Eau Claire, Wisconsin 54701.

NSP submitted its Exhibit R (recreation plan) in accordance with Article 23 of the license for the Trego Project. As described in the recreational plan, all existing recreational support facilities associated with Trego Lake are provided by the private sector, except one park and campground which is owned by the Town of Trego. There are four commercially operated resorts located adjacent to Trego Lake. Three of them offer a full range of support facilities from cottages to campgrounds, while the fourth offers cottage facilities only. There are three boat launch sites associated with Trego Lake, two of which are publicly owned. NSP maintains a canoe portage at the Trego Dam for public use. No future recreational facilities are planned other than possible future expansions of existing facilities.

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 petitions to intervene must be filed on or before September 8, 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. 80-22836 Filed 7-29-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP77-113]

Panhandle Eastern Pipe Line Co. Petition To Amend

July 23, 1980.

Take notice that on July 8, 1980, Panhandle Eastern Pipe Line Company (Petitioner), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP77-113 a petition to amend the Commission's order issued pursuant to Section 7(c) of the Natural Gas Act on July 7, 1977, in the instant docket so as to authorize an extension of the term of the transportation service for Cabot Corporation (Cabot) for an additional two-year period, and for a reduction of the transportation quantity and for appropriate changes in the transportation charge by Petitioner, all as more fully set forth in the petition to amend.

Petitioner states that the order of July 7, 1977, authorized it to transport on an interruptible basis up to 65 Mcf per day either from Cabot's own producing properties or from gas production attributed to Cabot's interest in other producing properties. It is stated that Petitioner received up to 35 Mcf of natural gas per day at a point of receipt in Beaver County, Oklahoma, and up to 30 Mcf per day from Cities Service Gas Company (Cities), for the account of Cabot, at an existing point of interconnection between Petitioner and Cities near Nuss, Grant County, Kansas.

Petitioner states that the gas was redelivered to either Kokomo Gas and Fuel Company (Kokomo) for further transportation and delivery to Cabot's Stellite Division plant located near Kokomo, Indiana, or directly to Cabot's CAB-O-SIL plant located in Douglas County near Tuscola, Illinois. Petitioner notes that this transportation service was authorized for a period of two years ending on August 17, 1979.

Petitioner proposes to amend the order of July 7, 1977, so as to authorize the following:

(1) the transportation of natural gas by Petitioner for Cabot for an additional 2 year period;

(2) deletion of the aforementioned point of receipt from Cities in Grant County, Kansas and the aforementioned redelivery to Kokomo for further delivery to Cabot;

(3) a reduction in the volume of gas to be transported from 65 Mcf per day to 30 Mcf per day;

(4) a reduction in the amount of fuel that Cabot reimburses to Petitioner from 10 percent to 9 percent;

(5) a reduction in Petitioner's transportation charge for the service to be performed for Cabot.

Petitioner states that it charged Cabot \$442.00 per month, subject to upward or downward adjustments of 22.36 cents per Mcf for any deficiency or excess in volumes transported. Petitioner proposes to charge \$169 per month, subject to upward or downward adjustments of 18.52 cents per Mcf for the amended transportation service described above.

Petitioner states that it would have sufficient capacity in its existing system to transport the proposed volumes of natural gas, and that no new facilities would be constructed. It is also stated that Cabot has informed Petitioner that it would use the transported gas to supply process uses at its CAB-O-SIL Plant.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 14, 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. 80-22837 Filed 7-29-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER80-311]

Public Service Co. of Oklahoma; Order Accepting for Filing Proposed Rates and Directing Compliance With Fuel Adjustment Clause Regulations

July 24, 1980.

On March 31, 1980, Public Service Company of Oklahoma (PSO) submitted for filing a letter agreement, dated January 16, 1980, between PSO and Arkansas Power and Light Company (APL). The agreement provides for the sale to APL of 209,300 Mwh of PSO's diversity entitlement from the Tennessee Valley Authority. PSO proposes a rate of 27.5 mills/per kWh, resulting in total revenues of \$5,755,750 for the four month period of energy deliveries (June through September, 1980). On May 28, 1980, PSO completed its filing by submitting certain additional information.¹

PSO's proposed rate for the sale included (1) a capacity charge of 3.4 mills/kWh, (2) a replacement fuel cost of 23.1 mills/kWh, and (3) an operation and maintenance (O&M) expense of 1 mill/kWh. Our analysis of PSO's proposed rate indicates that it will not yield excess revenues.

PSO has provided information concerning treatment of the revenues received from the PSO-APL transactions in computations under the Company's fuel adjustment clause. According to PSO, the charge (23.1 mills/kWh) for fuel will not be credited in PSO's fuel adjustment calculation. PSO's treatment is in violation of Section 35.14(a)(2)(IV) and (3) of the Regulations which requires that the fuel cost billed and MWh sold in interchange transactions be credited in a company's monthly fuel adjustment computation. See also Opinion No. 34, *Pennsylvania Power & Light Co.*, (January 15, 1979). PSO is hereby directed to credit in its monthly fuel adjustment computation the fuel cost recovered from the sale to APL of 23.1 mills/kWh and the associated kilowatt hours.

In its initial filing, PSO requested that the proposed sale become effective as of May 25, 1980; APL concurs in this request. Although the tender for filing was not completed until May 28, 1980,

¹ Notice of PSO's filing was issued by on April 7, 1980, with responses due before April 25, 1980. No responses were filed.

we find that it is in the public interest to waive the sixty day notice requirement.

The Commission orders

(A) PSO's submittal is accepted for filing to become effective as of May 25, 1980.

(B) PSO is hereby directed to make the monthly credits to its fuel adjustment clause computations described in this order.

(C) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-22838 Filed 7-29-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP80-17]

Trans-Anadarko Pipeline System and United Gas Pipe Line Co., Amendment to Application

July 23, 1980.

Take notice that on July 7, 1980, Trans-Anadarko Pipeline System (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP80-17 pursuant to Section 7(c) of the Natural Gas Act an Amendment to the application filed by United Gas Pipe Line Company (United), on October 9, 1979, in the instant docket so as to reflect the succession of Applicant, in lieu of United, as Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that United and Southern Natural Gas Company (Southern) by letter dated June 2, 1980, have agreed in principle to cause Applicant to be formed as a general partnership under Texas law.

It is indicated that Applicant would construct, own and operate the Trans-Anadarko Line with United operating the line on behalf of Applicant. SOTAP Pipeline Company, an affiliate of Southern and Trans-Anadarko Pipeline Company, an affiliate of United, would be equal partners with Applicant.

As successor to United, Applicant proposes to construct and operate the Trans-Anadarko Line consisting of 635 miles of 30-inch diameter pipeline extending from Moore County, Texas, in a easterly direction across the State of Oklahoma, southeasterly through a portion of Arkansas and terminating at West Monroe, Ouachita Parish, Louisiana. Also proposed are a 4,800 horsepower compressor station to be constructed in Roberts County, Texas, a 7,200 horsepower compressor station to

be located in Canadian County, Oklahoma, and a 4,800 horsepower compressor station to be located in Choctaw County, Oklahoma.

It is stated that the proposed Trans-Anadarko Line would cost \$395,000,000, and would be financed on a project basis. Applicant states that it would use a combination of equity capital from the owners and project financed external capital.

Applicant is also seeking authorization in this amended application to transport gas for Southern and United. Pursuant to separate transportation agreements with Applicant, United and Southern would each contract for 212,500 Mcf per day of firm capacity in the proposed Trans-Anadarko Line. It is stated that Southern in turn would subcontract to United 87,500 Mcf per day of its capacity in the Trans-Anadarko Line for a three-year period to enable United to transport all of the gas it plans to attach to the Trans-Anadarko Line during this period. It is asserted that 150,000 Mcf per day of United's gas would be transported through the system of Colorado Interstate Gas Company (CIG) to the Moore County, Texas, interconnection with the Trans-Anadarko Line with the remainder delivered in equal amounts at the Thomas and the Chandler Compressor Station sites in Custer and McClain Counties, Oklahoma, respectively.

Applicant states that initially Southern's gas would be delivered to the Trans-Anadarko Line at the Moore County interconnection with CIG, with

Southern requesting that CIG transport 75,000 Mcf per day with the remaining 50,000 Mcf per day capacity to be taken up by gas acquired by Southern in Oklahoma.

Applicant avers that it would initially redeliver 25,000 Mcf of gas per day (less fuel) to Southern at a point of interconnection between the Trans-Anadarko Line and Southern's 14-inch line in Union Parish, Louisiana, with Southern's remaining gas (less fuel) to be delivered to United for Southern's account at West Monroe, Louisiana.

It is indicated that both Southern and United, through affiliates, have substantial gas exploration and development programs and that each maintains aggressive gas acquisition programs in the Rocky Mountain area and in Oklahoma. Applicant submits that the participation of Southern in the Trans-Anadarko Line would further strengthen the project.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before August 14, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person

wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-22839 Filed 7-29-80; 8:45 am]

BILLING CODE 6450-85-M

Cases Filed; Week of May 30 Through June 6, 1980

Notice is hereby given that during the week of May 30, 1980 through June 6, 1980, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Melvin Goldstein,

Director, Office of Hearings and Appeals.
July 25, 1980.

List of Cases Received by the Office of Hearings and Appeals

[Week of May 30 through June 6, 1980]

Date	Name and location of applicant	Case No.	Type of submission
May 30, 1980	Atlanta International Airport, Atlanta, Georgia	BEE-1189	Exception from Emergency Building Temperature Restrictions. If granted: Atlanta International Airport would receive an exception from the provisions of 10 CFR Part 490, the Emergency Building Temperature Restrictions.
May 30, 1980	Calumet Industries, Inc., Chicago, Illinois	BEE-1187	Exception from Entitlements Program. If granted: Calumet Industries, Inc. would receive an exception from 10 CFR 211.67 which would modify the firm's entitlements allotment.
May 30, 1980	Pennzoil Company, Washington, D.C.	BEE-1186, BEL-1186	Exception and Temporary Exception from the Entitlements Program. If Granted: Pennzoil Company would receive an exception and temporary exception from the provisions of 10 CFR 211.67 which would modify the firm's entitlements allotment.
May 30, 1980	Rock Island Refining Corp., Washington, D.C.	BEA-0383	Appeal of Buy/Sell Order. If granted: The April 1980 Order issued to Rock Island Refining Corporation by the Economic Regulatory Administration regarding the firm's participation in the Crude Oil Buy/Sell Program would be modified.
June 2, 1980	Ashland Oil, Inc., Washington, D.C.	BEJ-0088	Motion for Protective Order. If granted: Atlantic Richfield Company would enter into a Protective Order with Ashland Oil, Inc. regarding the release of proprietary information to Atlantic Richfield in connection with Ashland's Application for Exception (Case No. DEE-2896).
June 2, 1980	Commonwealth Oil Refining Co., Inc./Charter Company, San Antonio, Texas/Jacksonville, Florida.	BMR-0045	Request for Modification. If granted: The DOE would issue an order stating that exception relief previously granted to Commonwealth Oil Refining Company (Corco) will not be rescinded as a result of the acquisition of Corco by the Charter Company.
June 2, 1980	Crystal Flash Petroleum Corp., Indianapolis, Indiana	BEE-1195	Exception from the Reporting Requirements. If granted: Crystal Flash Petroleum Corporation would not be required to file Form ERA-470 ("Gasoline Conservation Fee/Entitlements Program Gasoline Producers Monthly Report").
June 2, 1980	Hempstead Resources Recovery Corp., Garden City East, New York.	BEA-0384, BES-0384	Appeal and Request for Stay of the Entitlements Notice. If granted: The November 1979 Entitlements Notice would be modified with respect to Hempstead Resources Recovery Corporation's entitlements sales obligations. The firm's entitlements sales obligations would be stayed pending a final determination on its Appeal.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of May 30 through June 6, 1980]

Date	Name and location of applicant	Case No.	Type of submission
June 2, 1980	Mobil Oil Corporation, Washington, D.C.	BEJ-0090	Motion for Protective Order. If granted: Mobil Oil Corporation would enter into a Protective Order with Automatic Comfort Corporation regarding the release of proprietary information to Mobil in connection with Automatic Comfort's Application for Exception (Case No. BEE-0294).
June 2, 1980	Oahu Gas Service, Inc., Washington, D.C.	BXE-1191	Price Exception. If granted: Oahu Gas Service, Inc. would be permitted to increase its maximum permissible selling price for propane by \$0.05 per gallon, as granted in the September 20, 1978 Decision and Order (Case No. FEA-1459).
June 2, 1980	Raymond Oil Co., Pittsburgh, Pennsylvania	BEE-1192	Price Exception. If granted: Raymond Oil Co. would receive an exception from the provisions of 10 CFR 212.131 which would permit the firm to recertify certain volumes of crude oil as stripper well crude oil.
June 2, 1980	Robert M. Waters, Wenonah, New Jersey	BEA-0385	Appeal of Assignment Order. If granted: The May 9, 1980, Order Issued to Hertlein Enterprises, Inc. by the Economic Regulatory Administration, Region II, regarding the assignment of a base period volume of motor gasoline to Hertlein would be rescinded.
June 3, 1980	Edgewater Standard Service, Orlando, Florida	BEX-0061	Supplemental Order in <i>Edgewater Standard Service</i> , 5 DOE ¶ (March 6, 1980). If granted: The March 6, 1980, Decision and Order issued to Edgewater Standard Service (Case No. DEE-6172) by the Office of Hearings and Appeals would be modified.
June 3, 1980	Oil City Petroleum Company, Inc., Palisades Park, New Jersey	BEE-1199	Allocation Exception. If granted: Oil City Petroleum Company, Inc. would receive an exception from the provisions of 10 CFR Part 211 which would permit the firm to receive an increased allocation of unleaded gasoline for the purpose of blending gasoline.
June 4, 1980	John R. Morris, Washington, D.C.	BMR-0046	Request for Rescission. If granted: The May 8, 1980, Decision and Order (Case No. BFA-0314) issued to John R. Morris by the Office of Hearings and Appeals would be rescinded.
June 4, 1980	Panasonic Company, Secaucus, New Jersey	BES-0077	Request for Stay. If granted: Panasonic Company would receive a Stay of the provisions of 10 CFR Part 430, "Energy Conservation Program for Consumer Products", with respect to Electric Refrigerators, Refrigerator-Freezers, and Freezers, pending a final determination on the Application for Exception filed by the firm (Case No. BEE-1093).
June 4, 1980	Tosco Corporation, Washington, D.C.	BEJ-0091	Motion for Protective Order. If granted: Tosco Corporation would enter into a Protective Order with Pennzoil Company regarding the release of proprietary information to Tosco in connection with Pennzoil's Application for Exception (Case No. BEE-1024).
June 5, 1980	Energy Cooperatives, Inc., Washington, D.C.	BSG-0025	Petition for Special Redress. If granted: Energy Cooperatives, Inc. would receive emergency allocations of crude oil under the provisions of 10 CFR 211.65, the Crude Oil Buy/Sell Program, for the months of May, June and July 1980.
June 5, 1980	Thomas E. Carpenter, Cincinnati, Ohio	BFA-0386	Appeal of Information Request Denial. If granted: The Freedom of Information Fee Waiver Request Denial issued by the DOE Oak Ridge, Tennessee Operations Office would be rescinded, and Thomas E. Carpenter would receive access at no charge to certain DOE information concerning the Feed Materials Production Facility in Fernald, Ohio.
June 6, 1980	Cibro Petroleum, Inc., Washington, D.C.	BEA-0387	Appeal of Refinery Certification Order. If granted: The May 1, 1980 denial of certification of increased refining capacity issued by the Economic Regulatory Administration to Cibro Petroleum Products, Inc. would be rescinded.
June 6, 1980	Giant Industries, Inc., Los Angeles, California	BFA-0388	Appeal of Information Request Denial. If granted: The March 31, 1980 Information Request Denial issued by the Office of Hearings and Appeals would be rescinded, and the firm would receive access to certain DOE information.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

[Week of 5/30/80 to 6/6/80]

If granted: The following firms would be granted relief which would increase their base period allocation of motor gasoline.

Name	Case No. and date	State
Double R Arco Mini-Mart	BEE-1194, 6/3/80	Conn.
Marathon Oil Company	BEE-1198, 6/3/80	Ohio
John S. Meyer	BEE-1197, 5/29/80	Kans.
Dave Nelson, Inc.	BEE-1202, 6/6/80	Md.
R & W. Arco	BEE-1201, 6/5/80	Ind.
South Gate Service Station	BEE-1196, 6/3/80	W. Va.
Taylor Sunoco	BEE-1188, 5/30/80	Md.
Tuscaloosa City Schools	BXE-1200, 6/4/80	Ala.
Union Oil Company of California	BEE-1193, 6/3/80	Ohio

Notices of Objection Received

[Week of 5/30/80 to 6/6/80]

Date	Name and location of applicant	Case No.
6/4/80	Aberdeen Super America, Aberdeen, S. Dak.	BEO-1227
6/4/80	Boeing Company, Seattle, Wash.	DEE-7076
6/3/80	Deblois Oil Company, Washington, D.C.	BEE-0001
6/6/80	Power Test Petroleum, Westbury, N.Y.	BEE-0764
5/30/80	Sexton Oil Company, Washington, D.C.	BEE-1068
6/2/80	G. O. Williams Oil Company, Sharon, Okla.	BEO-1226

[FR Doc. 80-22894 Filed 7-29-80; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of June 6 Through June 13, 1980

Notice is hereby given that during the week of June 6, 1980 through June 13, 1980 the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with

the Office of Hearings and Appeals of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Melvin Goldstein,
Director, Office of Hearings and Appeals.
July 25, 1980.

List of Cases Received by the Office of Hearings and Appeals

Week of June 6 through June 13, 1980

Date	Name and location of applicant	Case No.	Type of submission
June 6, 1980	Charles Varon, San Francisco, California	BFA-0389	Appeal of Information Request Denial. If granted: The May 28, 1980, Information Request Denial issued by the Office of Military Operations would be rescinded, and Charles Varon would receive access to information concerning anti-nuclear energy groups located in the United States.
June 6, 1980	Gulf Oil Corporation (Kirby), Houston, Texas	BXE-1204	Extension of Relief Granted in <i>Gulf Oil Corporation</i> 6 DOE ¶ (May 8, 1980). If granted: Gulf Oil Corporation would be permitted to continue to sell at upper tier ceiling prices the crude oil produced from the "C" Lease Cleveland Field located in Liberty County, Texas.

List of Cases Received by the Office of Hearings and Appeals—Continued

Week of June 6 through June 13, 1980

Date	Name and location of applicant	Case No.	Type of submission
June 6, 1980	Highway Petroleum Sales, Washington, D.C.	BEE-1203	Allocation Exception. If granted: Highway Petroleum Sales would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
June 6, 1980	South Bradenton Amoco, Bradenton, Florida	BMR-0047	Request for Modification. If granted: The April 10, 1980, Decision and Order issued to South Bradenton Amoco (Case No. BEO-0221) would be modified.
June 9, 1980	Britton Chevron, et al., San Francisco, California	BRX-0064	Supplemental Order. If granted: The Office of Hearings and Appeals would consolidate the proceedings of four Statements of Objections to Proposed Remedial Orders (Case Nos. BRO-1236 through BRO-1239) with a number of similar proceedings.
June 9, 1980	Exxon Company, U.S.A., Houston, Texas	BEA-0391	Appeal of a Supplemental Order. If granted: The May 7, 1980 Supplemental Order issued to Exxon Company, U.S.A. by the Economic Regulatory Administration, Region IV, would be rescinded.
June 9, 1980	Laketon Asphalt Refining Co., Inc.	BEX-0062	Supplemental Order. If granted: The DOE would review the entitlements exception relief granted to Laketon Asphalt Refining, Inc. in June 26, 1978 and September 27, 1978 Orders (Case Nos. DXE-0424 and DXE-1293) issued by the Office of Hearings and Appeals.
June 9, 1980	Quaker State Oil Refining, Oil City, Pennsylvania	BEL-0795	Temporary Exception. If granted: Quaker State Oil Refining would receive a temporary exception from the provisions of 10 CFR 211.67 which would modify its entitlements purchase obligations.
June 9, 1980	R & W Motor Sales, Taunton, Massachusetts	BEN-0040	Motion for Interim Order. If granted: R & W Motor Sales would receive exception relief on an interim basis pending a final determination on its Application for Exception (Case No. DEE-6770).
June 9, 1980	Seaview Petroleum Company, Washington, D.C.	BEX-0063	Supplemental Order. If granted: The DOE would stay a portion of Seaview Petroleum Company's entitlements purchase obligations during the month of June 1980, in accordance with the Proposed Decision and Order issued to the firm regarding its Application for Exception (Case No. DEE-6942).
June 9, 1980	Thriftway Company, Washington, D.C.	BEE-1206	Exception from the Entitlements Program. If granted: Thriftway Company would receive an exception from the provisions of 10 CFR 211.67 which would modify its entitlements purchase obligations.
June 10, 1980	Pecora Oil Company, Addison, Illinois	BEE-1207	Allocation Exception. If granted: Pecora Oil Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded gasoline for the purpose of blending gasohol.
June 10, 1980	Petroleum Delivery Service, Inc., Atlanta, Georgia	BST-0005	Request for Temporary Stay. If granted: Petroleum Delivery Service, Inc. Would receive a temporary stay of the June 6, 1980, Interim Order (Case No. BEN-0036) issued to Southern Bell Telephone Company by the Office of Hearings and Appeals.
June 11, 1980	Bert's Phillip's 66, Stilwell, Oklahoma	BRW-0055	Remedial Order Finalization. If granted: The Proposed Remedial Order issued to Bert's Phillip's 66 on April 17, 1980, would be issued as a final Remedial Order.
June 11, 1980	Berwick Exxon Service Station, Berwick, Louisiana	BRW-0053	Remedial Order Finalization. If granted: The Proposed Remedial Order issued to Berwick Exxon Service Station on March 14, would be issued as a final Remedial Order.
June 11, 1980	Caribou Four Corners, Inc., Washington, D.C.	BEX-0065	Supplemental Order. If granted: The DOE would stay a portion of Caribou Four Corners, Inc.'s entitlements purchase obligations during the period June 1980 through November 1980, in accordance with the Proposed Decision and Order issued to the firm regarding its Application for Exception (Case No. BEE-1067).
June 11, 1980	Gulf Oil Corporation, Washington, D.C.	BED-0062 BEJ-0092	Motion for Discovery. Motion for Protective Order. If granted: Discovery would be granted to Gulf Oil Corporation in connection with its Statement of Objections submitted in response to the May 19, 1980 Decision and Order (Case No. DEE-4214), issued to Cia. Petrolera del Caribe, Inc. Gulf Oil Corporation would enter into a Protective Order with Cia. Petrolera del Caribe, Inc. regarding the release of proprietary information to Gulf Oil Corporation in connection with Cia. Petrolera del Caribe, Inc.'s Application for Exception.
June 11, 1980	Southland Oil Company, Washington, D.C.	BEX-0066	Supplemental Order. If granted: The DOE would stay a portion of Southland Oil Company's entitlements purchase obligations during the period June 1980 through November 1980, in accordance with the Proposed Decision and Order issued to the firm regarding its Application for Exception (Case No. BXE-1021).
June 11, 1980	Standard Truck Plaza North, Oklahoma City, Oklahoma	BRW-0054	Remedial Order Finalization. If granted: A proposed Remedial Order issued to Standard Truck Plaza North on March 21, 1980, would be issued as a final Remedial Order.
June 11, 1980	Warrior Asphalt Company of Alabama, Inc., Washington, D.C.	BEX-0067	Supplemental Order. If granted: The DOE would stay a portion of Warrior Asphalt Company of Alabama, Inc.'s entitlements purchase obligations during the period June 1980 through November 1980, in accordance with the Proposed Decision and Order issued to the firm regarding its Application for Exception (Case No. BXE-1052).
June 11, 1980	Young Refining Corporation, Washington, D.C.	BEX-0068	Supplemental Order. If granted: The DOE would stay a portion of Young Refining Corporation's entitlements purchase obligations during the period June 1980 through November 1980, in accordance with the Proposed Decision and Order issued to the firm regarding its Application for Exception (Case No. BEE-1038).
June 12, 1980	A & B Holding Company, Inc., San Antonio, Texas	BEE-1210	Allocation Exception. If granted: A & B Holding Company, Inc. would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an allocation of unleaded motor gasoline for the purpose of blending gasohol.
June 12, 1980	Calcasieu Refining Company, Houston, Texas	BEA-0392	Appeal of Buy/Sell Order. If granted: The May 13, 1980, Decision and Order issued to Calcasieu Refining Company by the Economic Regulatory Administration would be modified with respect to the firm's participation in the Crude Oil Buy/Sell Program.
June 12, 1980	Parker Energy and Petroleum Company	BEE-1209	Allocation Exception. If granted: Parker Energy and Petroleum Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
June 12, 1980	Petroleum Management, Inc., Washington, D.C.	BRX-0069	Supplemental Order. If granted: The May 28, 1980 Decision and Order issued to Petroleum Management, Inc. regarding the firm's Statement of Objections to a Proposed Remedial Order (Case Number DRO-0056) would be modified.
June 12, 1980	Plateau, Inc., Washington, D.C.	BEX-0070	Supplemental Order. If granted: The DOE would stay a portion of Plateau, Inc.'s entitlements purchase obligations, in accordance with the Proposed Decision and Order issued to the firm regarding its Application for Exception (Case No. BEE-1049).
June 13, 1980	C. C. Hall, Red River County, Texas	BEE-1213	Price Exception (Section 212.73). If granted: C. C. Hall would be permitted to sell at upper tier ceiling prices the crude oil produced from the Dean Ward #1 Oil Well located in Red River County, Texas.
June 13, 1980	Johnson Oil Company, Salt Lake City, Utah	BEE-1214	Price Exception. If granted: Johnson Oil Company would receive an exception from 10 CFR 212, Subpart F which would permit the firm to sell crude oil at a higher price.
June 13, 1980	Little America Refining Co., Washington, D.C.	BEL-1064	Exception from the Entitlements Program. If granted: Little America Refining Co. would receive an exception from the provisions of 10 CFR 211.67 which would modify its entitlements purchase obligations.
June 13, 1980	William R. Hilton, Chester, Pennsylvania	BMR-0048	Request for Modification and Rescission. If granted: The Remedial Order issued to William R. Hilton by the Office of Hearings and Appeals on March 25, 1980, would be rescinded.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

[Week of 6/6/80 to 6/13/80]

If granted: The following firms would be granted relief which would increase their base period allocation of motor gasoline.

Name	Case No. and Date	State
Action Cabs	BEE-1211, 6/13/80	Md.
Belle Haven Sunoco	BEE-1208, 6/11/80	Va.
Manny's Standard Service	BEN-0041, 6/12/80	Wis.
Valley Petroleum Distributors	BEE-1205, 6/9/80	Tex.

Notices of Objection Received

[Week of 6/6/80 to 6/13/80]

6/11/80	Summit Transportation Co., Washington, D.C.	BEE-0991
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Notices of Objection Received—Continued

[Week of 6/6/80 to 6/13/80]

Date	Name and location of applicant	Case No.
6/9/80	Vernon Auto Wash, Inc., Manchester, Conn.	DEE-7447

[FR Doc. 80-22891 Filed 7-29-80; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of June 20, Through June 27, 1980

During the week of June 20 through June 27, 1980 the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

List of Cases Received by the Office of Hearings and Appeals

[Week of June 20, 1980, through June 27, 1980]

Date	Name and location of applicant	Case No.	Type of submission
June 20, 1980	Dave Clark, Washington, D.C.	BRH-1157; BRD-1157	Request for Evidentiary Hearing and Motion for Discovery. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objection submitted by Dave Clark in response to the Proposed Remedial Order issued to Dave Clark. (Case No. BRO-1157).
June 23, 1980	Clark Super 100, Roselle, Illinois	BRW-0056	Proposed Remedial Order Finalization. If granted: A Proposed Remedial Order issued to Clark Super 100 on February 26, 1980 would be issued as a final Remedial Order.
June 23, 1980	Jim's Texaco, North Aurora, Illinois	BRW-0057	Proposed Remedial Order Finalization. If granted: A Proposed Remedial Order issued to Jim's Texaco on March 6, 1980 would be issued as a final Remedial Order.
June 23, 1980	Phillips Puerto Rico Core, Inc., Bartlesville, Oklahoma	BEE-1235	Exception from the Entitlements Program. If granted: Phillips would receive an exception from the provisions of 10 CFR 211.67 which would permit the firm to sell additional entitlements.
June 23, 1980	Shockley Exxon Service & Towing, Delano, California	BRH-1252; BRD-1252	Motion for Discovery and Motion for Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objections filed by Shockley Exxon Service & Towing in response to a Proposed Remedial Order.
June 23, 1980	Smith Petroleum, West Plains, Missouri	BEA-0397; BES-0397; BST-0397	Appeal of an Assignment Order. If granted: The April 24, 1980 Assignment Order issued to Smith Petroleum by the Economic Regulatory Administration, Region VII, regarding Smith Petroleum's supply obligations to Orval Davis Tire Company would be rescinded.
June 23, 1980	Tenneco Oil Company, Houston, Texas	BEE-1238; BES-1238; BEL-1238	Allocation Exception. If granted: Tenneco Oil Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an allocation of unleaded motor gasoline for the purpose of blending gasohol.
June 23, 1980	Thriftway Company, Washington, D.C.	BEX-0075	Supplemental Order. If granted: Thriftway Company would receive a say of a portion of its entitlements purchase obligations to the extent specified in a Proposed Decision and Order issued on the firm's Application for Exception (Case No. BEE-1206).
June 24, 1980	Calcasieu Refining Company, Washington, D.C.	BEE-1241	Exception from the Entitlements Program. If granted: Calcasieu Refining Company would receive an exception from the provisions of 10 CFR 211.67 which would modify its entitlements purchase obligations.
June 24, 1980	Chevron, U.S.A., Washington, D.C.	BED-0361; BEJ-0095	Motion for Discovery and Motion for Protective Order. If granted: Discovery would be granted To Chevron, U.S.A. in connection with the Appeal filed by United Refining Company (Case No. BEA-0361). Chevron, U.S.A. would enter into a Protective Order with United Refining Company regarding the release of proprietary information to Chevron, U.S.A.
June 24, 1980	Delta Fuels, Cape Girardeau, Missouri	BEE-1240	Allocation Exception. If granted: Delta Fuels would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an allocation of unleaded motor gasoline for the purpose of blending gasohol.
June 25, 1980	Little America Refining Co./Wyoming Refining Company, Washington, D.C.	BEJ-0100	Motion for Protective Order. If granted: A Protective Order between Little America Refining Company and Wyoming Refining Company would be approved regarding the exchange of information in connection with Little America Refining Company's Application for Exception and Temporary Exception (Case Nos. BEE-1064 and BEL-1064).
June 25, 1980	Little America Refining Company, et al., Washington, D.C.	BEJ-0096 thru BEJ-0099	Motion for Protective Order. If granted: A Protective Order between Little America Refining Company and Mobil, Texaco, Chevron and Cities Service would be approved regarding the delivery of proprietary information to each firm in connection with Little America Refining Company's Application for Exception and Temporary Exception (Case Nos. BEE-1064 and BEL-1064).
June 25, 1980	Peerless Petrochemicals, Inc., Washington, D.C.	BEA-0398	Appeal of the Entitlements Notice. If granted: The February 1980 Entitlements Notice would be modified with respect to the entitlements purchase obligations of Peerless Petrochemicals, Inc.
June 25, 1980	Peerless Petrochemicals, Inc., Rosslyn, New York	BEE-1251	Exception from the Entitlements Program. If granted: Peerless Petrochemicals, Inc. would receive an exception from the provisions of 10 CFR 211.67 which would modify its entitlements purchase obligations.
June 25, 1980	Thomas P. Reidy, Inc., Washington, D.C.	BEL-0054	Request for Temporary Exception. If granted: Thomas P. Reidy, Inc. would receive a temporary stay of that portion of the gasoline reseller pricing regulations which specifies that an election as to which pricing rule to apply must be made by July 1, 1980, for each reseller subject to the rules.
June 26, 1980	Getty Refining and Marketing Co., Tulsa, Oklahoma	BEA-0399	Appeal of an Assignment Order. If granted: The May 23, 1980, Assignment Order issued to Getty Refining and Marketing Company by the Economic Regulatory Administration, Region VII, regarding Getty Refining and Marketing Company's supply obligations to Murray Oil Company would be rescinded.
June 26, 1980	Gulf Oil Corporation, Houston, Texas	BEE-1244	Price Exception. If granted: Gulf Oil Corporation would receive an exception from the provisions of 10 CFR 212.83 which would permit the firm to sell motor gasoline at a price above the applicable maximum allowable price.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: July 25, 1980.

Melvin Goldstein,
Director, Office of Hearings and Appeals.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

[Week of 6/20/80-6/27/80]

If granted: The following firms would be granted relief which would increase their base period allocation of motor gasoline.

Name	Case No. and date	State
Parker Energy and Petroleum Co.	BEE-1234, 6/20/80	D.C.
Wilderness Road Truck Stop, Inc.	BEE-1236, 6/23/80	Va.
Refiners Outlet Co.	BEE-1237, 6/23/80	Ohio
West Virginia Turnpike Commission	BEE-1239, 6/18/80	Va.
Rose Bay Travel Park	BEE-1243, 6/24/80	Fla.
Waite's Service Center, Inc.	BEE-1243, 6/24/80	Conn.

Notices of Objection Received

[Week of 6/20/80 through 6/27/80]

Date	Name and location of applicant	Case No.
6/23/80	Hawaii Automotive & Retail Gasoline Dealer—Hawaii.	DEE-8070

Notices of Objection Received—Continued

[Week of 6/20/80 through 6/27/80]

Date	Name and location of applicant	Case No.
6/24/80	Dale Olson Oil Co.—Michigan	BEE-0501
6/24/80	Cotton Service Stations—Texas	DEE-6464
6/24/80	Mohawk Petroleum Corp., Inc.—Texas	BEX-0064
6/24/80	S & W Enterprises, Inc.—Texas	BEE-1019
6/25/80	Greater Washington/Maryland Service Station Association—Washington, D.C.	BEE-0763
6/26/80	City of Ann Arbor—Michigan	DEE-1980

[FR Doc. 80-22893 Filed 7-29-80; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of June 27 through July 4, 1980

During the week of June 27 through July 4, 1980, the appeals and applications for exception or other relief

listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: July 25, 1980.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

List of Cases Received by the Office of Hearings and Appeals

[Week of June 27 through July 4, 1980]

Date	Name and location of applicant	Case No.	Type of submission
June 26, 1980	Southwestern Refining Company, Inc., Washington, D.C.	BXE-1268	Exception from the Entitlements Inc. If granted: Southwestern Refining Company, Inc. would receive an exception from the provisions of 10 CFR 211.67 which would modify its entitlements purchase obligations.
June 27, 1980	Copano Refining Company, San Antonio, Texas	BES-1249, BEL-1249 and BEE-1249	Temporary Exception, Request for Stay and Exception from the Buy/Sell Program. If granted: Copano Refining Company would receive a stay, temporary exception and an exception to the provisions of 10 CFR 211.65 regarding the firm's participation in the crude oil Buy/Sell Program.
June 27, 1980	Ethanol Marketing and Refining, Ltd., Tulsa, Oklahoma	BEE-1245	Allocation exception. If granted: Ethanol Marketing and Refining, Ltd. would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an allocation of unleaded motor gasoline for the purpose of blending gasoline.
June 27, 1980	Ferrel Little Oil Company, Inc., San Augustine, Texas	BEE-1258	Price exception. If granted: Ferrel Little Oil Company, Inc. would receive an exception from that portion of the gasoline reseller pricing regulations which specifies that an election as to which pricing rules to apply must be made by July 1, 1980 for each reseller subject to the rules.
June 27, 1980	Guam Oil and Refining Company, Inc., Dallas, Texas	BEE-1247 and BEL-1247	Allocation exception. If granted: Guam Oil and Refining Company, Inc. would receive an exception and a temporary exception which would permit the firm to receive an allocation of crude oil so that the firm can operate at the national refinery utilization rate between the periods of June 16, 1980 through December 31, 1980 and January 1, 1981 through September 30, 1981.
June 27, 1980	Husky Oil Company, Denver, Colorado	BEE-1248 and BEL-1248	Price exception. If granted: Husky Oil Company would receive an exception and a temporary exception from the provisions of 10 CFR 212.83 which would permit the firm to pass through incremental expenses relating to the blending, storage, distribution and marketing of gasoline.
June 27, 1980	Texaco, Inc., White Plains, New York	BEE-1246	Price exception. If granted: Texaco, Inc. would receive an exception from the provisions of 10 CFR 212.83 which would permit the firm to sell motor gasoline at a price above the applicable ceiling prices.
June 30, 1980	Gulf Oil Corporation, Washington, D.C.	BRH-0211 and BRD-0211	Motion for Discovery and Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objections to the Proposed Remedial Order (Case No. BRO-0211) issued to Gulf Oil Corporation.
June 30, 1980	Mobil Oil Corporation, New York, New York	BEA-0400; BES-0400 and BST 0400	Appeal of the Canadian Crude Oil Allocation Notice. If granted: The May 29, 1980 Canadian Oil Allocation Notice for the period of June, 1980 issued by the Economic Regulatory Administration would be rescinded. The Notice would be stayed pending final determination of Mobil's Appeal.
June 30, 1980	Moco, Inc., Mervern, Arkansas	BEL-0056	Price Exception (Section 212.73). If granted: Moco, Inc. would be permitted to sell the waste oil produced from Smackover field located in Arkansas at market prices.
June 30, 1980	739 Corporation, Lords Valley, Pennsylvania	BMR-0050	Request for Modification. If granted: The DOE's May 23, 1980 Decision and Order (Case No. BEO-0367) issued to 739 Corporation would be modified with respect to their allocation of motor gasoline.
June 30, 1980	739 Corporation, Lords Valley, Pennsylvania	BEL-0050	Allocation Exception. If granted: 739 Corporation would receive temporary exception from the provisions of 10 CFR 211 which would permit the firm to receive an allocation of motor gasoline.
July 1, 1980	American Agri-Fuels Corporation, Washington, D.C.	BXE-1255	Extension of Relief granted in <i>American Agri-Fuels Corporation</i> , — DOE ¶— (August 28, 1979). If granted: American Agri-Fuels Corporation would be permitted to continue to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasoline.
July 1, 1980	ANR Production, Washington, D.C.	BEL-0057	Price Exception. If granted: ANR Production would receive a temporary exception from the provisions of 10 CFR 212 which would permit the firm to sell propane and butane as a reseller.
July 1, 1980	Atlantic Richfield Company, Dallas, Texas	BEE-1259	Price Exception (Section 212.73). If granted: Atlantic Richfield Company would be permitted to sell the crude oil produced from the California Lease PRC 3242.1 located in Santa Barbara County, California at market prices.
July 1, 1980	Crown Central Petroleum, Inc., Baltimore, Maryland	BEA-0404	Appeal of the Entitlements Notice. If granted: The March 1980 Entitlements Notice would be modified to reduce the number of entitlements accruing to Alaskan North Slope crude oil.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of June 27 through July 4, 1980]

Date	Name and location of applicant	Case No.	Type of submission
July 1, 1980	Dobrovir, Oakes & Gebhardt, Washington, D.C.	BFA-0405	Appeal of Information Request Denial. If granted: The February 14, 1980 Information Request Denial issued by the General Counsel for Regulation would be rescinded, and Dobrovir, Oakes & Gebhardt would receive access to certain DOE information regarding the joint DOE/Department of Justice investigation of certain activities of the domestic major oil companies.
July 1, 1980	Exxon Company, USA, Washington, D.C.	BMR-0051	Request for Modification/Rescission. If granted: The May 29, 1980 Decision and Order (Case No. 03-DEA-0087) regarding the assignment of Service Oil Company as the supplier for a retail outlet, issued to Exxon Company, USA by the Region III Office of Hearings and Appeals would be rescinded.
July 1, 1980	Harry K. Nier, Jr., Denver, Colorado	BFA-0401	Appeal of Information Request Denial. If granted: The June 4, 1980 Information Request Denial issued by the Albuquerque Operations Office would be rescinded, and Harry K. Nier, Jr., would receive access to all DOE medical records pertaining to Daniel V. Karkanen.
July 1, 1980	Husky Oil Company, Denver, Colorado	BEN-1248	Interim Order. If granted: Husky Oil Company would receive an exception on an interim basis from the provisions of 10 CFR 212.63 which would permit the firm to pass through incremental costs associated with the blending and marketing of gasoline in sales of gasoline.
July 1, 1980	International Processors, St. Rose, Louisiana	BEA-0403	Appeal of the Entitlements Notice. If granted: The March 1980 Entitlements Notice would be modified to reduce the number of entitlements accruing to Alaskan North Slope crude oil.
July 1, 1980	Laketon Asphalt Refining, Inc., Evansville, Indiana	BXE-1260	Exception from the Entitlements Program. If granted: Laketon Asphalt Refining, Inc. would receive an exception from the provisions of 10 CFR 211.67 which would modify its entitlements purchase obligations.
July 1, 1980	Marathon Oil Company, Washington, D.C.	BEA-0407	Appeal of an Assignment Order. If granted: The February 11, 1980 Assignment Order issued to Tyson Oil Company by the Economic Regulatory Administration, Region IV, regarding Marathon Oil Company's supply obligations to Tyson Oil Company would be modified.
July 1, 1980	Seaview Petroleum Company, Paulsboro, New Jersey	BEA-0402	Appeal of the Entitlements Notice. If granted: The March 1980 Entitlements Notice would be modified to reduce the number of entitlements accruing to Alaskan North Slope crude oil.
July 1, 1980	Trends Publishing, Inc., Washington, D.C.	BFA-0406	Appeal of an Information Request Denial. If granted: Trends Publishing, Inc. would receive access to materials regarding the Electric Engine units.
July 2, 1980	Ashland Oil & Inc., Washington, D.C.	BEA-0411	Appeal of the Entitlements Notice. If granted: The March 1980 Entitlements Notice would be modified to reduce the number of entitlements accruing to Alaskan North Slope crude oil.
July 2, 1980	Clark Oil and Refining Corp., Washington, D.C.	BEA-0412	Appeal of the Entitlements Notice. If granted: The March 1980 Entitlements Notice would be modified to reduce the number of entitlements accruing to Alaskan North Slope crude oil.
July 2, 1980	Energy Cooperatives, Inc., Washington, D.C.	BEA-0410	Appeal of the Entitlements Notice. If granted: The March 1980 Entitlements Notice would be modified to reduce the number of entitlements accruing to Alaskan North Slope crude oil.
July 2, 1980	Genico Distributors, Inc., Austin, Texas	BEX-0076	Supplemental Order. If granted: The DOE's June 24, 1980 Decision and Order (Case No. BSG-0024) issued to Genico Distributors, Inc. would be modified to correct a typographical error.
July 2, 1980	Hi-Lo Oil Company, Inc., Topeka, Kansas	BEE-1263 and BEL-1263	Request for Exception and Temporary Exception. If granted: Hi-Lo Oil Company, Inc. would receive an exception and a temporary exception of that portion of the gasoline reseller pricing regulations which specifies that an election as to which pricing rule to apply must be made by July 1, 1980 for each reseller subject to the rules.
July 2, 1980	Highway Oil, Inc., Topeka, Kansas	BEL-0058	Request for Temporary Exception. If granted: Highway Oil, Inc. would receive a temporary exception of that portion of the gasoline reseller pricing regulations which specifies that an election as to which pricing rule to apply must be made by July 1, 1980 for each reseller subject to the rules.
July 2, 1980	Industrial Fuel and Asphalt of Indiana, Inc., Washington, D.C.	BEN-0962	Interim Order. If granted: Industrial Fuel and Asphalt of Indiana, Inc. would receive exception relief on an interim basis, pending a final determination on its Application for Exception (BEE-0962).
July 2, 1980	Keystone Fuel Oil Company, Wilmington, Delaware	BRH-1166 and BRD-1166	Motion for Evidentiary Hearing and Discovery. If granted: Discovery would be granted and an evidentiary hearing would be convened to Keystone Fuel Oil Company in connection with the Statement of Objections submitted in response to the Proposed Remedial Order (Case No. BRO-1166) issued to Keystone Fuel Oil Company issued by the Office of Hearings and Appeals.
July 2, 1980	Murphy Oil Corporation, Washington, D.C.	BEA-0413	Appeal of an Entitlement Notice. If granted: The March 1980 Entitlements Notice would be modified to reduce the number of entitlements accruing to Alaskan North Slope crude oil.
July 2, 1980	Tommy Oil Company, Inc., Topeka, Kansas	BEE-1262 and BEL-1262	Request for Exception and Temporary Exception. If granted: Tommy Oil Company, Inc. would receive an exception and a temporary exception of that portion of the gasoline reseller pricing regulations which specifies that an election as to which pricing rule to apply must be made by July 1, 1980 for each reseller subject to the rules.
July 2, 1980	Tosco Corporation, Washington, D.C.	BEA-0408	Appeal of the Entitlements Notice. If granted: The March 1980 Entitlements Notice would be modified with respect to Tosco's entitlements purchase obligations.
July 2, 1980	United Refining Company, Washington, D.C.	BEA-0409	Appeal of the Entitlements Notice. If granted: The March 1980 Entitlements Notice would be modified to reduce the number of entitlements accruing to Alaskan North Slope crude oil.
July 2, 1980	Workingman's Friend, Topeka, Kansas	BEE-1261 and BEL-1261	Request for Exception and Temporary Exception. If granted: Workingman's Friend would receive an exception and a temporary exception of the portion of the gasoline reseller pricing regulations which specifies that an election as to which pricing rule to apply must be made by July 1, 1980 for each reseller subject to the rules.
July 3, 1980	Franco Belge Foundries of America, Inc.	BEE-1266	Exception from the Energy Conservation Program for Consumer Products. If granted: Franco Belge Foundries of America, Inc. would receive an exception from the provisions of 10 CFR 430 which would permit the firm to modify the energy efficiency test procedures applicable to the multi-fuel boiler unit.
July 3, 1980	Ken De Paola/17th and Harrison Service	BRW-0058	Remedial Order Finalization. If granted: A Proposed Remedial Order issued to Ken De Paola/17th and Harrison Service on February 5, 1980 would be issued as a final Remedial Order.
July 3, 1980	Placid Refining Company, Washington, D.C.	BEE-1270	Exception from the Entitlements Notice. If granted: Placid Refining Company would receive an exception from the provisions of 10 CFR 211.67 which would modify its entitlements purchase obligations.
July 3, 1980	United Energy Company, Phoenix, Arizona	BEE-1269	Allocation Exception. If granted: United Energy Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an allocation of unleaded motor gasoline for the purpose of blending gasoline.
July 3, 1980	Young Refining Corp., Washington, D.C.	BES-0082	Request for Stay. If granted: Young Refining Corp. would receive a Stay of the provisions of 10 CFR 211.67 regarding its entitlements purchase obligations for the period of June 1980.

Notices of Objection Received

[Week of June 27 through July 4, 1980]

Date	Name and location of applicant	Case No.
6/27/80	Dow Chemical, USA, Washington, D.C.	BEE-0285
6/27/80	Chronister Oil, Inc., Washington, D.C.	BEE-0475
6/30/80	Downtown Standard, Louisville, Miss.	DEE-6415
6/30/80	Housley Distributing, Inc., Silver City, N. Mex.	DEE-8113
6/30/80	Ted Harrison Oil Company, Virginia, Ill.	DEE-6606
6/30/80	Wadsworth Oil Company, Inc., Clanton, Ala.	BEE-1022
7/1/80	Columbus Public Schools, Columbus, Ohio.	BEE-1012
7/1/80	Naph-Sol Refining Co., Inc., Washington, D.C.	DEE-7924
7/1/80	Randolph Oil Company, Moberly, Mo.	BEE-0654
7/1/80	Town of Shelter Island, Shelter Island Heights, N.Y.	DEE-5123
7/2/80	SSM Oil and Gas Producer, Washington, D.C.	BEE-1137
7/3/80	Sabra Refining, Inc., Bakersfield, Calif.	DEX-0044

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

[Week of June 27 through July 4, 1980]

If granted: The following firms would be granted relief which would increase their base period allocation of motor gasoline.

Name	Case No. and date	State
Angelo and Sons	BEN-0784, 6/30/80	Mass.
Antonio Vricella	BEN-0289, 6/30/80	Mass.
Union Oil Co. of Calif.	BEE-1252, 6/30/80	Ill.
Parker Energy and Petroleum Co.	BEL-1209, 7/1/80	Va.
Ruland Road Auto Service Corp.	BEE-1257, 7/1/80	N.Y.
Thunderbird ARCO	BEE-1256, 7/1/80	Oreg.
Union Oil Co. of Calif.	BEE-1253, 7/1/80	Ohio.
Union Oil Co. of Calif.	BEE-1254, 7/1/80	Ohio.
Allison Oil	BEN-0042, 7/2/80	Okl.
Southern Oil Company	BEN-0043, 7/2/80	Ala.
Howell Insulation, Inc.	BEE-1265, 7/3/80	Ala.

[FR Doc. 80-32892 Filed 7-29-80; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of July 4 Through July 11, 1980

During the week of July 4 through July 11, 1980 the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: July 24, 1980.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

List of Cases Received by the Office of Hearings and Appeals

[Week of July 4 through 11, 1980]

Name	Name and location of applicant	Case No.	Type of submission
July 3, 1980	Universal Utilities, Inc., Great Neck, New York	PST-0084; BES-0084; BMR-0052	Request for Modification; Request for Stay and Temporary Stay. If granted: The January 30, 1978, Consent Order between Universal Utilities, Inc. and the Economic Regulatory Administration would be modified. Universal Utilities, Inc. would receive a Stay and Temporary Stay of the Consent Order pending a final determination on its Application for Modification.
July 7, 1980	Arizona Chemical Company, Wayne, New Jersey	BEE-1273	Exception from the Entitlements Program. If granted: Arizona Chemical Company would receive an exception from the provisions of 10 CFR § 211.67 which would modify its entitlements purchase obligations.
July 7, 1980	Ayers Oil Company, Washington, D.C.	BRD-1176	Motion for Discovery. If granted: Discovery would be granted to Ayers Oil Company in connection with the Statement of Objection submitted in the Proposed Remedial Order (Case No. BRO-1176).
July 7, 1980	Chevron USA, Inc., San Francisco, California	BXE-1250	Extension of the relief granted in <i>Chevron USA, Inc.</i> , 7 DOE ¶ (April 3, 1980). If granted: Chevron USA, Inc. (State Lease PRC) would be permitted to continue to sell the crude oil produced from the State Lease PRC 1824, Main zone (Summerland Field) located in Santa Barbara County, California at market prices.
July 7, 1980	Donald H. Grissom, Austin, Texas	BFA-0414 and BFA-0415	Appeal of an Information Request Denial. If granted: The June 4, 1980, and June 26, 1980 Information Request Denial issued by the Regional Director of the Office of Petroleum Operations (Region VI) would be rescinded, and Donald H. Grissom would receive access to information regarding the September 28, 1979 Assignment Order of the ERA Region II Office.
July 7, 1980	Norman H. Singer, Seattle, Washington	BEE-1272	Allocation Exception. If granted: Norman H. Singer would receive an exception from the provisions of 10 CFR 211 which would permit Norman H. Singer to receive an allocation of unleaded motor gasoline for the purpose of blending gasoline.
July 7, 1980	Petro-Plus-Tobacco, LTD, Pelham Manor, New York	BERE-1279	Price Exception. If granted: Petro-Plus-Tobacco, LTD would receive an exception from the provisions of 10 CFR 212 which would permit the firm to sell motor gasoline at a price above the applicable ceiling price.
July 7, 1980	Union Propane Gas Company, Morganfield, Kentucky	BEE-1286	Price Exception. If granted: Union Propane Gas Company would receive an exception from the provisions of 10 CFR 212 which would permit the firm to sell propane gas at a price above the applicable ceiling price.
July 7, 1980	Western Organization of Resource Councils, Washington, D.C.	BFA-0416	Appeal of an Information Request Denial. If granted: The June 11, 1980, Information Request Denial issued by the Office of Procurement Operations would be rescinded and Western Organization would receive access to the solicitation for Feasibility Studies for Alternative Fuels Production (DE-PA01-80RA50185) and the Program Solicitation for Proposals for Cooperative Agreements—Alternative Fuels Production (DE-PA01-80RA50204).
July 8, 1980	Atlantic Richfield Company, Los Angeles, California	BFA-06418	Appeal of an Information Request Denial. If granted: The June 4, 1980, Information Request Denial issued by the Economic Regulatory Administration, Region V would be rescinded and Atlantic Richfield Company would receive access to relating information on the application for motor gasoline assignment filed by Bensonville, Illinois School Districts Nos. 2 and 100 (Case No. 05-045029).
July 8, 1980	Belcher Oil Company, Washington, D.C.	BRX-0076	Supplemental Order. If granted: Office of Special Counsel and Florida Power and Light Company would be required to respond to certain requests for admission by Belcher Oil Company.
July 8, 1980	Howrey and Simon, Washington, D.C.	BFA-0417	Appeal of an Information Request Denial. If granted: The June 4, 1980, Information Request Denial issued by the Chicago Operation and Regional Office would be rescinded, and Howrey and Simon (Billinson) would receive access to materials related to the terms "class of purchaser" and/or "customary price differential" and all materials pertaining to Shell Oil Company.
July 8, 1980	Jay Oil Company, Tulsa, Oklahoma	BSG-0027	Request for Special Grievance. If granted: The Office of Hearings and Appeals would review the proceedings pending against the Enforcement Action in Case No. 6C1H00011 issued to Jay Oil Company.
July 8, 1980	Northern Plains Oil Company, Bismarck, North Dakota	BEE-1275	Price Exception. If granted: Northern Plains Oil Company would be permitted to sell the crude oil produced from the Montana Federal 24-1, Harscrabble Prospect located in Richland County, Montana, at upper tier ceiling prices.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of July 4 through 11, 1980]

Name	Name and location of applicant	Case No.	Type of submission
July 8, 1980.....	United Refining Co./Marathon Oil, Findlay, Ohio	BEJ-0104	Motion for Protective Order. If granted: United Refining Company and Marathon Oil enter into a Protective Order regarding the release of proprietary information between United Refining Company and Marathon Oil in connection with United Refining and Application for Stay (Case No. BES-0361).
July 8, 1980.....	Vermont Morgan Corporation, New York, New York	BEE-1277	Price Exception. If granted: Vermont Morgan Corporation would receive an exception of that portion of the gasoline reseller pricing regulations which specifies that an election as to which pricing rule to apply must be made by July 1, 1980, for each reseller subject to the rules.
July 8, 1980.....	Young Refining Corporation, Washington, D.C.	BEE-1296	Allocation Exception. If granted: Young Refining Corporation would receive a modification of its entitlements exception relief with regards to its purchase obligations for the period April 1, 1970, through September 30, 1980.
July 9, 1980.....	McCall Marketing Company, Washington, D.C.	BEE-1280	Allocation Exception. If granted: McCall Marketing Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an allocation of unleaded motor gasoline for the purpose of blending gasoline.
July 9, 1980.....	Warrior Asphalt Co. of Alabama, Inc., Washington, D.C.	BEX-0078	Supplemental Order. If granted: The DOE would review the entitlements exception relief granted to Warrior Asphalt Co. of Alabama, Inc. during its fiscal year ended March 31, 1980, to determine whether the level of relief accorded the firm was appropriate.
July 10, 1980.....	Chevron USA, Inc., Washington, D.C.	BEE-0285 and BEJ-0101.	Motion for Discovery and Protective Order. If granted: Discovery would be granted to Chevron USA, Inc. in connection with the Application for Exception submitted by Dow Chemical, USA (Case No. BEE-0285). A Protective Order would be issued regarding the release of proprietary information by Dow Chemical to Chevron in connection with Dow's Application for Exception (Case No. BEE-0285).
July 10, 1980.....	Guam Oil and Refining Co., Inc./Chevron USA, Inc., Territory of Guam.	BEJ-0102	Motion for Protective Order. If granted: A protective Order would be issued regarding the exchange of proprietary data between Guam Oil & Refining Company, Inc. and Chevron USA, Inc. in connection with Guam's Application for Exception (Case Nos. BEE-1247 and BEL-1247).
July 10, 1980.....	Mobil Oil Corporation, Washington, D.C.	BEE-1281	Price Exception. If granted: Mobil Oil Corporation would be granted an exception from the provision of 10 CFR 212, Subpart E which would permit the firm to pass through the Connecticut gross receipts tax to the prices it charges for covered products sold in Connecticut.
July 10, 1980.....	Young Refining Corporation, Washington, D.C.	BEX-0080	Supplemental Order. If granted: The DOE would review the entitlements exception relief granted to Young Refining Corporation during its fiscal year ended March 31, 1980 to determine whether the level of relief accorded the firm was appropriate.
July 11, 1980.....	Marathon Oil Company, Findlay, Ohio	BEX-0054	Supplemental Order in <i>Marathon Oil Co.</i> , 6 DOE ¶ (May 6, 1980). If granted: A Supplemental Order would be issued which would rescind the May 6, 1980 Decision and Order Case No. BEX-0054).
July 11, 1980.....	Pacific Refining Company, Houston, Texas.....	BEE-1267 and BEL-1267.	Exception and Temporary Exception from the Entitlements Notice. If granted: Pacific Refining Company would receive an exception and a temporary exception from the provisions of 10 CFR § 211.67 which would modify its entitlements purchase obligations.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

[Week of July 4, 1980 to July 11, 1980]

If granted: the following firms would be granted relief which would increase their base period allocation of motor gasoline

Name	Case No. and date	State
Union Oil Co. of CA (Warrensville).	BEE-1271, 7/7/80	Ill.
Frank's North 52 Mobil Service.	BEE-1274, 7/7/80	Minn.
Craig Oil Company.....	BEE-1278, 7/8/80	Fla.
Livingston Tire Company.....	BEE-1276, 7/8/80	N.J.

Notices of Objection Received

[Week of July 4, 1980 to July 11, 1980]

Date	Name and location of applicant	Case No.
7/7/80	Indiana Service Station Dealers, Indianapolis, Ind.	BEO-1253
7/7/80	Mautitz and Carroll, White Plains, N.Y.	BEE-0737

Date	Name and location of applicant	Case No.
7/7/80	Southland Oil Company, Washington, D.C.	BXE-1021
7/7/80	Warrior Asphalt Co. of Alabama, Washington, D.C.	BXE-1052
7/8/80	Caribou Four Corners, Inc., Denver, Colo.	BEE-1067
7/9/80	Thornton Oil Company, Louisville, Ky.	DEE-2140
7/11/80	Plateau, Inc., Washington, D.C.	BEE-1049
7/11/80	Thriftway Company, Washington, D.C.	BEE-1206

[FR Doc. 80-22780 Filed 7-29-80; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Objection to Proposed Remedial Orders Filed; Week of June 16 Through June 20, 1980

During the week of June 16 through June 20, 1980, the notices of objection to

proposed remedial orders listed in the Appendix of this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 by August 19, 1980. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: July 24, 1980.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

Atlantic Richfield Co., Los Angeles Calif.,

BRO-1247

On June 20, 1980, Atlantic Richfield Co., 515 South Flower St., Los Angeles, California, filed a Notice of Objection to a Proposed Order of Disallowance which the DOE Office of Special Counsel for Compliance issued to the firm on May 15, 1973.

In the POD the Office of Special Counsel found that during the period October 1973 through May 1975 the firm had violated the provisions of 10 CFR 212.83 and 212.84 by overstating its costs with respect to interaffiliate imported crude oil transactions.

According to the POD the Atlantic Richfield Co. violation resulted in \$49.5 million of overcharges.

Richardson Ayres Jobber, Inc., Alexandria, La., BRO-1241

On June 17, 1980, Richardson Ayres Jobber, Inc., Alexandria, Louisiana filed a Notice of Objection to a Proposed Remedial Order which the DOE Southwest District Office of Enforcement issued to the firm on May 14, 1980.

In the PRO the Southwest District found that during the period November 1973 through April 1974, the firm was in violation of Federal Energy Administration rules and regulations concerning the sale of motor gasoline and No. 2 Diesel Fuel.

According to the PRO the Richardson Ayres Jobber, Inc. violation resulted in \$159,374.68 of overcharges.

Walter Kurpan d.b.a., Kurpan's Landing, Fox Lake, Ill., Motor Gasoline BRO-1242

On June 17, 1980, Walter Kurpan d.b.a. Kurpan's Landing, Fox Lake, Illinois filed a Notice of Objection to a Proposed Remedial Order which the DOE Central District Office of Enforcement issued to the firm on June 2, 1980.

In the PRO the Central District found that during the period August 1, 1979 to October 31, 1979, the firm had been charging prices significantly in excess of those allowed under the Mandatory Petroleum Price Regulations and/or had engaged in practices in violation of other applicable DOE regulations.

According to the PRO the Kurpan's Landing violation resulted in \$2,862.63 of overcharges.

[FR Doc. 80-22785 Filed 7-29-80; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1552-4]

Kaiser Cement Corp.; Withdrawal of PSD Permit

Notice of Withdrawal of Prevention of Significant Deterioration (PSD) Permit:

NSR 4-04-11/SE 78-08, Kaiser Cement Corporation, Cushenbury Springs Plant, San Bernardino County, CA.

On February 4, 1980 the U.S. Environmental Protection Agency (EPA) issued a Prevention of Significant Deterioration (PSD) Permit to the applicant named above for approval to construct a dry process cement kiln and associated equipment to replace three existing wet process kilns.

EPA has reconsidered the PSD permit issued to Kaiser Cement Corporation and determined, based on (1) *Alabama Power Company vs. Costle*, as initially decided on June 18, 1979 (606 F.2d 1068) and reaffirmed on December 14, 1979 by the United States Court of Appeals for the District of Columbia Circuit, 13 ERC 1993, (2) the administrative order signed and effective on January 30, 1980 and published on February 5, 1980, 45 FR 7801 (the EPA Administrator's stay of the 1978 PSD Regulations), and (3) a finding that no net increase in emissions would result from the modification, that the Kaiser Cement Corporation, Cushenbury Springs Plant project described above is not subject to PSD requirements. Therefore, EPA hereby withdraws the permit.

This PSD action is reviewable under Section 307(b)(1) of the Clean Air Act in the Ninth Circuit Court of Appeals. A petition for review must be filed on or before September 29, 1980.

Public inquiries concerning this action should be addressed to: Permits Branch, Enforcement Division, Region IX, U.S. Environmental Protection Agency, 215 Fremont Street, San Francisco, California 94105.

Dated: July 17, 1980.

Carl C. Kohnert,

Deputy Director, Enforcement Division.

[FR Doc. 80-22666 Filed 7-29-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1553-8]

Science Advisory Board, Subcommittee on Airborne Carcinogens; Open Meeting

Under Pub. L. 92-463, notice is hereby given of a meeting of the Subcommittee on Airborne Carcinogens of the Science Advisory Board. The meeting will be held September 4-5, 1980, starting at 9:15 am of each day, in Rooms 3906-08 in the Mall at EPA Headquarters, 401 M Street, SW, Washington, D.C.

The Agenda for the meeting will include a scientific review by the Subcommittee on Airborne Carcinogens of assessments of carcinogenicity and assessments of human exposure prepared by the Agency for six

substances. These include: acrylonitrile, methyl chloroform, methylene chloride, perchloroethylene, toluene, and trichloroethylene.

Copies of these assessments may be obtained by writing to Mrs. Nancy D. Riley, Pollutant Assessment Branch, MD-12, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, or by telephoning Mrs. Riley at 919-541-5348. Copies of these documents will also be available at the subcommittee meeting on September 4 and 5.

The meeting is open to the public. Any member of the public wishing to attend, obtain information, or participate should contact Terry F. Yosie, SAB, Staff Officer, (202) 755-2532 by close of business August 29, 1980.

Dated: July 24, 1980.

Richard M. Dowd,

Director, Science Advisory Board.

[FR Doc. 80-22812 Filed 7-29-80; 8:45 am]

BILLING CODE 6560-01-M

[OPP 42047A; FRL 1554-2]

State of California; Approval of State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides

AGENCY: Environmental Protection Agency.

ACTION: Notice of contingent approval.

SUMMARY: The Environmental Protection Agency (EPA) contingently approves the California State Plan for the Certification of Commercial and Private Applicators of Restricted Use Pesticides (California State Plan). This action allows the State of California to certify applicators of restricted use pesticides according to an EPA-approved State Plan.

EFFECTIVE DATE: June 24, 1980.

FOR FURTHER INFORMATION CONTACT: Steven Simanok, Environmental Protection Agency, 215 Fremont Street, San Francisco, CA 94105, Telephone: (415) 556-3352.

PUBLIC REVIEW: The California State Plan will remain available for public review at the following locations: Environmental Protection Agency,

Library, 6th Floor, 215 Fremont Street, San Francisco, CA 94105.

Environmental Protection Agency, Office of Pesticide Programs, Program Support Division, Regional Support Branch, Marfair Building, 3rd Floor, South Capitol and "D" Streets, S.W., Washington, D.C. 20460.

California Department of Food and Agriculture, Pesticide Enforcement,

1220 "N" Street, Room A-170,
Sacramento, CA 95814.

COMMENTS: EPA invites all interested persons to submit written comments on the California State plan. EPA will consider all comments before granting final approval. Please send your comments to: California State Plan Comments, Pesticide Section, A-3-1, Environmental Protection Agency, 215 Fremont Street, San Francisco, CA 94105.

All comments must be submitted before August 29, 1980. All comments submitted under this notice will be available for public inspection at the above San Francisco location during normal working hours.

SUPPLEMENTARY INFORMATION: Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), and the implementing regulations of 40 CFR Part 171 require each state desiring to certify applicators to submit a plan for its certification programs to EPA for approval. Any State certification program shall be maintained in accordance with the State Plan approved under this section. On January 21, 1977, EPA received such a plan from the State of California.

EPA published a Notice of Intent to Approve the California State Plan in the Federal Register of July 8, 1977 (42 FR 35184). A summary of the plan appeared in that notice. Complete copies of the California State Plan were made available for public inspection and public comment was solicited.

EPA received comments from one person during the 30-day comment period, regarding California's authority to regulate the use of pesticides through regulatory mechanisms not granted EPA under FIFRA. Also questioned was EPA's authority to approve a State Plan which utilizes such mechanisms.

EPA does not agree with these comments. The authority for California to further regulate pesticides is contained in Section 24(a) of FIFRA, which states, "a State may regulate the sale or use of any federally registered pesticide or device in the State, but only if and to the extent the regulation does not permit any sale or use prohibited by this Act." Furthermore, EPA is required to approve a State Plan that meets the criteria specified in Section 4(a)(2) of FIFRA and the implementing regulations of 40 CFR Part 171. EPA finds that the California State Plan will meet this criteria when proposed regulations (described below) are enacted.

The California Department of Food and Agriculture has proposed regulations that clarify record-keeping

requirements for certified commercial applicators, and affect the definition of private and commercial applicators. The existing definition of private applicator is not compatible with FIFRA because it includes those persons using restricted use pesticides within the home. California's proposed regulations eliminate the use of these pesticides within the home by the private applicator, thereby resolving the conflict with federal law. Persons wanting to use these materials within the home will now be certified by written examination to demonstrate a level of competency equal to a commercial applicator. Consequently, the proposed definition of commercial applicator has been expanded to include these individuals.

Several other changes have been made in the California State Plan since the Federal Register Notice and Summary of July 8, 1977 (42 FR 35184). These changes include California Department of Health Services regulations which describe the standards of certification for vector control personnel. Minor changes were also made which reflect current organizational structures of State agencies, and the numbers of certified applicators. These changes do not substantially affect the applicator certification program described in 1977.

EPA has determined that the California State Plan, together with the proposed regulations, satisfies the requirements of 40 CFR Part 171 pertaining to contingent approval. EPA intends to grant final approval upon promulgation of the proposed regulations and revision of the plan affected by the proposed regulations. However, EPA will consider the comments submitted pursuant to this notice before granting final approval.

Neither the California State Plan itself, nor EPA's contingency approval, creates any direct or immediate obligation on persons in the State of California. Delays in implementing the California State Plan are inconsistent with the public interest. Pursuant to Section 4(d) of the Administrative Procedure Act, 5 U.S.C. 553(d), EPA finds good cause for providing that the contingency approval granted herein to the California State Plan is effective upon the signature of this notice.

Dated: June 24, 1980.

Sheila M. Prindiville,
Acting Regional Administrator.

[FR Doc. 80-22814 Filed 7-29-80; 8:45 am]

BILLING CODE 6560-01-M

[PP6G1802/T253; FRL 1554-4]

Oryzalin; Renewal of a Temporary Tolerance, Elanco Products Co.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: A temporary tolerance has been renewed for residues of the herbicide oryzalin [3,5-dinitro-*N*⁴, *N*⁴-dipropylsulfanilamide] in or on wheat at 0.1 part per million (ppm).

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, DC 20460, 202/755-2196.

SUPPLEMENTARY INFORMATION: Notice was published on July 12, 1979 (44 FR 40724) that the EPA had extended a temporary tolerance (PP 6G1802), Elanco Products Co., PO Box 1750, Indianapolis IN 46206 submitted a pesticide petition (PP 6G1802) to the EPA requesting a one-year extension. The petition requested that a temporary tolerance be renewed for the combined residues of the herbicide oryzalin [3,5-dinitro-*N*⁴, *N*⁴-dipropylsulfanilamide] in or on wheat at 0.1 ppm.

Elanco Products Co. has requested a renewal of the temporary tolerance to permit the marketing of the above raw agricultural commodity when treated in accordance with an experimental use permit being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (P.L. 80-104, 61 Stat. 163, as amended by P.L. 92-516, 86 Stat. 975; P.L. 94-140, 89 Stat. 754, P.L. 95-396, 92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it has been determined that the tolerance is adequate to protect the public health.

The temporary tolerance has been renewed on the conditions that the temporary tolerance and experimental use permit be used with the following provisions:

1. The total amount of the pesticide to be used will not exceed the amount authorized in the experimental use permit.

2. Elanco Products Co. will immediately notify the Environmental Protection Agency of any findings from the experimental use that have a bearing on safety. The firm 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 expires on July 9, 1981. Residues not in excess of the tolerance remaining in or on the raw agricultural commodity after the expiration date will not be considered actionable if the pesticide is legally applied during the term, 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 indicate such revocation is necessary to protect the public health.

(Sec. 408(j), 68 Stat. 561, (21 U.S.C. 346a(j)))

Dated: July 24, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-22815 Filed 7-29-80; 8:45 am]

BILLING CODE 6560-01-M

[PF-193, FRL 1554-1]

Shell Chemical Co.; Filing of Pesticide Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the filing of a pesticide petition by Shell Chemical Company proposing to amend § 180.379 by establishing tolerances for the insecticide cyano (3-phenoxyphenyl)methyl-4-chloro-alpha-(methylene)benzeneacetate for the following raw agricultural commodities: apples and head lettuce at 2 parts per million (ppm); tomatoes at 1 ppm; meat and fat of cattle, goats, hogs, horses, sheep, and in milk at 1 ppm; and the meat byproducts of cattle, goats, hogs, horses, and sheep at 0.5 ppm.

ADDRESS: Written comments and inquiries should be directed to: Franklin D. R. Gee, Product Manager (PM) 17, Office of Pesticide Programs, Registration Division (TS-767), Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460, 202/426-9741.

Written comments may be submitted while the petition is pending before the Agency. The comments are to be identified by the document control number "[PF-193]" and the petition number (PP OF2367).

All written comments filed pursuant to this notice of filing will be available for public inspection in the Product Manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

SUPPLEMENTARY INFORMATION: Shell Chemical Company, Suite #200, 1025

Connecticut Avenue, NW., Washington, D.C. 20036, has submitted a pesticide petition (PP OF2367) to EPA proposing that 40 CFR 180.379 be amended by adding and increasing tolerances for the residues of the insecticide cyano(3-phenoxyphenyl)methyl-4-chloro-alpha-(methylene)benzeneacetate in or on the raw agricultural commodities:

Commodity	Parts per million
Apples.....	2
Head Lettuce.....	2
Cattle, fat.....	1
Cattle, mby.....	0.5
Cattle, meat.....	1
Goats, fat.....	1
Goats, meat.....	0.5
Goats, mby.....	0.02
Hogs, fat.....	1
Hogs, mby.....	0.5
Hogs, meat.....	1
Horses, fat.....	1
Horses, mby.....	0.5
Horses, meat.....	1
Milk, fat.....	1
Sheep, fat.....	1
Sheep, mby.....	0.5
Sheep, meat.....	1
Tomatoes.....	1

The proposed analytical method for determining residues is gas chromatography and combined gas chromatography/mass spectroscopy.

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 135))

Dated: July 22, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Registration Programs.

[FR Doc. 80-22813 Filed 7-29-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

National Industry Advisory Committee Renewal

The Federal Communications Commission has determined that renewal of the National Industry Advisory Committee (NIAC) is necessary and in the public interest.

The NIAC furnishes advice and recommendations to the Commission concerning: (1) the design and implementation of operational emergency communications policies, plans, and procedures; (2) proposed tests and exercises of those procedures; and (3) the establishment of authentication procedures. The NIAC suggests methods of incorporating FCC-licenses and regulated services into the established emergency communications network.

The renewal of the National Industry Advisory Committee is effective July 26, 1980 and extends to July 25, 1982. Concurrent with this renewal, terms of

the present members of the Committee are extended.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80-22778 Filed 7-29-80; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Agreement No. T-3716-1]

Environmental Assessment; Availability of Finding of No Significant Impact

Agreement No. T-3716-1 was filed with the Commission for approval, disapproval or modification under section 15 of the Shipping Act, 1916. Under this agreement, Global Terminal and Container Services, Inc. (Global) will provide vessel stevedoring and container terminal services at the Port of New York to the Korea Shipping Corporation (KSC). These services are in addition to less-than-container load services Global previously provided to KSC under Agreement No. T-3716.

The Federal Maritime Commission's Office of Environmental Analysis prepared an environmental assessment on this agreement. It found that this Commission action will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. § 4321 *et seq.* (NEPA) and that the preparation of an environmental impact statement is not required under section 4332(2)(c) of NEPA.

The environmental assessment is available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725. Interested parties may comment on the environmental assessment on or before August 19, 1980. Such comments are to be filed with the Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573. If a party fails to comment within this period, it will be presumed that the party has no comment to make.

Francis C. Hurney,

Secretary.

[FR Doc. 80-22873 Filed 7-29-80; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM**Darwin Bancshares, Inc.; Formation of Bank Holding Company**

Darwin Bancshares, Inc., Darwin, 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 90 per cent of the voting shares of Farmers State Bank of Darwin, Darwin, 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)).

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 22, 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 22, 1980.

Griffith L. Garwood,
Deputy Secretary of the Board.

[FR Doc. 80-22782 Filed 7-29-80; 8:45 am]
BILLING CODE 6210-01-M

Connecticut River Bancorp, Inc.; Acquisition of Bank

Connecticut River Bancorp, Inc., Charlestown, New Hampshire, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 67.5 per cent or more of the voting shares of Peoples National Bank of Littleton, Littleton, New Hampshire. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than August 22, 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 23, 1980.

Griffith L. Garwood,
Deputy Secretary of the Board.

[FR Doc. 80-22783 Filed 7-29-80; 8:45 am]
BILLING CODE 6210-01-M

Iroquois Bancorp, Inc.; Formation of Bank Holding Company

Iroquois Bancorp, Inc., Chicago, 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 80 per cent or more of the voting shares of The First National Bank of Gilman, Gilman, 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 Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 22, 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 23, 1980.

Griffith L. Garwood,
Deputy Secretary of the Board.

[FR Doc. 80-22779 Filed 7-29-80; 8:45 am]
BILLING CODE 6210-01-M

Root River Agency, Inc.; Proposed Retention of General Insurance Agency Activities

Root River Agency, Inc., Preston, Minnesota, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to continue to engage in its general insurance agency activities with respect to the sale of insurance in towns having populations of 5,000. These activities would be performed from offices of Applicant's subsidiary in Preston, Minnesota, and the geographic areas to be served are the city of Preston and surrounding area within a ten-mile radius. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in

accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minnesota.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 22, 1980.

Board of Governors of the Federal Reserve System, July 23, 1980.

Griffith L. Garwood,
Deputy Secretary of the Board.

[FR Doc. 80-22781 Filed 7-29-80; 8:45 am]
BILLING CODE 6210-01-M

Tigerton Bancorporation, Inc.; Formation of Bank Holding Company

Tigerton Bancorporation, Inc., Tigerton, Wisconsin, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of First National Bank in Tigerton, Tigerton, Wisconsin. 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 Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 22, 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 23, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-22780 Filed 7-29-80; 8:45 am]

BILLING CODE 6210-01-M

Walsh Bancorporation, Inc.; Proposed Acquisition of Walsh Insurance Agency, Inc.

The Walsh Bancorporation, Inc., Plymouth, Minnesota, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Walsh Insurance Agency, Inc., Plymouth, Minnesota.

Applicant states that the proposed subsidiary would engage in general insurance agency activities in a town of less than 5,000 population. These activities would be performed from an office of Applicant's subsidiary in Plymouth, Minnesota, and the geographic areas to be served are Baca County, Colorado and Stanton County, Kansas. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve

System, Washington, D.C. 20551, not later than August 22, 1980.

Board of Governors of the Federal Reserve System, July 23, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-22784 Filed 7-29-80; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Transmittal Rules; Early Termination of the Waiting Period of the Premerger Notification Rules; N.V. Koninklijke Bijenkorf Beheer, KBB

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: N.V. Koninklijke Bijenkorf Beheer, KBB is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of voting securities of Macks Stores, Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: July 16, 1980.

FOR FURTHER INFORMATION CONTACT: Naomi Licker, Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 80-22879 Filed 7-29-80; 8:45 am]

BILLING CODE 6750-01-M

Transmittal Rules; Early Termination of the Waiting Period of the Premerger Notification Rules; Vickers, Ltd.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Vickers Limited is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all stock of Rolls-Royce Motors Holdings Limited. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: July 23, 1980.

FOR FURTHER INFORMATION CONTACT: Naomi Licker, Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 80-22900 Filed 7-29-80; 8:45 am]

BILLING CODE 6750-01-M

Transmittal Rules; Early Termination of the Waiting Period of the Premerger Notification Rules; Wedge International Holdings B.V.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Wedge International Holdings B.V. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of voting securities

of Schmidt-Tiago Construction Co. and Teton Construction Co. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Wedge International Holdings B.V. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: July 16, 1980.

FOR FURTHER INFORMATION CONTACT:

Naomi Licker, Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the *Federal Register*.

By direction of the Commission.

Carol M. Thomas,
Secretary.

[FR Doc. 80-22878 Filed 7-29-80; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Advisory Committee Establishment; Health and Human Services Task Force on Public Understanding of Mental Illness

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (5 U.S.C. Appendix I), the Alcohol, Drug Abuse, and Mental Health Administration announces approval and certification by the Secretary of Health and Human Services, with the concurrence of the General Services Administration Committee Management Secretariat, of the following advisory committee:

Designation: Health and Human Services Task Force on Public Understanding of Mental Illness.

Purpose: The Health and Human Services Task Force on Public Understanding of Mental Illness will recommend to the Secretary new

approaches to the issues of public understanding and stigma concerning mental illness and develop a goal-oriented time-limited plan for carrying out these approaches. In carrying out this function, the Task Force will recommend the most effective ways to convey sufficient information to the media for handling issues about mental illness and community living for the mentally ill; consider the need for a national conference on the topic; provide recommendations regarding the role of the Department of Health and Human Services and other Federal agencies in addressing the issue, including ways to provide technical assistance to State and local programs; recommend ways to reduce stereotypical views about the mentally ill, particularly the chronically mentally ill residing in communities; consider the need for mental health communications specialists and the type of training programs which would be required; recommend a series of messages which could be targeted to the general public on mental illness; and provide recommendations concerning public/private sector collaboration on short- and long-term efforts to reduce stigma and discrimination, and foster public understanding of mental illness.

Authority for this Task Force will expire on July 1, 1981, unless the Secretary formally determines that continuance is in the public interest.

Date: July 22 1980.

Gerald L. Klerman, M.D.,
Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 80-22777 Filed 7-29-80; 8:45 am]

BILLING CODE 4110-88-M

Public Health Service

Office of Health Research, Statistics, and Technology National Center for Health Care Technology; Scientific Evaluation of Medical Technology

The National Center for Health Care Technology (Center) announces that it is beginning a scientific evaluation of the clinical safety and effectiveness of testicular scan for differentiation between epididymitis and torsion of the testicle. Based on this evaluation, a recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide the Center with information relevant to this evaluation should do so in writing no later than 30 days from the day of this notice. To enable the Center's staff to give appropriate consideration to any

literature references or analyses of clinical data, a written summary no longer than 10 pages should be attached to any such material submitted.

Written material should be submitted to: National Center for Health Care Technology, Room 17A-29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

For further information contact: D. J. Cotter, Health Science Analyst, National Center for Health Care Technology, Room 17A-29, Parklawn Building, Rockville, Maryland 20857, (301) 443-4990.

Dated: July 24, 1980.

Wayne C. Richey, Jr.

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 80-22775 Filed 7-29-80; 8:45 am]

BILLING CODE 4110-85-M

Office of Health Research, Statistics, and Technology

National Center for Health Care Technology; Notice of Scientific Evaluation Medical Technology

The National Center for Health Care Technology (Center) announces that it is beginning a scientific evaluation of the safety and clinical effectiveness of carbon dioxide laser surgery for removal of lesions of the vulva, vagina, cervix, rectal mucosa and the eye and leukoplakia of the mouth. Based on this evaluation, a recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing a Medicare reimbursement policy. Any person or group wishing to provide the Center with information relevant to this evaluation should do so in writing no later than 30 days from the day of this notice. To enable the Center's staff to give appropriate consideration to any literature references or analyses of clinical data, a written summary no longer than 10 pages should be attached to any such material submitted.

Written material should be submitted to: National Center for Health Care Technology, Room 17A-29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

For further information contact: D. J. Cotter, Health Analyst, National Center for Health Care Technology, Room 17A-29, Parklawn Building, Rockville, Maryland 20857, (301) 443-4990.

Dated: July 24, 1980.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 80-22776 Filed 7-29-80; 8:45 am]

BILLING CODE 4110-85-M

Health Maintenance Organizations; Determination of Noncompliance

AGENCY: Public Health Service, HHS.

ACTION: Notice, continued regulation of Health Maintenance Organizations: determination of noncompliance.

SUMMARY: On April 9, 1980, the Office of Health Maintenance Organizations determined that Health Care Plan of New Jersey (HCP), 1101 Kings Highway North, Suite 405, Cherry Hill, New Jersey 08034, a federally qualified health maintenance organization (HMO), was not in compliance with the assurances it had provided to the Secretary that it would maintain a fiscally sound operation. The determination of noncompliance does not itself affect the status of HCP as a federally qualified HMO. Rather, HCP has been given the opportunity to and has, in fact, initiated corrective action to bring itself into compliance with the assurances it gave the Secretary.

FOR FURTHER INFORMATION CONTACT: Howard R. Veit, Director, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857. 301/443-4106.

SUPPLEMENTARY INFORMATION: Under section 1312(b)(1) of the Public Health Service Act (42 U.S.C. 300e-11(b)(1)) (the Act), if the Secretary makes a determination under section 1312(a) that a qualified HMO which provided assurances to the Secretary under section 1310(d)(1) is not organized or operated in the manner prescribed by section 1301(c), then she shall (1) notify the HMO in writing of the determination, (2) direct the HMO to initiate such action as may be necessary to bring it into compliance with the assurances, and (3) publish the determination of non-compliance in the Federal Register.

Dated: July 22, 1980.

Howard R. Veit,

Director, Office of Health Maintenance Organizations.

[FR Doc. 80-22864 Filed 7-29-80; 8:45 am]

BILLING CODE 4110-85-M

Health Maintenance Organizations; Determination of Noncompliance

AGENCY: Public Health Service, HHS.

ACTION: Notice, continued regulation of Health Maintenance Organizations: determination of noncompliance.

SUMMARY: On August 1, 1979, the Office of Health Maintenance Organizations determined that Health Central, Inc. (HC), 2316 South Cedar Street, Lansing, Michigan 48910, a federally qualified health maintenance organization (HMO), was not in compliance with the assurances it had provided to the Secretary that it would maintain a fiscally sound operation. The determination of noncompliance does not itself affect the status of HC as a federally qualified HMO. Rather, HC has been given the opportunity to and has, in fact, initiated corrective action to bring itself into compliance with the assurances it gave the Secretary.

FOR FURTHER INFORMATION CONTACT: Howard R. Veit, Director, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857. 301/443-4106.

SUPPLEMENTARY INFORMATION: Under section 1312(b)(1) of the Public Health Service Act (42 U.S.C. 300e-11(b)(1)) (the Act), if the Secretary makes a determination under section 1312(a) that a qualified HMO which provided assurances to the Secretary under section 1310(d)(1) is not organized or operated in the manner prescribed by section 1301(c), then she shall (1) notify the HMO in writing of the determination, (2) direct the HMO to initiate such action as may be necessary to bring it into compliance with the assurances, and (3) publish the determination of non-compliance in the Federal Register.

Dated: July 22, 1980.

Howard R. Veit,

Director, Office of Health Maintenance Organizations.

[FR Doc. 80-22867 Filed 7-29-80; 8:45 am]

BILLING CODE 4110-85-M

Health Maintenance Organizations; June List of Qualified Organizations

AGENCY: Public Health Service, HHS.

ACTION: Notice, June list of qualified health maintenance organizations.

SUMMARY: This notice sets forth the name, address service area, and date of qualification of an entity determined by the Secretary to be a qualified health maintenance organization (HMO). In

addition, a name change is reported on a previously qualified HMO.

FOR FURTHER INFORMATION CONTACT:

Howard R. Veit, Director, Office of Health Maintenance Organizations, Park Building, Third Floor, 12420 Parklawn Drive, Rockville, Maryland 20857. 301/443-4106.

SUPPLEMENTARY INFORMATION:

Regulations issued under Title XIII of the Public Health Service Act, as amended, (42 CFR 110.605(b)) require that a list and description of all newly qualified HMOs be published on a monthly basis in the Federal Register. The following entity has been determined to be a qualified HMO under section 1310(d) of the Public Health Service Act (42 U.S.C. 300e-9(d)):

Qualified Health Maintenance Organization

Name, address, service area, and date of qualification

(Operational Qualified Health Maintenance Organization: 42 CFR 110.603(a)).

1. Contra Costa Health Plan, (Staff Model, see Section 1310(b)(1) of the Public Health Service Act), 2500 Alhambra Avenue, Martinez, California 94553. Service area: Zip codes in Contra Costa County as follows: 94507, 94517-21, 94523, 94549, 94553, 94569, 94572, 94595-6, 94598.

Date of qualification: June 17, 1980.

Name Change

Change from: Southwest Medical Plan, Inc., d.b.a. CompCare, (Staff Model, see Section 1310(b)(1) of the Public Health Service Act), 6061 Northwest Expressway, Suite 470, San Antonio, Texas 78201. Date of qualification: Operationally qualified—December 31, 1978.

Change to: CompCare, Inc.—Effective date: May 22, 1980.

Files containing detailed information regarding qualified HMOs will be available for public inspection between the hours of 8:30 a.m. and 5:00 p.m. on Tuesdays and Thursdays, except for Federal holidays, in the Office of Health Maintenance Organizations, Office of the Assistant Secretary for Health, Department of Health and Human Services, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857.

Questions about the qualification review process or requests for information about qualified HMOs should be sent to the same office.

Dated: July 22, 1980.

Howard R. Veit,

Director, Office of Health Maintenance
Organizations.

[FR Doc. 80-22871 Filed 7-29-80; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Wyoming, Utah, Nevada, California; Application

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Pacific Gas Transmission Company of San Francisco, California, and the Pacific Gas and Electric Company of San Francisco, California, filed a consolidated application for a 30 inch o.d. natural gas pipeline to be known as the Rocky Mountain Pipeline Project. The proposed right-of-way is for 50 feet plus the ground occupied by the pipe and related facilities.

Pacific Gas Transmission Company's (PGT) portion of the project is approximately 694.8 miles in length and consists of two lateral sections extending from southwestern Wyoming and northeastern Utah, respectively, to a junction with a main line section which extends to the Nevada-California border. The Pacific Gas and Electric Company's (PG&E) portion of the project, approximately 40 miles in length, is a continuation of the main line section from the Nevada-California border to a point of interconnection with its existing transmission facilities. The various sections of the route are identified as the Kemmerer lateral, the Uintah lateral, the PGT main line and the PG&E main line. The locations of each portion of the project are described as follows:

Kemmerer lateral—approximately 143.6 miles of 24 inch, 1,000 PSI, pipeline from a proposed interconnection with Northwest Pipeline Company near Kemmerer, Wyoming, in a southwesterly direction to Coalville, Utah, and proceeding almost due south to a junction point with the main line and Uintah lateral approximately 10 miles southwest of Strawberry Reservoir (southeast of Provo, Utah).

Uintah lateral—approximately 128.5 miles of 20 inch, 1,000 PSI, pipeline from a proposed tie-in with Northwest Pipeline Company near the Utah-Colorado border (near Bonanza, Utah) in an almost due west direction to a junction with the main line and Kemmerer lateral approximately 10 miles southwest of Strawberry Reservoir.

PGT main line—approximately 422.7 miles of 30 inch, 1,000 PSI, pipeline from a point 10 miles southwest of Strawberry Reservoir in a southwesterly direction through Utah and east of Las Vegas, Nevada, to a proposed delivery point on the Nevada-California border near Searchlight, Nevada.

PG&E main line—approximately 40 miles of 30 inch, 1,000 PSI, pipeline extending from the Nevada-California border to PG&E's transmission lines 300A and 300B at a location 30 miles west of PG&E's Topock Compressor Station, near Needles, California.

The proposed route for the PGT main line and two laterals will traverse Lincoln and Uintah Counties in Wyoming; Summit, Wasatch, Utah, Duchesne, Uintah, Juab, Millard, Sanpete, Beaver, Iron, and Washington Counties in Utah; and Clark, and Lincoln Counties in Nevada. The PG&E portion of the Main Line will be located entirely in San Bernardino County, California.

The related facilities as proposed consist of:

Compression Facilities

Station, location and equipment

Elkol, Kemmerer Lateral near Elkol,

Wyoming, one 1,000 hp compressor unit and appurtenant facilities.

Myton, Uintah Lateral near Myton, Utah, one 3,500 hp compressor unit and appurtenant facilities.

Holden, Main Line near Holden, Utah, one 3,500 hp compressor unit and appurtenant facilities.

Glendale, Main Line near Glendale, Nevada, one 1,200 hp compressor unit and appurtenant facilities.

Metering Facilities

PGT will install meter stations at the beginning points of each lateral and at the delivery point on the Nevada-California border.

Support and Communications Facilities

Four maintenance bases will be provided for personnel, spare parts, emergency supplies, tools, and equipment as required for the maintenance and operation of the system. These bases will be located near Kemmerer, Wyoming; Myton, Utah; Fillmore, Utah; and Las Vegas, Nevada. It is proposed that the operating headquarters for the PGT portion of the project will be established at Provo, Utah. The administrative and technical staff, gas control and dispatch, data acquisition and remote operation of compressor stations will be located at and directed from this headquarters. Communications facilities consisting of telephones, microwave network, and

mobile radio interconnected to all station bases and the headquarters are proposed for fully self-sufficient operation of the pipeline system.

The proposed new pipeline system is designed to provide efficient transportation of initial volumes of approximately 300 MMcf on an average day basis, starting in late 1982. Construction is proposed to begin in late 1981 or early 1982. The proposed design also allows for economic expansion, through the installation of additional compressor units, to an ultimate main line capacity in the range of 700 MMcf per day as additional supplies of natural gas from the central Rockies are secured for transportation to markets in California and the Southwest.

PGT proposes to receive natural gas produced or purchased in the central Rockies by PG&E's subsidiary, Natural Gas Corporation (NGC), and to transport that natural gas over the new Rocky Mountain Pipeline Project facilities to the Nevada-California border, where delivery will be made into connecting facilities of PG&E. PGT would also be willing to consider transportation, on a contract basis, of volumes of gas that may be tendered by other shippers. PGT proposes a transportation service only; it will not buy or sell any of the gas transported by the Rocky Mountain Pipeline Project. The gas transported by PGT for NGC will be sold by NGC to PG&E at the Nevada-California border. PG&E will transport the gas received at the Nevada-California border through its proposed new facilities to a point of interconnection with an existing transmission facility owned and operated by PG&E. The gas will become a part of PG&E's system gas supply.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and, if so, under what terms and conditions. The processing of this application will include, but not be limited to, an Environmental Analysis, Air Quality Studies, Threatened and Endangered Species Studies, Archaeological Surveys, Paleontological Surveys, and other necessary studies and reports.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the Utah State Director (U-910), 136 East South Temple, Salt Lake City, Utah 84111.

Dated: July 18, 1980.

Gary J. Wicks,
State Director, Utah.

[FR Doc. 80-22872 Filed 7-29-80; 8:45 am]

BILLING CODE 4310-84-M

[F-14914-A]

Alaska Native Claims Selection; Calista Corp.

This decision rejects improperly filed Sec. 14(h)(1) selections and approves lands in the area of Nunapitchuk for conveyance to Nunapitchuk Limited.

I. Section 14(h)(1) Applications Rejected in Entirety

Calista Corporation filed selection application AA-10372 on November 11, 1975; AA-11219, AA-11312, AA-11313 on April 28, 1976; AA-11603, AA-11604, AA-1605, AA-11607, AA-11614, AA-1619, on June 4, 1976; and AA-11742 on June 25, 1976, pursuant to Sec. 14(h)(1) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(h) (1976)) (ANCSA). Section 14(h) and Departmental regulations issued thereunder authorized the Secretary of the Interior to withdraw and convey only unreserved and unappropriated public lands. Since all available lands encompassed in the subject Sec. 14(h)(1) applications had been properly withdrawn under Sec. 11 and selected by Nunapitchuk Limited under Sec. 12 of ANCSA, these lands were not unreserved or unappropriated at the time of selection by Calista Corporation. Therefore, the following applications must be and are hereby rejected in their entirety:

Seward Meridian, Alaska (Unsurveyed)

T. 7 N., R. 76 W.

AA-11619; Sec. 2 (fractional), S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.
Containing approximately 17 acres.

T. 9 N., R. 74 W.

AA-10372; Sec. 17 (fractional),
E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.
Containing approximately 15 acres.

T. 10 N., R. 74 W.

AA-11219; Sec. 28 (fractional),
S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$. Containing
approximately 17 acres.

AA-11604; Sec. 21 (fractional),
S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$,
N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$. Containing
approximately 10 acres.

AA-11607; Sec. 28 (fractional),
S $\frac{1}{2}$ NE $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$.
Containing approximately 10 acres.

AA-11312; Sec. 29 (fractional),
SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$. Containing
approximately 9 acres.

AA-11313; Sec. 33 (fractional),
SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.
Containing approximately 15 acres.

AA-11605; Sec. 16 (fractional),
W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$. Containing
approximately 5 acres.

AA-11603; Sec. 8 (fractional),
E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$. Containing
approximately 19 acres.

AA-11614; Sec. 16 (fractional),
SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$.
Containing approximately 19 acres.

AA-11742; Sec. 4 (fractional),
S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$. Containing
approximately 16 acres.

When this decision becomes final, these applications will be closed of record.

II. Lands Proper for Village Selection, Approved for Interim Conveyance

On November 22, 1974, Nunapitchuk Limited, for the Native Village of Nunapitchuk, filed selection application F-14914-A under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611) (1976) (ANCSA) for the surface estate of certain lands in the vicinity of Nunapitchuk.

Nunapitchuk Limited, in its November 22, 1974 application excluded several bodies of water. Because certain of these water bodies have been determined to be nonnavigable, they are considered to be public lands withdrawn under Sec. 11(a)(1) and available for selection by the village pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. Section 12(a) and 43 CFR 2651.4(b) and (c) provide that a village corporation must, to the extent necessary to obtain its entitlement, select all available lands within the township or townships within which the village is located, and that additional lands selected shall be compact and in whole sections. The regulations also provide that the area selected will not be considered to be reasonably compact if it excludes other lands available for selection within its exterior boundaries or an isolated tract of public land of less than 1,280 acres remain after selection. For these reasons, the water bodies which were improperly excluded in the November 22, 1974 application are considered selected by Nunapitchuk Limited.

As to the lands described below, the application, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, aggregating approximately 94,565 acres, is considered proper for acquisition by Nunapitchuk Limited, and

is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

Lot 2 of U.S. Survey No. 4049, Alaska, situated in the village of Nunapitchuk approximately 50 miles northwest of Bethel, Alaska.

Containing 0.16 acre.

Seward Meridian, Alaska (Unsurveyed)

T. 8 N., R. 74 W.

Sec. 5, excluding Native allotments F-14967, F-17334 Parcel B, and Johnson River;

Sec. 6, excluding Native allotments F-15944, F-17949, and Johnson River;

Sec. 7, excluding Native allotments F-18062 Parcel A and F-14168;

Sec. 8, excluding Native allotments F-17815 Parcels A and B, F-14517 Parcel A, F-18320 Parcel B, F-15578, F-17334 Parcel B, F-14168, and Johnson River;

Sec. 17, excluding Native allotments F-18320 Parcel B, F-15943, F-14237, F-15757 Parcel B, F-17815 Parcel B, F-14249, F-14168, and Johnson River;

Sec. 18, excluding Native allotments F-17708, F-18062 Parcel A, and F-14168;

Sec. 19, excluding Native allotments F-17708;

Sec. 20, excluding Native allotments F-15757 Parcel B, F-17535, F-14257 Parcel A, F-14249, F-14237, and Johnson River; Containing approximately 2,227 acres.

T. 9 N., R. 74 W.

Secs. 1 and 2, excluding Nunavakanukakslak Lake and unnamed navigable lake system;

Sec. 3, excluding Nunavakanukakslak Lake;

Sec. 4, excluding unnamed slough between Nunavakanukakslak Lake and interconnecting slough of the Johnson River;

Sec. 5, excluding Lot 1 of U.S. Survey 4049 (ANCSA Sec. 3(e) application AA-31245), Lot 2 of U.S. Survey 4049, interconnecting slough of the Johnson River, and unnamed slough between Nunavakanukakslak Lake and interconnecting slough of the Johnson River;

Sec. 6, excluding Lot 1 of U.S. Survey 4049 (ANCSA Sec. 3(e) application AA-31245), Lot 2 of U.S. Survey 4049, interconnecting slough of the Johnson River;

Sec. 7, excluding Native allotment F-14982, and interconnecting slough of the Johnson River;

Sec. 8, excluding Native allotment F-16984, interconnecting slough of the Johnson River, and unnamed slough between Nunavakanukakslak Lake and interconnecting slough of the Johnson River;

Secs. 9 and 10, all;

Sec. 11, excluding unnamed navigable lake system;

Secs. 12 and 13, excluding unnamed navigable lake system and Pikmiktalik River;

Sec. 14, excluding unnamed navigable lake system;

Sec. 15, excluding Native allotments F-14960 Parcel B and F-14986;

Sec. 18, excluding Native allotments F-14986, F-14985, Johnson River and its interconnecting slough;
 Sec. 17, excluding Native allotments F-14959 Parcel B, F-14985, Johnson River and its interconnecting slough;
 Sec. 18, all;
 Sec. 19, excluding Johnson River;
 Sec. 20, excluding Native allotments F-14964 Parcel A, F-14962 Parcel C, and Johnson River;
 Sec. 21, excluding Native allotments F-14964 Parcel A, F-14962 Parcel C, F-14983 and Johnson River;
 Sec. 22, excluding Native allotment F-14960 Parcel B and Johnson River;
 Sec. 23, excluding Johnson River;
 Secs. 24 and 25, excluding unnamed navigable lake system;
 Sec. 26, excluding Johnson River;
 Sec. 27, excluding Native allotment F-18264 and Johnson River;
 Sec. 28, excluding Native allotments F-18264, F-16723 Parcel A, and Johnson River;
 Secs. 29 to 33, inclusive, all;
 Sec. 34, excluding Native allotment F-17533 and Johnson River;
 Sec. 35, excluding Native allotments F-17533, F-14979 Parcel B, F-18861 and Johnson River;
 Sec. 36, excluding Native allotment F-18861, excluding unnamed navigable lake system, and the Johnson River;
 Containing approximately 18,475 acres.
 T. 10 N., R. 74 W.
 Sec. 3, excluding Native allotment F-14518 Parcel A, Johnson River, Nunavakanukakslak Lake, and unnamed lake connecting with the Johnson River;
 Sec. 4, excluding Native allotment F-14518 Parcel A, and unnamed lake connecting with the Johnson River;
 Sec. 5, excluding the unnamed lake connecting with the Johnson River;
 Sec. 6, excluding the unnamed lake connecting with the Johnson River, and Kyigayalik Lake;
 Secs. 7 and 8, excluding the unnamed lake connecting with the Johnson River;
 Sec. 9, excluding Johnson River;
 Sec. 10, excluding Johnson River and Nunavakanukakslak Lake;
 Sec. 11, excluding Nunavakanukakslak Lake;
 Secs. 12 and 13, all;
 Sec. 14, excluding Nunavakanukakslak Lake;
 Sec. 15, excluding the Johnson River and Nunavakanukakslak Lake;
 Sec. 16, excluding Native allotment F-14964 Parcel B and the Johnson River;
 Sec. 17, excluding Native allotment F-14565 Parcel B, Johnson River, unnamed lake and its slough connecting with the Johnson River;
 Sec. 18, excluding Native allotment F-14565 Parcel B, and the unnamed lake connecting with the Johnson River;
 Sec. 19, excluding Native allotment F-14565 Parcel B, Johnson River, and the unnamed lake connecting with the Johnson River;
 Sec. 20, excluding Native allotment F-14565 Parcels A and B and the Johnson River;
 Sec. 21, excluding Johnson River and Nunavakanukakslak Lake;

Secs. 22 to 28, inclusive, excluding Nunavakanukakslak Lake;
 Sec. 29, excluding Native allotments F-14565 Parcel A, F-14961 Parcel C, and the Johnson River;
 Sec. 30, excluding the Johnson River;
 Sec. 31, excluding Native allotment F-14516, unnamed lake and its slough connecting with the Johnson River;
 Sec. 32, excluding unnamed lake connecting with Johnson River;
 Sec. 33, excluding Native allotments F-14963 Parcel B, F-14962 Parcel B, Nunavakanukakslak Lake, and unnamed slough between Nunavakanukakslak Lake and interconnecting slough of the Johnson River;
 Secs. 34, 35 and 36, excluding Nunavakanukakslak Lake.
 Containing approximately 10,796 acres.
 T. 7 N., R. 75 W.
 Secs. 1 to 36, inclusive, all.
 Containing approximately 22,886 acres.
 T. 8 N., R. 75 W.
 Sec. 1, excluding Native allotments F-15936, F-17949, and the Johnson River;
 Sec. 2, excluding Native allotment F-14966;
 Secs. 3 and 4, all;
 Secs. 5 and 8, excluding Nunavakpak Lake;
 Secs. 9 to 18, inclusive, all;
 Secs. 17 and 20, excluding Nunavakpak Lake;
 Secs. 21 to 28, inclusive, all;
 Secs. 29, 30 and 31, excluding Nunavakpak Lake;
 Secs. 32 to 36, inclusive, all.
 Containing approximately 18,408 acres.
 T. 7 N., R. 76 W.
 Sec. 1, all;
 Sec. 2, excluding unnamed slough;
 Secs. 3 to 10, inclusive, all;
 Sec. 11, excluding Native allotment F-13308 and unnamed slough;
 Sec. 12, excluding unnamed slough;
 Secs. 13 to 27, inclusive, all.
 Containing approximately 16,850 acres.
 T. 8 N., R. 76 W.
 Secs. 19 and 20, excluding Nunavakpak Lake;
 Secs. 25 to 29, inclusive, excluding Nunavakpak Lake;
 Secs. 30 to 33, inclusive, all;
 Sec. 34, excluding Nunavakpak Lake;
 Sec. 35, excluding Nunavakpak Lake and unnamed slough;
 Sec. 36, excluding Nunavakpak Lake.
 Containing approximately 4,923 acres.
 Aggregating approximately 94,565 acres.
 Calista Corporation filed regional in lieu selection application AA-8099-1 on December 17, 1975, for the subsurface estate pursuant to Sec. 12(a)(1) of ANCSA and 43 CFR 2652 as to lands in:
 Seward Meridian, Alaska (Unsurveyed)
 T. 7 N., R. 76 W.
 Secs. 4 to 9, inclusive, all;
 Sec. 16 to 21, inclusive, all.
 Containing approximately 7,570 acres.
 T. 8 N., R. 76 W.
 Secs. 19 and 20, excluding Nunavakpak Lake;
 Secs. 28 and 29, excluding Nunavakpak Lake;
 Secs. 30 and 33, exclusive, all.

Containing approximately 3,375 acres.
 Aggregating approximately 10,945 acres.

The above-described lands lie within those selected by Nunapitchuk Limited for the village of Nunapitchuk. Calista Corporation will receive title to the subsurface estate at the time the village receives title to the surface estate. This acreage will not be charged against Calista Corporation's in-lieu entitlement.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613 (f)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F-14914-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs., Gross Vehicle Weight (GVW)).

a. (EIN 1 C3, D1, D9) An easement for an existing access trail, twenty-five (25) feet in width, from Bethel in Sec. 9, T. 8 N., R. 71 W., Seward Meridian, westerly to Kasigluk, linking the villages of Kasigluk, Nunapitchuk, and Atmaultluak with Bethel. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

b. (EIN 16 C5) An easement for an existing Alaska Village Electric Cooperative, Inc. (AVEC), powerplant site in Sec. 5, T. 9 N., R. 74 W., Seward Meridian, being more particularly described as follows:

Beginning at witness corner meander corner 6 of U.S. Survey No. 4049; thence N. 64°46'00" W. along the south line of U.S. Survey No. 4049, a distance of 30.00 feet, to AVEC corner No. 1 the true point of beginning; thence S. 84°46'00" E. along the south line of U.S. Survey 4049, a distance of 230.00 feet to AVEC corner No. 2;

thence N. 42°19'30" W. for a distance of 248.85 feet to AVEC corner No. 4; thence N. 25°14'00" E. for a distance of 35.00 feet to AVEC corner No. 1 the true point of beginning.

The parcel of land to which the above description applies contains 0.44 acres, more or less.

The allowed uses of the easement are the construction, operation and maintenance of an electric power generation facility.

c. (EIN 17 C5) An easement twenty (20) feet in width for the existing powerline from the power plant at the village of Nunapitchuk in Sec. 5, T. 9 N., R. 74 W., Seward Meridian, westerly to the village of Kasigluk. The uses are those associated with the construction, operation and maintenance of the powerline.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. 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 (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;

3. A right-of-way, F-12031, containing approximately 20,000 square feet, in Sec. 5, T. 9 N., R. 74 W., Seward Meridian, Alaska (unsurveyed) for a power site issued to Alaska Village Electric Cooperative, Inc. Act of March 4, 1911 (36 Stat. 1253; 43 U.S.C. 961), as amended; and

4. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

A school site lease, AA-13184, containing 3.061 acres, in Sec. 5, T. 9 N., R. 74 W., Seward Meridian, Alaska (unsurveyed) granted to the State of Alaska, pursuant to and subject to the terms and conditions of section 302 of

the Federal Land Policy and Management Act of 1976, Public Law 94-579 of October 21, 1976 (90 Stat. 2743) and the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. Sec. 1622(i)) will terminate on conveyance of title of said land to the above-named corporation.

Nunapitchuk Limited is entitled to conveyance of 115,200 acres of land selected pursuant to Sec. 12(a) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 94,565 acres. The remaining entitlement of approximately 20,635 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above shall be issued to Calista Corporation when the surface estate is conveyed to Nunapitchuk Limited and shall be subject to the same conditions as the surface conveyance.

Within the above-described lands, only the following inland water bodies are considered to be navigable:

The Johnson River and its interconnecting sloughs throughout the selection. Nunavakanukakslak Lake.

Nunavakpak Lake.

Kyigayalik Lake.

The Pikmiktalik River where it flows from the interconnecting unnamed lake system between Nunavakanukakslak Lake and the Johnson River in Sec. 12, T. 9 N., R. 74 W., Seward Meridian downstream to Atmautluak.

The unnamed lake in Secs. 4, 5, 6, 7, 8 and 18, T. 10 N., R. 74 W., Seward Meridian.

The unnamed slough from where it flows from the aforementioned unnamed lake in Sec. 7 to its confluence with the Johnson River in Sec. 17, T. 10 N., R. 74 W., Seward Meridian.

The unnamed lake in Secs. 19, 20, 29, 30, 31 and 32, T. 10 N., R. 74 W., Seward Meridian.

The unnamed slough from where it flows from the aforementioned unnamed lake in Sec. 31, T. 10 N., R. 74 W., Seward Meridian to its confluence with the Johnson River in Secs. 16 and 17, T. 9 N., R. 74 W., Seward Meridian. Subject slough traverses Sec. 31, T. 10 N., R. 74 W., and Secs. 5, 6, 8, 9, 16 and 17, T. 9 N., R. 74 W., Seward Meridian.

The unnamed slough from where it flows from Nunavakanukakslak Lake in Sec. 28, T. 10 N., R. 74 W., Seward Meridian to its confluence with the aforementioned unnamed slough near the village of Nunapitchuk in Sec. 5, T. 9 N., R. 74 W., Seward Meridian. Subject slough traverses Secs. 28, 32 and 33, T. 10 N., R. 74 W. and Sec. 5, T. 9 N., R. 74 W., Seward Meridian.

The unnamed slough (canal) and lake system from the unnamed slough near the village of Nunapitchuk to its confluence with the Johnson River at the

village of Kasigluk. Subject slough traverses Sec. 6, T. 9 N., R. 74 W., and Secs. 1 and 12, T. 9 N., R. 75 W., Seward Meridian.

The unnamed lake system between Nunavakanukakslak Lake and the Johnson River in Sec. 31, T. 10 N., R. 73 W., Secs. 34, 35 and 36, T. 10 N., R. 74 W., and Secs. 1, 2, 3, 10, 11, 12, 13, 14, 15, 23, 24, 25, 26 and 36, T. 9 N., R. 74 W., Seward Meridian.

The unnamed slough beginning in Sec. 1, T. 7 N., R. 76 W., Seward Meridian to where it flows into Nunavakpak Lake in Sec. 26, T. 8 N., R. 76 W., Seward Meridian. Subject slough traverses Secs. 1 and 2, T. 7 N., R. 76 W., and Secs. 26 and 35, T. 8 N., R. 76 W., Seward Meridian.

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 TUNDRA DRUMS. 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, Alaska State Office, 701 C Street, 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 29, 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 parties to be served with a copy of the notice of appeal are:

Nunapitchuk Limited, Nunapitchuk, Alaska 99641.

Calista Corporation, 516 Denali Street, Anchorage, Alaska 99501.

Terry R. Hassett,

Acting Chief, Branch of Adjudication.

[FR Doc. 80-22870 Filed 7-29-80; 8:45 am]

BILLING CODE 4310-84-M

[F-65064]

Alaska Native Claims Selection; Cook Inlet Region, Inc.

On February 28, 1980, Cook Inlet Region, Inc., filed selection application F-65064 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 a portion of the Chena Annex, located near Fairbanks, 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 within selection F-65064 were placed in the pool of properties available for selection by Cook Inlet Region, Inc., subject to valid existing rights, by notice dated July 10, 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:

Fairbanks Meridian, Alaska (Unsurveyed)

T. 1 S., R. 2 E.,

Sec. 15, S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 22, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.

Containing approximately 10.00 acres.

The conveyance issued for the surface and subsurface estates of the lands described above shall contain the following reservations to the United States:

Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (1976)), the following

public easements, referenced by easement identification number (EIN) on the easement map attached to this document, a copy of which will found in case file F-65954, are reserved to the United States. All easements are subject to applicable Federal, State or municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

60 Foot Road—The uses allowed on a sixty (60) foot wide road easement are: Travel by foot, dogsleds, animals, snowmobiles, two and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

(EIN 1 C4, C5) An easement sixty (60) feet in width, thirty (30) feet on each side of the centerline, for an existing road locally known as the Peede Road crossing from public lands to public lands.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands herein above granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands; and

2. 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 Public Law (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 \$14,800. Under Sec. I.C.(2)(e) of the Terms and Conditions, this property constitutes 29.60 acre/ equivalents. Upon acceptance of title to these lands, Cook Inlet Region, Inc., will relinquish its selection rights to 29.60 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 Fairbanks Daily News-Miner. 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. 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 29, 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. 80-22868 Filed 7-29-80; 8:45 am]

BILLING CODE 4310-84-M

[INT DEIS 80-45]

Draft Timber Management Environmental Impact Statement; North Idaho Sustained Yield Unit; Availability of Draft Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental impact statement for a proposed 10-year timber management program on 81,000 acres of

public land in parts of 11 counties of north Idaho.

Six timber management alternatives including the proposed action are presented for consideration and are analyzed in terms of their projected environmental effects. Each alternative considers a different level of timber management acreage and practices.

The proposed action alternative assessed in the DEIS calls for an annual timber harvest of approximately 14 million board feet over the next 10 years. The five other alternatives assessed include programs that would (1) emphasize non-commodity values, (2) emphasize commodity (timber) production, (3) continue the current level of timber management, (4) accelerate harvest of overmature timber, and (5) result if all lands selected by the State of Idaho under the Lieu Selection Process were removed from BLM administration.

Written comments on the draft environmental impact statement should be received by September 15, 1980, and are being solicited from public agencies and interested citizens. Comments should be addressed to the District Manager, Coeur d'Alene District Office, Bureau of Land Management, P.O. Box 1889, Coeur d'Alene, Idaho 83814.

A limited number of copies of the DEIS are available upon request to the District Manager at the above address. Public reading copies will be available for review at the following locations:

Bureau of Land Management, Office of Public Affairs, 18th and C Streets, N.W., Washington, D.C. 20240, Phone: (202) 343-4151

Bureau of Land Management, Idaho State Office, P.O. Box 042, Boise, Idaho 83724

Bureau of Land Management, Cottonwood Area Office, Route 3, Cottonwood, Idaho 83522.

Dated: July 25, 1980.

Arnold E. Petty,

Acting Associate Director, Bureau of Land Management.

[FR Doc. 80-22769 Filed 7-29-80; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. I-2339]

Idaho; Proposed Withdrawal Continuation

The Bureau of Land Management, on July 15, 1980, filed a statement of justification for continuation of the existing land withdrawal made by Public Land Order No. 4873 of August 3, 1970. The Bureau desires to continue the withdrawal in its entirety for a period of 20 years. 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. 1 N., R. 1 W.,

Sec. 3, SW $\frac{1}{4}$

Sec. 4, SE $\frac{1}{4}$

Sec. 9, NE $\frac{1}{4}$

Sec. 10, NW $\frac{1}{4}$

The area described aggressive 640 acres in Ada County.

The lands have been withdrawn for use as an administrative site. They are used as a training area for personnel of the Boise Interagency Fire Center in air tanker retardant drops, paracargo operation, equipment testing and use of fireline tools and equipment. 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 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 officer on or before August 29, 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. 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 within 30 days of the date of publication of this notice.

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, Boise, Idaho 83724.

Vincent S. Strobel,

Chief, Branch of L&M Operations.

[FR Doc. 80-22865 Filed 7-29-80; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. I-2587]

Idaho; Proposed Withdrawal Continuation

The Bureau of Land Management, on July 15, 1980, filed a statement of justification for continuation of the existing land withdrawal made by Public Land Order No. 4747 of November 17, 1969. The Bureau desires to continue the withdrawal in its entirety for a period of 20 years. 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. 3 N., R. 2 E.,

Sec. 27, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 24, a metes and bounds description containing 5.80 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.

The area described aggregates 70.00 acres in Ada County.

The lands have been withdrawn for use as an interagency fire center. Improvements include administrative buildings, warehouses, a training building, smoke jumper loft, communications building, cafeteria and taxiways. Thirty-two trailer houses are also located on the site for use as office space. 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 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 officer on or before August 29, 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. 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 within 30 days of the date of publication of this notice.

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, Boise, Idaho 83724.

Vincent S. Strobel,

Chief, Branch of L&M Operations.

[FR Doc. 80-22806 Filed 7-29-80; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Santa Monica Mountains National Recreation Area Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Santa Monica Mountains National Recreation Area Advisory Commission will be held at Topanga Canyon Elementary School, 141 North Topanga Canyon Blvd., Los Angeles, CA, on Tuesday, August 19, 1980, at 7:30 p.m.

The Advisory Commission was established by Pub. L. 95-625 to provide for free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of

advice or other counsel from members of the public on problems pertinent to the National Park Service in Los Angeles and Ventura Counties.

Members of the Commission are as follows:

Dr. Norman P. Miller, Chairperson
Honorable Marvin Braude
Ms. Sarah Dixon
Dr. Henry David Gray
Ms. Mary C. Hernandez
Mr. Mike Levett
Ms. Susan Barr Nelson
Mr. Carey Peck
Ms. Marilyn Whaley Winters

The major agenda items include a status report of the Santa Monica Mountains National Recreation Area, a public hearing on Interim Management and Use Criteria, an update on the General Management Plan, an update on the land acquisition program, and discussion of the State Comprehensive Plan.

The meeting is open to the public. Any member of the public may file with the Commission a written statement concerning issues to be discussed.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact the Superintendent, Santa Monica Mountains National Recreation Area, 23018 Ventura Boulevard, Woodland Hills, CA 91364.

Minutes of the meeting will be available for public inspection by September 22, 1980, at the above address.

Dated: July 18, 1980.

Robert S. Chandler,
Superintendent, Santa Monica Mountains National Recreation Area.

[FR Doc. 80-22875 Filed 7-29-80; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Finance Application; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find: Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of

this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Motor Carrier Board, Members Healy, Hedetniemi, and Holyfield.

No. MC-FC-78484. By decision of February 29, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132. The Motor Carrier Board approved the transfer of Harold Spivey, of East Dublin, GA of Certificate No. MC-107515 Sub-648 issued 4/16/70 to Refrigerated Transport Co., Inc., of Forest Park, GA, authorizing the transportation of malt beverages and related advertising matter, from Pabst, Houston County, GA, to points in AL, FL, MS, NC, SC, GA and TN, and returned shipments of the above-specified commodities, from points in the above-specified destination territory to Pabst, Houston County, GA.

Applicant's representative is: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349.

Agatha J. Mergenovich,
Secretary.

[FR Doc. 80-22804 Filed 7-29-80; 8:45 am]

BILLING CODE 7035-01-M

Finance Applications; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find: Each transaction is exempt from section 11343 (formerly section 5)

of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices by August 29, 1980, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is Ordered: The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams.

No. F.D. 29394F. By decision of July 10, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1151. The Review Board No. 5 approved the transfer to American Expeditors, Inc., San Francisco, CA, of Second Amended Permit and Order No. FF-57 (Sub-No. 3), issued November 23, 1971, to International Forwarding Co., which name was changed to Golden Cycle Forwarders, Inc., by order dated May 13, 1974, (The Bank of California authorizing the operation in interstate commerce as a freight forwarder of *household goods* as defined by the Commission in 17 M.C.C. 467, (1) between all points in the United States, and (2) between points in KS, CA, TX, MT, and LA, and points in all States

(including the District of Columbia) east of the including MS, TN, MO, IA, and MN, on the one hand, and, on the other, points in Hawaii. Representative: Alan F. Wohlstetter, 1700 K St., NW Washington, DC 20006.

Note.—Golden Cycle is currently the subject of a reorganization proceeding before the United States Bankruptcy Court for the Western District of Washington, at Seattle. By order of April 25, 1980, that Court approved the sale of the permit, In the Matter of Golden Cycle Forwarders, Inc., No. B79-1386S.

No. MC FC-78462. By decision of May 1, 1980, on reconsideration, issued under 49 U.S.C. 10931 and 10932 and 10926, and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the transfer to South Texas Express, Inc., of San Antonio, TX, of portions of Certificate of Registration No. MC 41870 Subs 10 and 11, and Certificates MC 41870 and Subs 8 and 9, issued May 31, 1974, September 19, 1975, March 21, 1952, February 9, 1970, and May 31, 1974, to Victor L. Lange, d.b.a. Lange Truck Line, of Pleaston, TX, evidencing a right to engage in transportation in interstate commerce corresponding in scope to Certificate No. 2047 dated February 5, 1975 issued by the Railroad Commission of Texas, authorizing a general commodity service, from Boerne to San Antonio via Leon Springs, serving Boerne, San Antonio, and Leon Springs, TX; between Floresville and junction State Hwy 97 and FM 478; between San Antonio, TX, and Poth, TX; between Poth and Kenedy, TX; and between Boerne and San Antonio, TX. Transferee holds no authority. TA lease is not sought. Applicant's representative is: Phillip Robinson, P.O. Box 2207, Austin, TX 78768.

MC-FC-78523 and MC-FC-78534. By decision of July 8, 1980 issued under 49 U.S.C. 10926 and the transfer rules of 49 CFR 1132, Review Board No. 5 (A) in MC-FC-78523, authorized the transfer to Warren Gaglione and Patricia Gaglione, a Partnership, D/B/A/ Florida East Coast Van Lines, Inc., Islip Terrace, NY, of that portion of the operating authority set forth in E-Letter Notice MC-73365 (Sub-No. E3), published in the Federal Register issue of May 15, 1975, under Main Trucking & Rigging, Co., Inc., and transferred to Coastal Van & Storage, Inc., pursuant to the transaction in MC-FC-75160, but not reissued in Coastal's name, authorizing the transportation of *Household goods*, as defined by the Commission, (1) between points in New York City, and Nassau and Suffolk Counties, NY, on the one hand, and, on the other, points in OH, IL, MI, CT, MA, NH, VT, ME, and RI; and (2) between

points in New York City (except Brooklyn) and points in Nassau and Suffolk Counties in NY, NJ, PA, VA, DE, MD, NC, GA, FL, and DC, subject to the condition that, prior to or concurrently with consummation of the transaction, transferor requests, in writing, cancellation of these operation rights set forth in its Certificate No. MC-139808, which are described as retained in Appendix B of the decision dated March 19, 1980, in MC-FC-78300; and (B) in MC-FC-78534, authorized the transfer to Molloy Bros. Trucking, Inc., Lindenhurst, NY, of that portion of the operating rights published May 15, 1975, MC-73365 (Sub-No. E3), as further identified above, authorizing the transportation of *Household goods*, as defined by the Commission, (1) between points in Westchester County, NY, on the one hand, and, on the other, points in SC; and (2) between points in Westchester County, NY (except those points in Westchester County which are within the New York, NY Commercial Zone), on the one hand, and, on the other, points in NJ, PA, DE, MD, VA, NC, GA, FL, OH, IL, MI, those in ME north of U.S. Highway 2, and those in NY west of a line beginning at the NY-PA State line and extending along U.S. Hwy 15 to junction NY Hwy 17, then along NY Hwy 17 to junction NY Hwy 36, then along NY Hwy 36, to Danville, then along NY Hwy 256 to junction NY Hwy 15, then along NY Hwy 15 to Lake Ontario. No. MC-144078 (Sub-No. 1), published in another section of this Federal Register issue, is a directly related matter. Applicants' representative: Ronald I. Shapes, 450 Seventh Ave., New York, NY 10123. **Note:** The authority authorized to be transferred above, is that requested by applicants EXCEPT to the extent that the authority sought was previously authorized to be transferred in MC-FC-78300 by decision dated March 19, 1980. The authority deleted reflects duplicating authority held by transferor which encompasses only a single operating right which may only be sold once, no matter how often it may be repeated. In addition, the operating rights authorized to be transferred to each transferee takes into consideration, (1) the authority currently held by transferees, as pertinent, (2) and the dates of the agreements between the parties. Applicants in MC-FC-78534 are also advised that the authority authorized to be transferred reflects that actually described in the Federal Register issue of May 15, 1975 except to the extent that highway number designations have changed.

MC-FC-78609. By decision of July 10, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board No. 5 approved the transfer to C & H Heavy Duty Specialists, Inc., South Sioux City, NE, of Permits MC 135126 (Sub-Nos. 1 and 2), issued June 14, 1962, and August 8, 1973, respectively, to Kenneth R. Cooper, d.b.a. C & H Body Shop, South Sioux City, NE, authorizing the transportation of *wrecked or disabled trucks, wrecked or disabled truck tractors, and wrecked or disabled trailers*, (1) from points in Missouri, Oklahoma, Kansas, Wyoming, Colorado, Montana, South Dakota, Illinois, Indiana, Iowa, North Dakota, Minnesota, Wisconsin, and Nebraska, to Omaha and South Sioux City, NE, and Sioux City, IA, and (2) from points in Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Idaho, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Washington, and District of Columbia, to Omaha and South Sioux City, NE, and Sioux City, IA, under continuing contract(s) in (1) and (2) above, with Great West Casualty Company, of South Sioux City, NE. Applicant's Representative: D. Douglas Titus, Suite 510 Benson Bldg., Sioux City, IA 51101. Application has not been filed for temporary authority under 49 U.S.C. 11349.

MC-FC-78616. By decision of July 10, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132 Review Board No. 5 approved the transfer to Ray Moving & Storage, Inc. of Greensboro, NC of Certificate No. MC 42501 issued October 18, 1949 to Champion Storage & Trucking Co., Inc., of Greensboro, NC authorizing the transportation of *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, over irregular routes, between Greensboro, NC, and points and places within 15 miles thereof, on the one hand, and, on the other, points and places in South Carolina and Virginia. TA application has been filed. Applicant's representative is: Don A. Ray, 4106 Bernau Avenue, Greensboro, NC 27407.

No. MC-FC-78639. By decision of July 10, 1980, issued under 49 U.S.C. 10924 and the transfer rules at 49 CFR Part 1133. RB5 approved the transfer New World Travel, Inc., of NY, NY of License No. MC 130298 issued January 1, 1976 to Special Events Travel, Inc. of NY, NY

authorizing a broker service at New York, NY, as follows; as *passengers and their baggage*, in special and charter operations, between points in the United States (including Alaska and Hawaii). Applicant's representative is: Robert E. Goldstein, 370 Lexington Ave., New York, NY 10017. Transferee holds no authority.

No. MC-FC-78642. By decision of July 10, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132. RB5 approved the transfer to Harold D. Miller, Inc., of Shreve, OH, of Certificate No. MC 115276 issued July 12, 1979, MC 115276 (Sub-No. 4) issued April 1, 1974, and MC 115276 (Sub-No. E-1) published April 23, 1974, to Bob Head, Inc., of Indiana, PA, authorizing the transportation in MC 115276 of (1) *machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and (2) *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe in connection with main lines, between points in PA, WV, OH, and MD. MC 115276 (Sub-No. 4): *Machinery, equipment, materials, and supplies* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products (except commodities in bulk); and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operations, repair servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof (except commodities in bulk), between points in Pennsylvania on the one hand, and, on the other, points in New York. No. MC 115276 (Sub-No. E-1): *Machinery, equipment, materials, and supplies* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their byproducts (except commodities in bulk); and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof (except commodities in bulk), except the stringing and picking up of pipe in connection with main lines,

between points in New York, on the one hand, and, on the other, points in West Virginia, Ohio, and Maryland. The purpose of this filing is to eliminate the gateway of Pennsylvania.

MC 118831 (Sub-No. E4), filed April 14, 1974. Applicant: Central Transport, Inc., P.O. Box 5044, High Point, NC. Applicant's representative is Mr. Boyd B. Ferris Muldoon, Pemberton & Ferris Attorney-at-Law, 50 West Broad Street, Columbus, OH 43215. Transferee presently holds no authority from the Commission. Application for TA has not been filed.

MC-FC-78643. By decision of July 10, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. Part 1132. RB5 approved the transfer to Donald S. Webb, individual, d.b.a. Webb-Truck-It of Loves Park, IL, of Permit No. MC-29573 issued March 26, 1942, to Norris Lee Fare, an individual, d.b.a. Schneider Trucking Co., of Rockford, IL, authorizing the transportation of *malt beverages, still and carbonated beverages, advertising matter and ice* when accompanying such beverages, and *empty beverage containers*, over irregular routes, between Milwaukee, WI, on the one hand, and, on the other, Rockford and Freeport, IL. Applicant's representative is: James A. Spiegel, Attorney Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. TA application has not been filed. Transferee presently holds no authority from the Commission.

MC-FC-78645. By decision of July 10, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. Part 1132. RB5 approved the transfer to Eddie L. Breum and Robert Olson, partnership, d.b.a. McKnew Transport of Williston, ND, of Permit No. MC-134959 (Sub-No. 6) issued May 31, 1977, to Ben-K Trucking, Inc., of Greeley, CO, authorizing the transportation of (1) *Chains and accessories and related parts for chains* (except commodities in bulk), from the facilities of Noffsinger Manufacturing Company at or near Greeley, Colo., to points in the United States (except Alaska and Hawaii); and (2) *Materials, equipment and supplies* used in the manufacture of the commodities in (1) above, except commodities in bulk, from points in the United States (except Alaska and Hawaii), to the facilities of Noffsinger Manufacturing Company at or near Greeley, Colo. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Noffsinger Manufacturing Company, of Greeley, Colo. Applicant's representative is:

Charles J. Kimball, Attorney 350 Capitol Life Center—1600 Sherman Street, Denver, CO 80203 (303) 839-5856. Application for TA has not been filed. Transferee presently holds no authority.

MC-FC-78658. By decision of July 10, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132. RB5 approved the transfer to Alto Bros., Inc. of Yonkers, NY of Certificate No. MC-8646 issued (date) to Fannie L. Fuhr, Dorothy J. Fuhr and Douglas E. Fuhr, Executors, of Estate of Fred G. Fuhr, d.b.a. Fuhr Moving & Storage of Portchester, NY authorizing the transportation of household goods over irregular routes, between points in Westchester County, NY and those in Connecticut within 10 miles of Portchester, NY, on the one hand, and, on the other, points in CT, MA, NJ, PA and VT. Applicant's representative is: Alvin Altman 888 Seventh Avenue, New York, NY 10019. TA application has not been filed. Transferee holds no authority.

MC-FC-78662. By decision of July 10, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132. RB5 approved the transfer to Centurion Transport, Inc., of Philadelphia, PA, of a portion of Certificate No. MC-35706 issued November 4, 1976 to ATSL, Inc., of Philadelphia, PA, authorizing the transportation of *Household goods* as defined by the Commission, between Philadelphia, PA, on the one hand, and, on the other, points in NJ. Applicant's representative is: Richard Rueda, 133 N. 4th St., Philadelphia, PA 19106. Transferee holds no authority. A TA lease application has been filed.

MC-FC-78666. By decision of July 10, 1980, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132. RB5 approved the transfer to H & L Trucking, Inc. of Siloam Springs, AR, of Certificate No. MC-134068 (Sub-No. 3) issued December 15, 1971 to Refrigerated Foods, Inc. of Denver, CO, authorizing the transportation of *Canned food, canned animal food, and advertising material*, from Siloam Springs and Gentry, AR, the facilities of Allen Canning Company, Inc. located approximately 10 miles northeast of Siloam Springs, AR, and Proctor and Kansas, OK, to points in AZ, CA, OR, and WA. Applicant's representative is: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501.

Decision-Notice

The following operating rights applications, filed on or after March 1, 1979, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The

applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a petition to intervene either with or without leave must be filed with the Commission within 30 days after the date of publication in the **Federal Register** with a copy being furnished the applicant. Protests to these applications will be rejected.

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277. Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

Section 247(f) provides that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication.

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is either (a) required by the public convenience and necessity, or, (b) will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a 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 the following operating rights applications directly related thereto filed by August 29, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

MC-144078 (Sub-No. 1), Molloy Bros. Trucking, Inc., 151 S. 14th St., Lindenhurst, NY 11757. Applicant's Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10001. By decision of July 8, 1980 as a matter

directly related to MC-FC-78534, published in a previous section of this Federal Register, Review Board Number 5 authorized the elimination of the gateway of points in Westchester County, NY which are within the New York, NY Commercial Zone, to provide a through service in the transportation of household goods, as defined by the Commission, between points in South Carolina, on the one hand, and, on the other, points in CT, DE, ME, MD, MA, NH, NJ, PA, RI, VT, VA, WV, and DC.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-22803 Filed 7-29-80; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. MC-43]

Lease and Interchange of Vehicles by Motor Carriers

Decided: July 18, 1980.

Maislin Transport, Ltd. (MC-108006), Maislin Transport of Delaware, Inc. (MC-60580), and Gateway Transportation Co., Inc. (MC-80430) (commonly controlled), have filed a petition for waiver of § 1057.12, Subpart B and § 1057.31, Subpart D of the Lease and Interchange of Vehicles Regulations (49 CFR 1057).

Findings: 1. Petitioners are commonly controlled and jointly administer a common safety program.

2. Petitioners have acceptable fitness records.

3. Greater efficiency and economy would result from the waiver.

It is ordered: 1. The petition of Maislin Transport, Ltd., Maislin Transport of Delaware, Inc., and Gateway Transportation Co., for waiver of only § 1057.12 of Subpart B, is granted with respect to equipment leased between them, provided petitioners or their authorized representatives agree in writing that control and responsibility for operating the equipment shall be that of the lessee from the time the lessee acquires use of the equipment, until possession is returned to lessor or the equipment is interchanged with another authorized carrier, and that a copy of the agreement is carried on the vehicle while in lessee's possession, and, further provided that petitioners remain under common control.

2. The waiver of § 1057.31, Subpart D, is denied since no further relief is warranted.

3. The waiver granted in this decision does not affect the application of the leasing regulations in a lease between an owner-operator and the lessor carrier.

By the Motor Carrier Leasing Board, board members Joel E. Burns, Robert S. Turkington, and John H. O'Brien.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-22807 Filed 7-29-80; 8:45 am]

BILLING CODE 7035-01-M

Office of Proceedings; Permanent Authority Decisions, Decision-Notice

Correction

In FR Doc. 80-20376 appearing at page 46494 in the issue of Thursday, July 10, 1980, on page 46513, second column, "Volume No. 700" should be corrected to read "Volume No. 200".

BILLING CODE 1505-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-44

The following applications were filed in Region 2. Send protests to: ICC, Federal Reserve Bank Bldg., 101 N. 7th St., Room 620, Philadelphia, PA 19106.

MC 150339 (Sub-2-5TA), filed July 18, 1980. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: J. Cody Quinton, Jr. (same address as applicant). *Contract; irregular; small appliances, including smoke detectors, toasters, skillets, grilles, and coffee makers, (1) between Allentown, PA, Utica, NY, Brockport, NY, Asheboro, NC, Edison, NJ, Mansfield, MA, Laurel, MD, Atlanta, GA, Columbus, OH, and Broadview, IL, and (2) between points named in (1) above on the one hand, and, on the other, all points in the U.S. (except AK and HI), for 270 days under continuing contract(s) with General Electric Co. An underlying ETA seeks 120 days authority. Supporting shipper(s): Housewares and Audio Business Division, General Electric Co., 1285 Boston Ave., Bridgeport, CT 06602.*

MC 124111 (Sub-2-8TA), filed July 18, 1980. Applicant: OHIO EASTERN EXPRESS, INC., 300 W. Perkins Ave., Sandusky, OH 44870. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *(1) Dental, hospital, hygienic, medical, dermatological and surgical supplies and related products including those materials used in the manufacture thereof, and (2) drugs, medicines, toilet preparations, shampoo, disinfectants, sausage casings, pressure sensitive tapes, veterinarian supplies, tissue products, woven and nonwoven fabrics, pulp, diapers, advertising matter, and those materials used in the manufacture thereof from pts. in Middlesex and Somerset Counties, NJ to pts. in OH, IN, KY, WV, the Lower Peninsula of MI and pts. in PA on and west of U.S. Rt. 219 for 270 days. Supporting shipper: Johnson & Johnson Products, Inc., 501 George St., New Brunswick, NJ 08903.*

MC 117883 (Sub-II-6TA), filed July 3, 1980. Applicant: SUBLER TRANSFER, INC., 1 Vista Dr., P.O. Box 62, Versailles, OH 45380. Representative: Robert Von Aschen (same address as applicant). *Plastic and plastic resin (except in bulk in tank vehicles) between West Portal, NJ and Dayton, OH, 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Wedco, Inc., P.O. Box 28, Bloomsbury, NJ 08804.*

MC 146421 (Sub-II-1TA), filed July 18, 1980. Applicant: CLARENCE WYATT TRANSFER, INC., 716 E. 7th St.,

Richmond, VA 23204. Representative: Charles C. Chewning (same address as applicant). *General commodities* (Except Classes A & B explosives, motor vehicles, household goods as defined by the Commission and those requiring special equipment), between Richmond, VA, on the one hand, and, on the other, Baltimore, MD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Contract Marine Carriers, Inc., P.O. Box 34384, Richmond, VA 23234.

MC 116763 (Sub-II-21TA), filed July 3, 1980. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). Authority applied for: (1) *Printed Matter*; and (2) *Materials and Supplies used in the manufacture or distribution of printed matter*, Except commodities in bulk, between the facilities of R. R. Donnelley at or near Harrisonburg, VA on the one hand, and on the other, points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, WV, and DC, for 270 days. An underlying ETA seeks 120 days authority. Restricted to traffic originating at or destined to the facilities of R. R. Donnelley & Sons Co. Supporting shipper(s): R. R. Donnelley & Sons Co., 1400 Kratzer Rd., Harrisonburg, VA 22801.

MC 144236 (Sub-II-1 TA), filed July 3, 1980. Applicant: W.R.G., INC., Post Office Box 348, Salem, VA 24153. Applicant's representative: William P. Jackson, Jr., 3426 N. Washington Blvd., Post Office Box 1240, Arlington, VA 22210. *Contract; irregular routes, transporting: Such commodities as are dealt in or utilized by a manufacturer or distributor of stoves and fireplaces*, between points in the United States in and east of ND, SD, NE, KS, OK, and TX for 270 days. Restriction: Restricted to the transportation of shipments moving under a continuing contract or contracts with Dunn Brothers, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Dunn Brothers, Inc., P.O. Box 228, Salem, VA 24153.

MC 30237 (Sub-II-6), filed July 7, 1980. Applicant: YEATTS TRANSFER CO., P.O. Box 666, Altavista, VA 24517. Representative: Eston H. Alt, P.O. Box 666, Altavista, VA 24517. *New furniture, and materials and supplies used in the manufacture thereof*, (1) From Clifton, NJ, to points in DE, MD, NC, SC, VA, WV, and DC. (2) Between Clifton, NJ and Atlanta, GA, for 270 days. Supporting shipper: SK Products, Corp., 5355 Bucknell Dr., Atlanta, GA 30336.

MC 45764 (Sub-II-2 TA), filed July 7, 1980. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., Industrial

Hwy & Saville Ave., Eddystone, PA 19013. Representative: Edward Kells (same address as applicant). *Poultry equipment, ventilation equipment and refrigeration machinery* between Gainesville, GA, Raleigh, NC, Medina, OH and Philadelphia, PA on the one hand, and, on the other, Brownsville, Eagle Pass, El Paso, Laredo, TX and Miami, FL. (b) between Gainesville, GA on one hand, and, on the other Hoboken, NJ, New York, NY, Philadelphia, PA, Baltimore, MD, Norfolk, VA, Savannah, GA, and Charleston, SC, for 270 days. Supporting shipper: E. Holzer, Inc., 120 Sylvan Ave., Englewood Cliffs, NJ.

MC 151216 (Sub-II-1 TA), filed July 7, 1980. Applicant: SHAWNEE CARRIERS, INC., 82-86 Narrows, Plymouth, PA 18651. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. *Contract carrier: irregular routes: (1) Foodstuffs (except in bulk), (2) Materials and supplies used in the production thereof*, between Marion, Williamson, E. Williamson, Oaks Corners, Sterling, Dundee, Himrod, Penn Yan, Rochester and Garden City Park, NY Clifton, NJ and Hanover, Pa, on the one hand, and, on the other, all points in NY, PA, DE, MD, OH, VA, WV, DC and NJ, under a continuing contract(s) with Seneca Foods Corp., Globe Products Co., Fruitcrest Corp. and Cantisano Foods, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Seneca Foods Corp., South Main St., Marion, NY 14505. Cantisano Foods, Inc., 1069 Lyell Ave., Rochester, NY 14606.

MC 145203 (Sub-II-2TA), filed July 8, 1980. Applicant: REITZEL TRUCKING CO., INC., 7401 Fremont Pike, Perrysburg, OH 43551. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. *Auto parts, and equipment, material supplies used in the manufacture of auto parts (except commodities in bulk)* between Geneva, OH, on the one hand, and, on the other, pts. in WV, PA, MI, IN, and IL, for 270 days. Supporting shipper: Advanced Technology Corp., P.O. Box 69, Geneva, OH 44041.

MC 9071 (Sub-II-1TA), filed July 7, 1980. Applicant: DAVID STEINMAN d.b.a. N. STEINMAN TRUCKING CO., S. Washington Ave. & River St., Scranton, PA 18503. Representative: Joseph F. Hoary, 121 S. Main St., Taylor, PA 18517. *General Commodities (except Classes A & B Explosives, Household Goods as defined by the Commission and Commodities in Bulk)* serving Gouldsboro, Wayne City, PA, as an off route point in connection with applicant's authorized regular routes. Restricted against the transportation of

shipments originating at or destined to Gouldsboro, PA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Gilchrist Trkg., Inc., 105 N. Keyser Ave., Old Forge, PA 18518.

MC 148570 (Sub-II-2TA), filed July 17, 1980. Applicant: N.A.T. TRANSPORTATION, INC., 229 North Main St., Bradner, OH 43406. Representative: Robert J. Gill, First Commercial Bank Bldg., 410 Cortez Rd West, Bradenton, FL 33507. *Fabricated metal products and parts, materials, accessories, and supplies (except in bulk), used in the fabrication of metal products*, between the facilities of Tiffin Metal Products at Tiffin, OH on the one hand, and, on the other, pts. in the U.S. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Tiffin Metal Products, 450 Wall St., Tiffin, OH 44883.

MC 113106 (Sub-II-5TA), filed July 18, 1980. Applicant: THE BLUE DIAMOND COMPANY, 4401 E. Fairmount Ave., Baltimore, MD 21224. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Wash., D.C. 20005. *Newsprint or groundwood paper*, from the plant of Bear Island Paper Company at or near Ashland, VA, to points in MA, CT, RI, NY, NJ, DE, MD, PA, KY, WV, NC, SC, GA, and FL for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Bear Island Paper Company, Greenwich, CT 06830.

MC 138438 (Sub-II-14TA), filed July 18, 1980. Applicant: D. M. BOWMAN, INC., Rt. 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Animal litter*, from Kansas City, MO, and its commercial zone, to Boston, MA, Jersey City, NJ, and Frederick and Hagerstown, MD, and their respective commercial zones, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): The Clorox Company, 1221 Broadway, Oakland, CA 94612.

Note.—Dual operations may be involved.

MC 151326 (Sub-II-1TA), filed July 21, 1980. Applicant: DISTRIBUTOR'S TRANSPORTATION SERVICES, INC., Cascade Dr., P.O. Box 2342, Allentown, PA 18001. Representative: Joseph F. Hoary, 121 S. Main St., Taylor, PA 18517. *General commodities (except classes A and B explosives, household goods as defined by the Commission, such commodities as require special equipment or handling and commodities in bulk)*, between the facilities of Hadco Services Co., Inc., Allentown, PA, on the one hand, and, on the other, NJ, NY, CT, MD, DE, and DC. Restriction: Restricted

to transportation originating at the facilities of Hadco Services Co., Inc., Allentown, PA, and destined to points shown above, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Hadco Services Co., Inc., Cascade Dr., P.O. Box 3242, Allentown, PA 18001.

MC 65941 (Sub-II-1TA), filed May 27, 1980. Applicant: TOWER LINES, INC., 3rd & Warwood Ave., Wheeling, WV 26003. Representative: James R. Stevick (same address as applicant). *General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk)*, between the facilities of Picoma Industries, Inc., at Martins Ferry and Bellaire, OH, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Picoma Industries, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Picoma Industries, Inc., P.O. Box 488, Martins Ferry, OH 43935.

MC 109124 (Sub-II-4TA), filed May 27, 1980. Applicant: SENTLE TRUCKING CORPORATION, P.O. Box 7850, Toledo, OH 43619. Representative: James M. Burtch, 100 E. Broad St., Suite 1800, Columbus, OH 43215. *Aluminum and aluminum products*, between points in AL, IL, IN, MI, OH, PA, NJ, NY, NC, and TN, for 270 days. Restricted to traffic originating at or destined to facilities used by Monarch Metals Corporation. Supporting shipper: Monarch Metals Corporation, 4349 Talmadge Rd., Toledo, OH 43623.

MC 148001 (Sub-II-TA), filed March 12, 1980. Originally published in the Federal Register of July 17, 1980. Applicant: M. G. BROADDUS, III, Box 113 H. Rt. 1, Bowling Green, VA 22427. Representative: Calvin F. Major, 200 W. Grace St., Suite 415, Richmond, VA 23220. Contract, irregular: *Lumber plywood, shakes and shingles* from Milford, VA to CT, DE, FL, ME, MD, MA, NY, NJ, NH, PA, RI, TN, VT, VA, and WV, for 180 days. Supporting shipper: Hoover Universal, Inc., P.O. Box 290, Milford, VA 22514. The purpose of republication is to show CT instead of CO.

MC 97275 (Sub-II-2TA), filed June 18, 1980. Originally published in the Federal Register of June 30, 1980. Applicant: ESTES EXPRESS LINES, 1405 Gordon Ave., Richmond, VA 23224. Representative: Harry J. Jordan, Suite 502 Solar, 1000 16th St., NW., Washington, D.C. 20036. Common, regular: *General commodities, except*

those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, (1) between Atlanta, GA, and the junction Interstate Hwy 85 and SC Hwy 59 at or near Fair Play, SC: Over Interstate Hwy 85, serving no intermediate pts; (2) between Atlanta, GA, and the junction Interstate Hwy 20 and GA Hwy 77 at or near Siloam, GA: Over Interstate Hwy 20, serving no intermediate pts; (3) between Atlanta, GA and the junction Interstate Hwy 16 and GA Hwy 29 at or near Rockledge, GA: From Atlanta over Interstate Hwy 75 to junction Interstate Hwy 16, then over Interstate Hwy 16 to junction GA Hwy 29 at or near Rockledge, serving no intermediate pts.; and (4) between Atlanta, GA, and the junction US Hwy 23 and US Hwy 221 at Hazelhurst, GA: From Atlanta over Interstate Hwy 75 to junction Interstate Hwy 16, then over Interstate Hwy 16 to junction US Hwy 23, then over US Hwy 23 to junction US Hwy 221 at Hazelhurst, serving no intermediate pts., for 180 days. Applicant intends to tack this authority with existing authority to serve GA, SC, NC, VA, and DC and Baltimore, MD; and to interline with other carriers. Supporting shippers: There are 94 supporting shippers. Their statements may be examined at the ICC Regional Office in Philadelphia, PA. The purpose of republication is to show applicants intent to interline.

THE FOLLOWING APPLICATIONS WERE FILED IN REGION 3. SEND PROTESTS TO ICC, REGIONAL AUTHORITY CENTER, P.O. BOX 7600, ATLANTA, GA 30357.

MC 2900 (Sub-3-14TA), filed July 18, 1980. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant). *Common carrier: Regular: General commodities (except those of unusual value, Classes A and B explosives, commodities in bulk, those requiring special equipment and household goods as defined by the Commission)* (1) Between Minneapolis, MN and Chicago, IL over U.S. Hwy 12. (2) Between Menomonie, WI and South Beloit, IL from Menomonie over WI Hwy 29 to junction U.S. Hwy 51, then over U.S. Hwy 51 to South Beloit and return over the same route. (3) Between Minneapolis, MN and East Dubuque, IL over U.S. Hwy 52. (Also over U.S. Hwy 61). (4) Between Minneapolis, MN and the junction of U.S. Hwy 10 and U.S. Hwy 12, over U.S. Hwy 10. (5) Between Minneapolis, MN and the junction of MN Hwy 56 and U.S. Hwy 53 over MN

Hwy 56. (6) Between Minneapolis, MN and the junction of U.S. Hwy 16 and U.S. Hwy 12, from Minneapolis over U.S. Hwy 65 to junction of U.S. Hwy 16, then over U.S. Hwy 16 to junction U.S. Hwy 12 and return over the same route. (7) Between the junction of U.S. Hwy 61 and the U.S. Hwy 63 and junction of U.S. Hwy 53 and MN Hwy 56, over U.S. Hwy 63. (8) Between the junction of U.S. Hwy 65 and U.S. Hwy 14 and Winona, MN over U.S. Hwy 14. (9) Between Red Wing, MN and Zumbrota, MN over MN Hwy 58. (10) Between Kellogg, MN and the junction of MN Hwy 42 and U.S. Hwy 14 over MN Hwy 42. (11) Between Harmony, MN and Hokah, MN over MN Hwy 44. (12) Between Faribault, MN and Menomonie, WI from Faribault over MN Hwy 60 to the junction of WI Hwy 25, then over WI Hwy 25 to Menomonie and return over the same route. Serving all intermediate points on Routes (1) through (12) above, and in WI in and south of St. Croix, Dunn, Clark, and Marathon counties and west of U.S. Hwy 51, as off-route points. Supporting shipper(s): There are 33 statements in support attached to this application which may be examined at the I.C.C. Regional Office in Atlanta, GA.

Note.—Applicant seeks authority to tack with its present authority, to interline and to serve the commercial zones.

MC 151316 (Sub-3-1TA), filed July 18, 1980. Applicant: AERO DISTRIBUTING CO., INC., 4814 Fulton Industrial Blvd., Atlanta, GA 30336. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. *Scrap paper*, between the facilities of Southern Pulp & Paper Company, Inc. at Fulton County, GA, on the one hand, and, on the other, points in FL, AL, MS, LA, TN, NC and SC. Supporting shipper: Southern Pulp & Paper Company, Inc., 1215 Sylvan Rd., Atlanta, GA 30310.

MC 115654 (Sub-3-15TA), filed July 18, 1980. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Jackie Hastings (same address as above). *Chemicals, toilet preparations, personal care items, buffing and polishing compounds, and foodstuffs (except in bulk)*, between Chicago, IL on the one hand, and, on the other, Columbus, OH, Cincinnati, OH and Indianapolis, IN. Restricted to the transportation of traffic originating at or destined to the facilities of Alberto-Culver Company. Supporting shipper: Alberto-Culver Company, 2525 Armitage Avenue, Melrose Park, Illinois 60160.

MC 151083 (Sub-3-1TA), filed July 21, 1980. Applicant: JACKSONVILLE EXPRESS, INC., 5912 New Kings Road, Jacksonville, FL 32209. Representative:

Norman J. Bolinger, 1729 Gulf Life Tower, Jacksonville, FL 32207. *General commodities (except classes A and B explosives)*, between points in the commercial zone of Jacksonville, FL restricted to traffic having a prior or subsequent movement by water. Supporting shipper: Puerto Rico Maritime Shipping Authority, P.O. Box 40044, Jacksonville, FL 32203.

THE FOLLOWING APPLICATIONS WERE FILED IN REGION 4. SEND PROTESTS TO: ICC, DIRKSEN BLDG., 219 S. DEARBORN ST., ROOM 1386, CHICAGO, IL 60604.

MC 151275 (Sub-4-1TA), filed July 16, 1980. Applicant: CHICAGO SUBURBAN EXPRESS, INC., 1500 W. 33rd St., Chicago, IL 60608. Representative: Philip A. Lee, 120 W. Madison St., Chicago, IL 60602. *Chemicals and related items*, between the Chicago, IL Commercial Zone, Milwaukee, WI Commercial Zone and Racine and Kenosha, WI. There are eight supporting shippers.

MC 25823 (Sub-4-1TA), filed July 18, 1980. Applicant: WERCH TRUCKING COMPANY, INC., Route #2, Box 113, Berlin, WI 53923. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Lignin pitch* from Green Bay, Rothschild, Wisconsin Rapids, Bellevue, Schofield, and Fond du Lac, WI to points in AR, IL, IN, IA, KS, KY, MI, MN, MO, NE, OH, and TN. An underlying ETA seeks 120 days authority. Supporting shipper: American Can Company, P.O. Box 702, Neenah, WI 54956.

MC 147983 (Sub-4-2TA), filed July 17, 1980. Applicant: MIAMI TRUCKING, INC., 585 East Fifth St., Peru, IN 46970. Representative: Warren C. Moberly, 320 N. Meridian St., Indianapolis, IN 46204. *Dry fertilizer, in bags and in bulk*, from Butler and Peru, Indiana, to points in the Lower Peninsula of Michigan. Supporting shipper: Kaiser Agricultural Chemicals, P.O. Box 246, Savannah, GA. 31402.

MC 98883 (Sub-4-1TA), filed July 17, 1980. Applicant: MANN CARTAGE COMPANY, INC., 9445 S. 51st Ave., Oak Lawn, IL 60653. Representative: Stephen H. Loeb, Suite 2027, 33 N. LaSalle St., Chicago, IL 60602. (1) *Foodstuffs* (except those requiring mechanical refrigeration) in shipper owned trailers, from the facilities of Golden Grain Macaroni Company at Bridgeview, IL to points in the U.S. (except AK and HI) and (2) *materials and supplies used in the production and distribution of foodstuffs* in shipper owned trailers, from points in the U.S. (except AK and HI) to the facilities of Golden Grain Macaroni Company at Bridgeview, IL. Supporting shipper:

Golden Grain Macaroni Company, 7700 W. 71st St., Bridgeview, IL 60455.

MC 138420 (Sub-4-1TA), filed July 17, 1980. Applicant: CHIZEK ELEVATOR & TRANSPORT, INC., Route 1, P.O. Box 147, Cleveland, WI 53063. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. *Malt beverages* from Pittsburgh, PA to points in MN. Underlying ETA seeks 120 days authority. Supporting shipper: Pittsburgh Brewing Co., 3340 Liberty Avenue, Pittsburgh, PA 15201.

MC 148200 (Sub-4-2TA), filed July 17, 1980. Applicant: FREIGHT MASTERS, INC., 2828 Lafayette Road, Indianapolis, IN 46222. Representative: John R. Bagileo, 918 16th Street, N.W., Washington, D.C. 20006. *Contract irregular: Medical supplies*, between Memphis, TN, on the one hand, and, on the other, Indianapolis, IN, under contract with Union Carbide Corporation of New York, NY. Supporting shipper: Union Carbide Corporation, 270 Park Avenue, New York, NY, 10017.

MC 80430 (Sub-4-6), filed July 17, 1980. Applicant: GATEWAY TRANSPORTATION CO., INC., 455 Park Plaza Drive, La Crosse, WI 54601. Representative: Lem Smith, 455 Park Plaza Drive, La Crosse, WI 54601. *General Commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment*, serving the plantsite of Bloomer Plastics, Inc., at Bloomer, WI as an off-route point in connection with carrier's otherwise authorized regular route operations from or to Eau Claire, WI. Supporting shipper: Bloomer Plastics, Inc., 1302 Oak St., Bloomer, WI 54724. Interlining intended at Chicago, IL and all other pts. in its system at which it maintains joint routings.

MC 117940 (Sub-4-1TA), filed July 11, 1980. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain MN 55359. *General commodities (except those of unusual value, class A and B explosives, commodities in bulk, household goods as defined by the Commission, and commodities requiring the use of special equipment)* having had a prior movement by water, from the Seattle, WA Commercial Zone to the facilities of Modern Merchandising Inc., and its subsidiaries at Boise and Lewiston ID; Billings and Missoula, MT; Salt Lake City, UT; Casper and Cheyenne, WY; Bismarck, Fargo and Grand Forks, ND; Rapid City and Sioux Falls, SD; Boulder, Colorado Springs,

Denver and Fort Collins, CO. Supporting shipper: Modern Merchandising, Inc., 5101 Shady Oak Road, Minnetonka, MN 55343.

MC 119619 (Sub-4-4TA), filed July 18, 1980. Applicant: DISTRIBUTORS SERVICE CO., 2000 W. 43rd St., Chicago, IL 60609. Representative: Arthur J. Piken, 95-25 Queens Blvd., Rego Park, NY 11374. *Candy, Confectionery, Edible Nuts and Packaging Materials used in connection therewith*. From Columbus, OH to Chicago, IL and points in its Commercial Zone; Charlottesville, Richmond, and Springfield, VA. An underlying ETA seeks 120 days authority. Supporting shipper: Betty Zane Corp., 600 West Terrace Drive, San Dimas, CA 91773.

MC 125777 (Sub-4-4TA), filed July 18, 1980. Applicant: JACK GRAY TRANSPORT, INC., 4600 E. 15th Ave., Gary, IN 46403. Representative: Joel H. Steiner, 39 S. LaSalle St., Chicago, IL 60603. *Pig iron, in dump vehicles*, from Buffalo, NY to points in AL, KY, NJ, OH, PA, TN and WV. An underlying ETA seeks 120 day authority. Supporting shipper: Hanna Furnace Corporation, P.O. Box 1207, Buffalo, NY 14240.

MC 144563 (Sub-4-1TA), filed July 17, 1980. Applicant: ROBERT BOURDAGE and JOHN DEPPONG, JR. d.b.a. D/K TRUCKING, 3N728 Randall Rd., St. Charles, IL 60174. Representative: Walter Kobos, 1016 Kehoe Dr., St. Charles, IL 60174. *Magnetic tape, other than sound recording*, between Huntley, IL and Paoli, IN. An underlying ETA seeks 120 days authority. Supporting shipper: Wabash Tape Corporation, 221 E. Main Street, Huntley, IL 60142.

MC 1494 (Sub-4-2TA), filed July 16, 1980. Applicant: GROSS COMMON CARRIER, INC., 660 West Grand Avenue, Wisconsin Rapids, WI 54494. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Common; regular, General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment)*, 1) Between Minneapolis-St. Paul, MN and Tomah, WI, serving all intermediate points, over U.S. Hwy 12 (also over Interstate 94); 2) Between the junction of WI Hwy 29 and U.S. Hwy 12 and Wausau, serving all intermediate points, over WI Hwy 29; 3) Between Chippewa Falls and Eau Claire, WI, serving all intermediate points, over U.S. Hwy 53; 4) Between Wausau and Stevens Point, WI, serving all intermediate points, over U.S. Hwy 51; 5) Between the junction of U.S. Hwy 10 and U.S. Hwy 12 near Osseo, WI and Stevens Point, WI, serving all

intermediate points, over U.S. Hwy 10; 6) Between Abbotsford, WI and the junction of WI Hwy 13 and U.S. Hwy 10, serving all intermediate points, over WI Hwy 13. Applicant requests the right to tack and interline. An underlying ETA seeks 120 days authority. There are 28 supporting shippers.

MC 15975 (Sub-4-9TA), filed July 16, 1980. Applicant: BUSKE LINES, INC., 123 W. Tyler Ave., Litchfield, IL 62056. Representative: Howard H. Buske, (same address as applicant). *Alcoholic beverages*, in containers, in cartons, from Elizabeth, NJ, to Detroit and Lansing MI; Cleveland, OH; and Chicago and Peoria, IL, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): W. A. Taylor & Company, 825 South Bayshore Drive, Miami, FL 33131.

MC 117644 (Sub-4-4TA), filed July 14, 1980. Applicant: D & T TRUCKING CO., INC., P.O. Box 12505, New Brighton, MN 55112. Representative: David Rubenstein (same address as applicant). *Contract, irregular, parts, equipment and materials used in the manufacture, assembly and repair of automotive buses*. From: Danville, IL; Indianapolis, IN; Centerville, IA; Dearborn, Grand Rapids, and Wyandotte, MI; Syracuse, NY; Kenton, Mansfield, Marysville, and Toledo, OH; and New Castle, PA; To: Hallock, MN and Pembina, ND. Supporting shipper: Motor Coach Industries, Winnipeg, Manitoba, Canada.

MC 148175 (Sub-4-2TA), filed July 14, 1980. Applicant: ROBERT W. DENTON d.b.a. SPIRIT TRUCKING, 8700 S. Wolf RD, Hinsdale, IL 60521. Representative: Robert W. Denton (same address as applicant). *Cleaning compounds, supplies and materials used in manufacturing and distribution of cleaning compounds*, (except in bulk) from facilities or storage facilities of the Amway Corporation located at or near Ada or Holland, MI to Chicago, IL. Restricted to traffic having an immediately subsequent movement by rail. Supporting shipper: Amway Corporation, 7575 E. Fulton Rd., Ada, MI 49355.

MC 135152 (Sub-4-10TA), filed July 18, 1980. Applicant: CASKET DISTRIBUTORS, INC., Rural Route 3, West Harrison, IN 45030. Representative: James D. Campbell, P.O. Box 327, Harrison, OH 45030. *Medicine cabinets, steel; medicine cabinet mirrors, and empty containers, steel or plastic* from Cincinnati, OH to all points in the U.S. except AL and HI. Supporting shipper: F. H. Lawson Company, 801 Evans Street, Cincinnati, OH 45204.

MC 149170 (Sub-4-12TA), filed July 18, 1980. Applicant: ACTION CARRIER, INC., 1000 East 41st Street, Sioux Falls, SD 57105. Representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. *Meat, Meat Products, Meat By-Products and Articles distributed by meat packing houses* from the facilities utilized by Armour & Company at or near Huron, SD, to points in IN, OH, KY, LA, MS, AL, and AR. Supporting shipper: Armour Fresh Meat Company, 111 West Clarendon, Greyhound Tower, Phoenix, AZ 85077.

MC 136899 (Sub-4-6TA), filed July 17, 1980. Applicant: HIGGINS TRANSPORTATION LTD., P.O. Box 637, Richland Center, WI 53581. Representative: Foster L. Kent, P.O. Box 285, Council Bluffs, IA 51502. (1) *New furniture and new furniture parts*, from Alsip, IL to points in IN, IA, KS, MI, MN, MO, NE, ND, OH, SD and WI; and, (2) *materials, equipment and supplies used in the manufacture and distribution of items in (1) above*, (a) from Morristown, TN to Alsip, IL, and (b) between Atlanta, GA, Alsip, IL, Houston, TX and Clifton, NJ. Supporting shipper: SK Products Corp., 5355 Bucknell Drive SW, Atlanta, GA 30378.

MC 151299 (Sub-4-1TA), filed July 17, 1980. Applicant: DEPPE LUMBER CO., INC., 456 Lynn Street, Baraboo, Wisconsin 53913. Representative: Richard A. Westley, Attorney, 4506 Regent Street, Suite 100, Madison, Wisconsin 53705. (1) *Outdoor furniture and related accessories*, from the facilities of Almet, Inc., at or near Memphis, TN to the facilities of Almet, Inc., at or near Baraboo, Wisconsin Dells and Prairie du Sac, WI; (2) *materials and supplies used in the manufacture and distribution of outdoor furniture* from South Bend, IN to the facilities of Almet, Inc., at or near Memphis, TN. Supporting shipper(s): Almet, Inc., Liberty Steel Service, Inc.

MC 146559 (Sub-4-2TA), filed July 15, 1980. Applicant: LARAMEE LEASING AND TRUCKING LIMITED, 107 Manitow Drive, Kitchener, Ontario N2C 1L4. Representative: Edwin M. Snyder, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. *Glass and glass products* from the facilities of LOF Company, at or near Ottawa, IL to the International Boundaries between the U.S. and Canada. Supporting shipper: Libbey-Owens-Ford Company, 811 Madison Avenue, Toledo, OH 43695.

MC 56409 (Sub-4-1TA), filed July 15, 1980. Applicant: MAJOR TRANSPORT, INC., Box 204, Highway 135 and Airport Road, Palmyra, WI 53156. Representative: David V. Purcell, 111 East Wisconsin Avenue, Milwaukee, WI

53202. (1) *Electrical transformers and transformer parts* from the facilities of RTE Corporation at or near Waukesha, WI to points in MD, NJ, NY, OH, PA, and WV; and (2) *materials, equipment, and supplies* used in the manufacture or distribution of the commodities in (1) above (except commodities in bulk), in the reverse direction. Supporting shipper, RTE Corporation, 1900 E. North Ave., Waukesha, WI 53186.

MC 151274 (Sub-4-1TA), filed July 16, 1980. Applicant: ALLYN BUS CO., LTD, P.O. Box 405, Brookfield, WI 53005. Representative: William C. Dineen, Attorney at Law, 710 N. Plankinton Avenue, Milwaukee, WI 53203. *Passengers and their baggage*, in charter operations, beginning and ending at points in Kenosha, Racine and Walworth Counties, WI and extending to points in IL, IN, and MI for 270 days. An underlying ETA seeks 90 days authority. Supporting parties: There are 24 supporting shippers.

MC 148665 (Sub-4-1TA), filed July 16, 1980. Applicant: CFS CONTINENTAL TRANSPORTATION COMPANY, 2550 North Clybourn Avenue, Chicago, IL 60614. Representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, IL 60603. *Contract irregular: General commodities*, from the facilities of Texas Shippers Association, Inc. at Chicago, IL to the facilities of Texas Shippers Association, Inc. at Houston, TX. (Supporting shipper: Texas Shippers Association, Inc.), 5502 W. 47th St., Chicago, IL 60638.

MC 150798 (Sub-4-3TA), filed July 17, 1980. Applicant: CKR TRANSPORT LTD., P.O. Box 599, Elmhurst, Illinois 60126. Representative: Kenneth Clark, P.O. Box 599, Elmhurst, Illinois 60126. *Chemicals, drugs, toilet preparations, health care items, foodstuffs, and materials and supplies used in the manufacturing of the aforementioned* from PA, NJ, NH, NY, OH, IN, and MN to the facilities of Alberto Culver Company at Chicago, Illinois and its commercial zone. An underlying ETA seeks 90 days authority. Supporting shipper: Alberto Culver Company, Armitage Avenue, Chicago, Illinois.

MC 24379 (Sub-4-6TA), filed July 15, 1980. Applicant: LONG TRANSPORTATION COMPANY, 14650 West Eight Mile Road, Oak Park, MI, 48237. Representative: Donald G. Hichman (same address as applicant). *Insulating materials* from the facilities of Diamond Shamrock Corporation at or near Lockport, NY to points in and east of ND, SD, NE, CO, OK and TX, for 270 days. Supporting shipper: Diamond Shamrock Corporation, 1100 Superior Avenue, Cleveland, OH 44114.

MC 142548 (Sub-4-2TA), filed July 16, 1980. Applicant: STALEY EXPRESS INC., 2501 North Brush College Rd., Decatur, Illinois 62526. Representative: Charles Carnahan, Jr., 2501 North Brush College Rd., Decatur, Illinois 62526. *Contract, Irregular: Merchandise and goods usually sold by retail or wholesale automotive supply stores, vehicle tires and tubes, automotive parts and supplies, automotive accessories and lubricants, (except in bulk) Between the facilities of The Firestone Tire & Rubber Company, Chicago, IL, on the one hand, and, on the other, points in IL, IN, IA and MI., under continuing contract(s) with The Firestone Tire & Rubber Company. Supporting shipper: The Firestone Tire & Rubber Co., 1200 Firestone Parkway, Akron, OH 44317.*

MC 110988 (Sub-445TA), filed July 17, 1980. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Avenue, Appleton, WI 54911. Representative: Patrick M. Byrne, P.O. Box 2298, Green Bay, WI 54306. *Such commodities as are dealt in, or used by, manufacturers and distributors of chemicals between the facilities of Wausau Chemical Company at or near a) Wausau, WI; and b) Marquette, MI and points in the United States (except AK and HI, and between points in TX [except in bulk]). Supporting shipper: Wausau Chemical Company, P.O. Box 953, 2001 N. River Drive, Wausau, WI 54401.*

MC 143776 (Sub-4-4TA), filed July 17, 1980. Applicant: C.D.B. INCORPORATED, 155 Spaulding, S.E., Grand Rapids, MI 49506. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. *Mineral wool insulation from Rogers, TX and its commercial zone to points in KS, IA, NE and MO. An underlying ETA seeks 90-day authority. Supporting shipper: Mineral Wool Insulation, P.O. Box 218, Rogers, TX 76569.*

MC 125708 (Sub-4-10TA), filed July 17, 1980. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 1473 Ripley Road, Lake Station, IN 46405. Representative: J. H. Klostermann, 109 Velma, S. Roxana, IL 62087. *Iron and steel articles, between Detroit, MI and all points in U.S. (except AL and HI). Supporting shipper: Burbick Metals, Inc., Detroit, MI.*

MC 151288 (Sub-4-1TA), filed July 16, 1980. Applicant: IOWA-ILLINOIS EXPRESS, LTD., 2371 34th Street, Moline, IL 61265. Representative: Steven C. Schoenebaum, 1200 Register & Tribune Bldg., Des Moines, IA 50309. *General commodities (except liquid commodities in bulk, classes A and B explosives, and motor vehicles requiring*

the use of special equipment) between points in Mercer County and Rock Island, IL and Scott County, IA. Supporting shippers: Thomas L. Harris, Harris Casting Company, Box 148, Matherville, IL; Jay Anderson, Heck & Anderson, Aledo, IL; Charlotte Doonan, Doonan Implement Co., Inc., Preemption, IL; and Edgar Boney, Boney's Farm Store, Aledo, IL.

THE FOLLOWING PROTESTS WERE FILED IN REGION 5. SEND PROTESTS TO: CONSUMER ASSISTANCE CENTER, INTERSTATE COMMERCE COMMISSION, POST OFFICE BOX 17150, FORT WORTH, TX 76102.

MC 106398 (Sub-5-40TA), filed July 21, 1980. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson, National Trailer Convoy, Inc., 705 South Elgin, Tulsa, OK 74120. *Iron or steel articles from: The facilities of ACT Steel, Inc., at Houston, TX; Mt. Vernon, IN; Wilmington, NC; and Tampa, FL, to: Points in AL, AR, KS, GA, LA, MS, KY, TN, OK, OH, VA, WV, IL, and IN. Supporting shipper: ACT Steel, Inc., 8303 S.W. Freeway, Suite 222, Houston, TX 77074.*

MC 109397 (Sub-5-13TA), filed July 21, 1980. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). *Metal and metal articles, between the facilities of Southern Precision Steel Co., located at or near Gulfport, MS, on the one hand, and, on the other, points in the United States (except AK and HI). Supporting shipper: Southern Precision Steel Co., Lorraine Rd., P.O. Box 6625, Gulfport, MS 39501.*

MC 117119 (Sub-5-17TA), filed July 21, 1980. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). *Such commodities as are dealt in or used by retail stores (except foodstuffs and commodities in bulk), from points in NC and SC to points in MO, KS, CO, MT, ID, OR, WA, WY, and UT. Supporting shipper(s): Modern Merchandising, Inc., 5101 Shady Oak Road, Minnetonka, MN 55343.*

MC 118535 (Sub-5-3 TA), filed July 21, 1980. Applicant: TIONA TRUCK LINE, INC., 102 West Ohio, Butler, MO 64730. Representative: Mr. Jim Tiona, Jr. (same as applicant). *Sand, from Ottawa, MN to points in IA. Supporting shipper: Unimin Corporation, 50 Locust Avenue, New Canaan, CT 06840.*

MC 119493 (Sub-5-28 TA), filed July 21, 1980. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin,

MO 64801. Representative: Thomas D. Boone, Traffic Manager, Monkem Company, Inc., P.O. Box 1196, Joplin, MO 64801. *Iron and steel, From: Bensenville, IL and its Commercial Zone, To: AL, AR, GA, IA, IN, KY, KS, LA, MI, MO, NE, OH, OK, PA, and TN. Supporting shipper: Robert D. Gifford, Vice President of Operations, Quality Steel, Inc., 520 Thomas Drive, Bensenville, IL 60106.*

MC 119789 (Sub-5-27 TA), filed July 21, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same as applicant). *Drugs and toilet preparation, in mechanically refrigerated equipment, from Holmdel, NJ to Eastgate, WA. Supporting shipper: E. R. Squibb & Sons, Inc., 5 Georges Road, New Brunswick, NJ 08903.*

MC 121496 (Sub-5-4 TA), filed July 21, 1980. Applicant: CANGO CORPORATION, 1100 Milam Building, Suite 2900, Houston, TX 77002. Representative: E. Stephen Heasley, Ames, Hill & Ames, P.C., 805 McLachlen Bank Bldg., 666 Eleventh Street, N.W., Washington, D.C. 20001. *Heptane, Isopropyl Alcohol and Xylene, in bulk, in tank vehicles, from Norco, LA to Odessa, TX. Supporting shipper: Wilson Systems, Inc., P.O. Box 7192, Odessa, TX 79760.*

MC 140665 (Sub-5-23TA), filed July 21, 1980. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. *Tree or weed killing compounds, plant growth inhibitor modifier or regulator and materials and supplies used in the marketing or distribution thereof, (except commodities in bulk), between St. Joseph, and Kansas City, MO, to points in CA, ID, ND, OR, UT, WA, TX, TN, LA, GA, NC, OH, NJ and PA. Supporting shipper: Union Carbide Corporation, 270 Park Avenue, New York, NY 10017.*

MC 141914 (Sub-5-6TA), filed July 21, 1980. Applicant: FRANKS AND SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Representative: Kathrena J. Franks (same as applicant). *Foodstuffs, between Franklin County, OH, and points in NY, MD, IL, PA, GA, TX, LA, FL, KS, MA and CA. Supporting shipper: T. Marzetti Company, 3838 Indianola Avenue, Columbus, OH 43214.*

MC 145700 (Sub-5-1TA), filed July 18, 1980. Applicant: TIGATOR, INC., d.b.a. TIGATOR TRUCKING SERVICE, P.O. Box 1748, 8686 Anselmo Lane, Baton Rouge, LA 70821. Representative: J. H. Campbell, Jr., P.O. Box 1748, Baton Rouge, LA 70821. *Contract; Irregular. Pet*

food products and by-products from points in Lee County, MS & Franklin County, AL; *Pickle Products & By-Products* from points in Stone County, MS; *Processed vegetable and fruit products and by-products* from points in Denton County, TX; and *Charcoal in bags* from points in Clarke County, MS, to the warehouse facility of Associated Grocers, Inc. in Baton Rouge, LA. Supporting shipper: Associated Grocers, Inc., 8686 Anselmo Lane, Baton Rouge, LA 70808.

MC 146078 (Sub-5-10TA), filed July 21, 1980. Applicant: CAL-ARK, INC., 854 Moline, P.O. Box 610, Malvern, AR 72104. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. *Cat litter, dog food, and packaged grain*, from the facilities of TRS, Inc. at or near Kansas City, KS, to points in and east of MT, WY, CO, and NM. Supporting shipper: TRS, Inc., 14403 W. 106th Lanexa, KS.

MC 146078 (Sub-5-11TA), filed July 21, 1980. Applicant: CAL-ARK, INC., 854 Moline, P.O. Box 610, Malvern, AR 72104. Representative: John C. Everett, 140 E. Buchanan, P.O. Box 610 Malvern AR 72104. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. *Foodstuffs and ingredients used in the preparation of foodstuffs*, between the facilities CPI Corporation in Wichita, KS, on the one hand, and, on the other, all points and places in the United States (excluding AK and HI). Supporting shipper: CPI Corporation, 3030 S. Hoover, Wichita, KS 67215.

MC 146078 (Sub-5-12TA), filed July 21, 1980. Applicant: CAL-ARK, INC., 854 Moline, P.O. Box A, Prairie Grove, AR 72753. *Outdoor recreational equipment and accessories and heating and air conditioning equipment, materials, and supplies utilized in the manufacture of these commodities*, between the facilities of the Coleman Company in U.S.A. on the one hand, and, on the other, all points and places in the United States (excluding AK and HI). Supporting shipper: Coleman Company, Inc., 250 N. St. Francis, Wichita, KS 67201.

MC 147189 (Sub-5-1TA), filed July 21, 1980. Applicant: J & M CARTAGE, INC., 3300 N. Santa Fe, Oklahoma City, OK 73125. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Contract, irregular; General Commodities (except those of unusual value, classes A and B explosives household goods as defined by the Commission, commodities in bulk and those requiring special equipment)* from Oklahoma City, OK to Wichita, KS

restricted to a transportation service to be performed under continuing contract or contracts with Target Stores. Supporting shipper: Target Stores, Div. of Dayton Hudson Corp., 7120 Highway 65 N.E., Fridley, MN 55432.

MC 149157 (Sub-5-4TA), filed July 21, 1980. Applicant: STYLE CRAFT TRANSPORT, INC., Highway 71 South, Milford, IA 51351. Representative: Foster L. Kent, P.O. Box 285, Council Bluffs, IA 51502. *Contract; Irregular: Upholstery fabric*, from La Grange, GA, to Minneapolis, MN, and Omaha, NE. Supporting shipper: Kirsch Fabric Corporation, 5401 Boone Avenue, Minneapolis, MN 55428.

MC 150496 (Sub-5-6TA), filed July 21, 1980. Applicant: P.A.M. TRANSPORT, INC., P.O. Box 188, Tontitown, AR 72770. Representative: Paul A. Maestri, P.O. Box 188, Tontitown, AR 72770. *Such commodities as are dealt in by manufacturers of metal tools boxes and utility boxes, tool chests, medical cabinets, benches and shelves (except commodities in bulk)*, between the facilities of Waterloo Industries, Inc. located at Waterloo, IA, Sedalia, MO and Pochontas, AR on the one hand, and on the other, points in AL, AR, CT, DE, FL, GA, IN, IL, KY, LA, MD, MA, MS, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, and WV. Supporting shipper: Waterloo Industries, Inc., 300 Ansborough, Waterloo, IA 50704.

MC 150496 (Sub-5-7TA), filed July 21, 1980. Applicant: P.A.M. TRANSPORT, INC., P.O. Box 188, Tontitown, AR 72770. Representative: Paul A. Maestri, P.O. Box 188, Tontitown, AR 72770. *Such merchandise as is dealt in or used by retail variety and department stores, (except in bulk)*. From points in AL, IN, MI, NJ, NY, NC, OH, PA, SC and TN to the facilities of Ardan, Inc. located in IL, IA, KS, NE, OK, and TX. Supporting shipper: Ardan Inc., 2320 Euclid Ave., Des Moines, IA 50310.

MC 150881 (Sub-5-1TA), filed July 25, 1980. Applicant: MAX E. RYNERSON, d.b.a. RYNERSON TRUCKING, Rural Route 1, Medicine Lodge, KS 67104. Representative: Max E. Ryner, Rural Route 1, Medicine Lodge, KS 67104. *Potash*, from points in Eddy County, NM to points in Barber, Comanche, Harper, Kingman, and Kiowa Counties, KS. Supporting shipper: Farmers Cooperative Company, Box 268, Haviland, KS 67059 (Carl E. Hartman, General Manager).

MC 151323 (Sub-5-1TA), filed July 21, 1980. Applicant: WESTLAND INDUSTRIES, INC., P.O. Box 296, Liberty, Missouri 64068. Representative: Arthur J. Cerra, 2100 TenMain Center,

P.O. Box 19251, Kansas City, Missouri 64141. *Contract carrier, irregular routes: gasoline in bulk, in tank vehicles* from the facilities of Williams Pipeline Company in Fairfax, Olathe and Wathena, KS, to the Commerical Zones of St. Joseph and Warrensburg, MO, for 270 days. Supporting shipper: Midland Energy Corp., P.O. Box 296, Liberty, Missouri 64068.

MC 119399 (Sub-5-18TA), republication, filed June 19, 1980. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64801. Representative: Thomas P. O'Hara (same address as applicant).

Agricultural pesticides and agricultural chemicals except commodities in bulk, from Memphis, TN to points in AL, AR, AZ, IA, LA, MS, SC, and TX. Supporting shipper: Nor-Am Agricultural Products, Inc., 350 West Schuman Boulevard, Naperville, IL 60540.

MC 200 Sub-5-37TA), filed July 8, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). *Plywood door skins*, from Camden, NJ to the facilities of Arrow Door Co. at or near Grand Rapids, MI. Restricted to shipments originating at the named origin and destined to the indicated destination. Supporting shipper: Arrow Door Company, 4200 Roger B. Chaffee Blvd., Grand Rapids, MI 49508.

MC 24583 (Sub-5-1TA), filed July 11, 1980. Applicant: FRED STEWART COMPANY, P.O. Box 665, Magnolia, AR 71753. Representative: James M. Duckett, 411 Pyramid Life Building, Little Rock, AR 72201. *Ethylene, in bulk, in tank vehicles*, from Beaumont, Odessa and Seabrook, TX, to the facilities of Dow Chemical U.S.A., at or near Magnolia, AR. Supporting shipper: Dow Chemical U.S.A., P.O. Box 520, Magnolia, AR 71753.

C 29910 (Sub-5-40TA), filed July 19, 1980. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South Eleventh Street, Fort Smith, AR 72901. Representative: Joseph K. Reber (same as applicant). *Common regular, Building materials, except cement in packages, fertilizer, boilers, machinery, feed and livestock*, between El Paso, TX, and Las Cruces, NM, serving no intermediate points: From El Paso over US Hwy 80 to Las Cruces, and return over the same route. *General Commodities, except those of unusual value, livestock, Classes A and B explosives, HHG as defined by the Commission, commodities in bulk, cement in packages, and commodities requiring*

special equipment, between Albuquerque, NM, and El Paso, TX, serving all intermediate points: From Albuquerque over U.S. Hwy 85 to Las Cruces, NM, then over U.S. Hwy 80 to El Paso, and return over the same route. Restriction: Service at Belen, NM, and points north thereof shall be restricted to traffic moving to or from points south of Belen and service at Hatch, NM, and points south thereof shall be restricted to traffic moving to or from points north of Hatch. Between Ogden, UT, and Albuquerque, NM, serving the intermediate points of Salt Lake City, Provo and Ogden Arsenal, UT, and the off-route points of Hill Field, Naval Supply Depot near Ogden, UT, and the Geneva Steel Mills near Provo and those within five miles of Salt Lake City: From Ogden over U.S. Hwy 89 to junction U.S. Hwy 50, then over U.S. Hwy 50 to junction U.S. Hwy 63 (formerly U.S. Hwy 160), then over U.S. Hwy 163 to junction U.S. Hwy 666, then over U.S. Hwy 666 to junction U.S. Hwy 66, then over U.S. Hwy 66 to Albuquerque, and return over the same route. Restriction: Service authorized immediately above is restricted against transportation between points in UT and subject to the further restriction that shipments moving to or from points on the route granted herein north of but not including Salt Lake City, shall be restricted to traffic moving on Government bills of lading. Between Ogden, UT, and Salt Lake City, UT, as an alternate route for operating convenience only serving no intermediate points: From Ogden over U.S. Hwy 91 to Salt Lake City, and return over the same route. Restriction: Service authorized immediately above is restricted to traffic moving on Government bills of lading. Between Hatch, NM, and Deming, NM, serving the intermediate points of Florida and Nutt, MN: From Hatch over NM Hwy 26 to Deming, and return over the same route. Between Deming, NM, and Columbus, NM, serving all intermediate points: From Deming over NM Hwy 11 to Columbus, and return over the same route. Between Deming, NM, and Hachita, NM, serving all intermediate points between Hachita and junction U.S. Hwy 70 and NM Hwy 81: From Deming over U.S. Hwy 70 to junction NM Hwy 81, then over NM Hwy 81 to Hachita, and return over the same route. Between Deming, NM, and Rodeo, NM, serving all intermediate points: From Deming over U.S. Hwy 80 to Rodeo, and return over the same route. Between Lordsburg, NM, and Animas, NM, serving all intermediate points: From Lordsburg over U.S. Hwy 80 to junction NM Hwy 338, then over NM Hwy 338 to

Animas, and return over unnumbered Hwy to Lordsburg. Between El Paso, TX, and Deming, NM, serving the intermediate points of Akela and Cambray, NM, and the off-route points of the Corrilitos Ranches, 10 miles south of U.S. Hwy 80; The Johnson Ranch, 5 miles south of Cambray; The Jernigan Ranch, 4 miles northwest of Akela; The Birchfield Ranch, 20 miles southwest of Akela; and Wemple, NM: From El Paso over U.S. Hwy 80 to Deming, and return over the same route. Between El Paso, TX, and Hatch, NM, serving the off-route points of Radium Springs, Leasburg, Ricon, Hill, and Dona Ana, NM: From El Paso over Alternate U.S. Hwy 80 to junction U.S. Hwy 80, then over U.S. Hwy 80 to Las Cruces, NM, then over U.S. Hwy 85 to Hatch, and return over the same route. Between El Paso, TX, and the site of the White Sands missile range, NM, as an alternate route for operating convenience only, in connection with carrier's regular route operations between El Paso, and the site of the White Sands missile range, serving no intermediate points: From El Paso over U.S. Hwy 54 to junction unnumbered Hwy approximately 4 miles north of El Paso, then over unnumbered Hwy to the White Sands missile range, and return over the same route. Serving off-route points in NM east of U.S. Hwy 285 and within 30 miles of Carlsbad, NM, in connection with carrier's regular-route operations authorized herein between El Paso, TX, and Artesia, NM. Between El Paso, TX, and Artesia, NM, serving all intermediate points: From El Paso over U.S. Hwy 62 to Carlsbad, NM, then over U.S. Hwy 285 to Artesia, and return over the same route. Between Tularosa, NM, and Vaughn, NM, serving all intermediate points: From Tularosa over U.S. Hwy 54 to Vaughn, and return over the same route. Between Roswell, NM, and Artesia, NM, serving the intermediate points of Dexter, Hagerman, Lake Arthur, Cottonwood and Espuella, NM: From Roswell over NM Hwy 2 (formerly unnumbered Hwy) via Fairbanks, South Springs and Orchard Park, NM, to junction U.S. Hwy 285, then over U.S. Hwy 285 to Artesia, and return over the same route. Between Hagerman, NM, and Roswell, NM, serving all intermediate points: From Hagerman over NM Hwy 2 to Roswell, and return over the same route. *Dangerous explosives and other dangerous articles (Classes A, B and C)*, between El Paso, TX, and Artesia, NM, serving the off-route points in NM east of U.S. Hwy 285 and within 25 miles of Carlsbad: From El Paso over U.S. Hwy 62 to Carlsbad, NM, then over U.S. Hwy

285 to Artesia and return over the same route. Between Tularosa, NM, and Vaughn, NM, serving all intermediate points: From Tularosa over U.S. Hwy 54 to Vaughn, and return over the same route. *General commodities, except commodities in bulk, cement in packages, commodities of unusual value, Classes A and B explosives, HHG as defined by the Commission, and commodities requiring special equipment*, between El Paso, TX, and San Antonio, NM, serving all intermediate points south of but not including Carrizozo, NM, and serving Holloman Air Force Base, near Alamogordo, NM, as an off-route point: From El Paso over U.S. Hwy 54 to Carrizozo, then over U.S. Hwy 380 to San Antonio, and return over the same route. *Alternate route for operating convenience only, general commodities, except those of unusual value, Classes A and B explosives, HHG as defined by the Commission, livestock, commodities in bulk, cement in packages, and commodities requiring special equipment*, between El Paso, TX, and Las Cruces, NM, with no service to or from any intermediate point, and with service at Las Cruces authorized for the purpose of joinder only:

From El Paso across the Rio Grande River to junction NM Hwy 28, then over NM Hwy 28 to Las Cruces, and return over the same route. Between Shiprock, NM, and Farmington, NM, in connection with carrier's presently authorized regular route operations, serving no intermediate points: From Shiprock over US Hwy 550 to Farmington, and return over the same route. Restriction: The operations authorized under the commodity description next above are restricted against the transportation of traffic between Farmington, NM, and points in the commercial zone thereof, as defined by the Commission, on the one hand, and, on the other, Salt Lake City, UT, and points in the Commercial Zone thereof, as defined by the Commission, and points beyond Salt Lake City, UT. *Irregular routes, general commodities, except commodities in bulk, Classes A and B explosives, articles of unusual value, HHG, as defined by the Commission, and commodities requiring special equipment*, between points in that part of Luna, Grant, and Dona Ana Counties, NM, located south of US Hwy 80. Any repetition in the statement of the authority granted herein shall not be construed as conferring more than one operating right. *Regular routes, general commodities, except those of unusual value, livestock, dangerous explosives, HHG, as defined in Practices of Motor*

*Common Carriers of HHG, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, between Albuquerque, NM and US Engineers Project No. 76, NM: From Albuquerque over unnumbered Hwy to the site of the US Engineers Project No. 76, approximately 7 miles southeast of Albuquerque, and return over the same route. Service is not authorized to or from intermediate points. Between Albuquerque, NM, and jct. NM Hwy 45 & US Hwy 85, NM: Over an alternate route for operating convenience only in connection with said carriers otherwise authorized regular route operations. From Albuquerque westward over US Hwy 66 to junction with NM Hwy 45 then over NM Hwy 45 to junction with US Hwy 85 (about 7 miles north of Los Lunas, NM), and return over the same route. Service is not authorized to or from intermediate points. Service is authorized to and from points in the El Paso, TX, and Albuquerque, NM, Commercial zone, as defined by the Commission, as intermediate and off-route points in connection with carrier's otherwise authorized regular-route operations to and from El Paso, TX, and Albuquerque, NM, between Las Cruces, NM, and White Sands Proving Grounds, NM (located approximately 27 miles east of Las Cruces), serving all intermediate points. From Las Cruces over US Hwy 70 to junction with unnumbered Hwy, then over unnumbered Hwy to White Sands Proving Grounds, and return over the same route. Between Albuquerque, NM, and Farmington, NM: From Albuquerque over US Hwy 85 to junction NM Hwy 44 near Bernalillo, NM, then over NM Hwy 44 to Bloomfield, then over NM Hwy 17 to Farmington, and return over the same route, serving no intermediate points. *Irregular routes, general commodities, except those of unusual value, Classes A and B explosives, HHG as defined by the Commission, commodities in bulk, and those requiring special equipment, Serving the site of the Little Mountain, UT, Production Testing Facility of the Marquardt Aircraft Company plant approximately 11 miles west of Ogden, UT, as an off-route point in connection with carrier's authorized regular-route operations over US Hwy 91. Regular routes, general commodities, except commodities of unusual value, HHG as defined by the Commission, commodities in bulk, and those requiring special equipment, between Las Cruces, NM, and San Antonio, NM, serving the White Sands Missile Range, NM, as an intermediate point and as an off-route point: From Las Cruces over US Hwy 70 to Alamogordo, NM, then**

over US Hwy 54 to Carrizozo, NM, then over US Hwy 380 to San Antonio, and return over the same route. Restriction: The authority granted herein, to the extent that it authorizes the transportation of Classes A and B explosives, shall not be construed as conferring more than one operating right. *General commodities, except Classes A and B explosives, commodities of unusual value, livestock, HHG as defined by the Commission, commodities in bulk and those requiring special equipment, between San Antonio, TX, and El Paso, TX, serving all intermediate points, and the off-route points of Royalty, Crane, and Iraan, TX: From San Antonio over US Hwy 87 to Comfort, TX, then over TX Hwy 27 to junction US Hwy 290, then over US Hwy 290 to junction US Hwy 80, and then over US Hwy 80 to El Paso, and return over the same route. (1) Between Dallas, TX, and Albuquerque, NM. From Dallas, TX, over US Hwy 180 to Snyder, TX, then over US Hwy 84 through Post, TX, to Ft. Sumner, NM, then over US Hwy 60 to Encino, NM, then over US Hwy 285 to Clines Corners, NM, then over US Hwy 66 to Albuquerque and return over the same route; and (2) Between Dallas, TX, and Tularosa, NM: From Dallas, TX, over the route described in (1) above, to Post, then over US Hwy 380 to Hondo, NM, then over US Hwy 70 to Tularosa and return over the same route, restricted over the route described in (2), above, to the transportation of shipments which originate at or are destined to points in NM. Between Tularosa, NM, and Roswell, NM: Over US Hwy 70, serving all intermediate points and the off-route point of Ruidoso, NM. Between Road Forks, NM, and Tucson, AZ, serving all intermediate points except Benson, AZ. From Road Forks, NM, over Interstate Hwy 10 (NM Hwy 14) to junction AZ Hwy 86 at the NM-AZ State Line, then over AZ Hwy 86 to junction US Hwy 80 at or near Benson, AZ, then over US Hwy 80 to Tucson, AZ, and return over the same route. From Road Forks, NM, over Interstate Hwy 10 to Tucson and return over the same route. *Alternate routes for operating convenience only, general commodities, except those of unusual value, Classes A and B explosives, HHG as defined in Practices of Motor Common Carriers of HHG, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, between Vaughn, NM, and Roswell, NM, over US Hwy 285 serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's authorized regular-route operations. Between**

Carlsbad, NM, and Ft. Stockton, TX, over US Hwy 285 serving no intermediate points and serving Carlsbad, NM, for joinder only, as an alternate route for operating convenience only in connection with carrier's authorized regular-route operation. *Regular routes, general commodities, except those of unusual value, Classes A and B explosives, HHG as defined by the Commission, commodities in bulk, and those requiring special equipment, Serving Hollywood, NM, as an intermediate point in connection with carrier's regular-route authority between Dallas, TX, and Tularosa, NM, restricted to the transportation of shipments which originate at, or are destined to points in NM. Regular routes, general commodities, except articles of unusual value, HHG as defined by the Commission, commodities in bulk, and those requiring special equipment, between Artesia, NM, and junction US Hwys 82 and 54, serving all intermediate points, and the site of the US Government Solar Furnace, approximately 3.5 miles north of Cloudcroft NM, as an off-route point: From Artesia over US Hwy 82 to junction US Hwy 54, and return over the same route. The authority granted herein to the extent that it duplicates any authority heretofore granted to or now held by a carrier shall not be construed as conferring more than one operating right. *Regular routes, general commodities, except those of unusual value, Classes A and B explosives, HHG as defined by the Commission, commodities in bulk and those requiring special equipment, between Phoenix and Tucson, AZ, over Interstate Hwy 10, serving no intermediate points. Restriction: Restricted against the transportation of traffic moving between Phoenix, AZ, and points in its commercial zone, on the one hand, and, on the other, Tucson, AZ, and points in its commercial zone. Between Lordsburg and Deming, NM, from Lordsburg over NM Hwy 90 to Silver City, NM, then over US Hwy 180 to Deming and return over the same route, serving all intermediate points and the off-route points of Hanover, Santa Rita Tyrone and the Phelps-Dodge mine site near Tyrone, NM. Between Post, TX, and Roswell, NM, over US Hwy 380 serving no intermediate points and serving Post, TX, for the purpose of joinder only. Between Snyder, TX, and Carlsbad, NM, over US Hwy 180 serving no intermediate points and serving Snyder, TX, for the purpose of joinder only. Serving Clovis, NM, as an intermediate point in connection with carrier's**

presently authorized regular route between Dallas, TX, and Albuquerque, NM. Serving the facilities of Phelps-Dodge Corp., located in Hidalgo County, NM, as an off-route point in connection with carrier's otherwise authorized regular route operations. The sole purpose of this application is to substitute single-line for joint-line operations in which applicant has been participating. Applicant intends to tack this authority with its existing authority and interline with other carriers.

MC 60157 (Sub-5-1TA), filed July 9, 1980. Applicant: C. A. WHITE TRUCKING COMPANY, 5327 N. Central Expressway, Suite 310, Dallas, TX 75205. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. *Scrap iron and steel* from points in AR, CO, LA, NM and OK to points in TX. Supporting shipper(s): T & N Lone Star Warehouse Company, Dallas, TX 75251; Texas Ferrous Company, Long Star, TX 75668.

MC 83539 (Sub-5-1TA), filed July 7, 1980. Applicant: C & H TRANSPORTATION CO., INC., 9757 Military Parkway, P.O. Box 270535, Dallas, TX 75227. Representative: Thomas E. James (same address as Applicant). *Structural towers, iron or steel, KD*, from the facilities of Riverside Industries, Inc., at Clearfield, UT, to Reno, Valmy, and Orena, NV. Supporting shipper: Riverside Industries, Inc., P.O. Box 1282, Clearfield, UT 84016.

MC 85788 (Sub-5-1TA), filed July 8, 1980. Applicant: JACOBSEN TRANSFER, INC., P.O. Box 47, Fairmont, NE 68354. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Chocolate products (except commodities in bulk)*, from the facilities of Guittard Chocolate Company at or near Burlingame, CA, to points in UT, CO, KS, NE, MN, MO, IL, WI, TN, KY, IN, OH, IA and NJ. Supporting shipper: Guittard Chocolate Company, No. 10 Guittard Road, Burlingame, CA 94010.

MC 106707 (Sub-5-1TA), filed July 10, 1980. Applicant: ADAMS TRUCKING, INC., 1711 W. 2nd Street, Webster City, IA 50595. Representative: Ronald Adams, 1711 W. 2nd Street, Webster City, IA 50595. *Such commodities as are used in the manufacture, sale and distribution of agricultural and industrial equipment (except commodities in bulk in hopper or tank vehicles)* between the facilities of Parker Industries, Inc. at Silver Lake, IN and Jefferson, IA, on the one hand, and, on the other, points in AR, CO, IA, IL, IN, KS, KY, MI, MN, MO, MT, NE, NY, ND, OH, OK, PA, SD, TN, WI, and WY. Restricted to the transportation of traffic originating at or destined to the facilities

of Parker Industries, Inc. Supporting shipper: Parker Industries, Inc., State Road-15-N., Silver Lake, IN 46982.

MC 107496 (Sub-5-24TA), filed July 7, 1980. Applicant: RUAN TRANSPORTATION CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, 666 Grand Avenue, Des Moines, IA 50309. *Petroleum Products, in bulk, in tank vehicles*, from Rhinelander, WI to points in the Upper Peninsula of MI. Supporting shipper: Murphy Oil Corp., 200 Jefferson, El Dorado, AR 71730.

MC 107496 (Sub-5-25TA), filed July 8, 1980. Applicant: RUAN TRANSPORTATION CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, Attorney, 666 Grand Avenue, Des Moines, IA 50309. *Asphalt, in bulk, in tank vehicles*, from Janesville, WI to points in IL and IA. Supporting shipper: Energy Coop., Inc., 6300 River Road, Rosemont, IL 60018.

MC 112713 (Sub-5-8TA), filed July 10, 1980. Applicant: YELLOW FREIGHT SYSTEM INC., P.O. Box 7270, Shawnee Mission, KS 66207. Representative: John M. Records, P.O. Box 7270, Shawnee Mission, KS 66207. Common; Regular. *Meat and meat products (except hides and commodities in bulk)*, serving the facilities of Geo. A. Hormel & Co. at or near Rockville, MO, as an off-route point in connection with carrier's otherwise authorized operations. Supporting shipper: Geo. A. Hormel & Company, P.O. Box 800, Austin, MN 55912.

MC 117765 (Sub-5-11TA), filed July 10, 1980. Applicant: HAHN TRUCK LINE, INC., P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan, same as applicant. *Non alcoholic Beverages, in containers*, from Byhalia, MS to points in the United States in and east of ND, SD, NE, KS, OK and TX. Supporting shipper: Master of Mixes, Inc., 10975 Grandview Street, Overland Park, KS 66210.

MC 119493 (Sub-5-26 TA), filed July 10, 1980. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone, Traffic Manager, Monkem Company, Inc., P.O. Box 1196, Joplin, MO 64801. *Furniture and furniture parts and materials and supplies used in the manufacture and distribution thereof (except commodities in bulk)* between Atlanta, GA; Clifton, NJ; Chicago, IL; and Houston, TX on the one hand and AL, AR, DC, DE, IA, KS, KY, LA, MD, MS, MO, NE, OK, PA, TN, VA, WV and WI on the other hand. Supporting shipper: Robert M. Hamilton, Traffic

Manager, SK Products Corp., 5355 Bucknell Drive, Atlanta, GA. 30336.

MC 119493 (Sub-5-27 TA), filed July 10, 1980. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone, Traffic Manager, Monkem Company, Inc., P.O. Box 1196, Joplin, MO 64801. *Asphalt roofing, building materials, and materials and supplies used in the manufacture and distribution thereof (except commodities in bulk)* Between: Ennis, TX and its commercial zone on the one hand and: points in AL, AR, GA, IA, IL, IN, KS, KY, LA, MS, MO, NE, OH, OK, and TN on the other hand. Supporting shipper: John Parker, Traffic Supervisor, The Elk Corporation, P.O. Box 500, Ennis, TX 75119.

MC 120181 (Sub-5-2 TA), filed July 11, 1980. Applicant: MAIN LINE HAULING CO., INC., P.O. Box C, St. Clair, MO 63077. Representative: Ralph Howard, P.O. Box C, St. Clair, MO 63077. *Products dealt in by wholesale and retail chain grocery stores, restaurants and cleaning supply houses and materials, equipment and supplies used in the manufacture, sale and distribution of such products (except commodities in bulk)*, between Dallas, TX on the one hand, and points in TN and LA on the other and (2) Jackson, TN on the one hand and points in AL, AR, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NC, OH, OK, SC, TN, TX, VA, WV and WI on the other: Restricted to traffic originating at or destined to facilities utilized by Procter & Gamble. Supporting shipper: Procter & Gamble, Distributing Co., P.O. Box 599, Cincinnati, OH 45201.

MC 124496 (Sub-5-2 TA), filed July 9, 1980. Applicant: CANGO CORPORATION, 1100 Milam Building, Suite 2900, Houston, TX 77002. Representative: E. Stephen Heisly, 805 McLachlen Bank Bldg., 666 Eleventh Street, N.W., Washington, DC 20001. *Reduced Crude Oil*, from the facilities of Evangeline Refining Company at or near Evangeline, LA to South Hampton Refining Company at or near Vidor, TX and Silsbee TX. Supporting shipper: South Hampton Refining Company, P.O. Box 605, Silsbee, TX 77656.

MC 121658 (Sub-5-6TA), filed July 7, 1980. Applicant: STEVE D. THOMPSON TRUCKING, INC., 1205 Percy Street, Winnesboro, LA 71295. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75245. Common regular general commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special

equipment) between Shreveport, LA and Dallas, TX and its commercial zone. From Shreveport, LA to Dallas, TX over Interstate 20, and return over the same route, serving no intermediate points. Requested authority to be joined with existing authority at Shreveport, LA. Supporting shipper(s): Tandy Corporation, 2560 East Long, Fort Worth, TX; Feman Equipment Co., Inc., 2929 National Court, Garland, TX 75041; Quality Warehouse, 13425 Branchview Lane, Dallas, Texas; Chemix Corp., 1141-108th Street, Arlington, TX 76011; Valu-Rite Pharmacies, 814 Avenue "R", Grand Prairie, TX 75050; Bowman Distribution, 1169 G.S.W. Parkway, Grand Prairie, TX 75050; Ferro Corporation, 601 Great Southwest Parkway, Arlington, TX 76011; Pitney Bowes, 508-113th Street, Arlington, TX 76011; Safelite Industries, 3201 E. Randol Hill, Arlington, TX 76011; Woody Butts, Inc., 3451 Dalworth, Arlington, TX 76011; Trinity Forge, 947 Trinity Drive, Mansfield, TX; Evans Redwood Products, Inc., Mansfield, TX 76063; Wire Rope Corp. of America, 7725 Sand Street, Fort Worth, TX 76118; Norelco, 3011 Pinewood Drive, Arlington, TX.

Note.—Applicant presently holds temporary authority in MC-121658 (Sub No. 27TA) to serve Dallas, TX. The purpose of this application is to serve points in the Dallas commercial zone.

MC 126118 (Sub-5-21TA), filed July 10, 1980. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker, P.O. Box 81228, Lincoln, NE 68501. *Such commodities as are dealt in by manufactures and distributors of pet and zoo foods (except commodities in bulk, in tank vehicles), between Emporia, KS and its commercial zone, on the one hand, and, on the other, points in the United States (except AK and HI). Supporting shipper: Safeway Stores, Inc., Steve C. Islander, Manager-Transportation Services, 5725 East 14th St., Oakland, CA 94660.*

MC 126118 (Sub-5-22TA), filed June 10, 1980. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker, P.O. Box 81228, Lincoln, NE 68501. *Such commodities as are dealt in or used by manufacturers of electrical equipment, electrical products, energy systems, and plastic items (except commodities in bulk in tank vehicles, and those which because of size and weight require the use of special equipment), between points in the United States (except (1) between Fort Wayne, IN and its commercial zone, on the one hand, and, on the other, points in the United States; (2) between*

Fort Smith, AR and Tyler, TX and points in AL, CT, DE, DC, FL, ID, IL, IN, LA, MD, ME, MA, MI, MS, MT, NV, NJ, NM, NY, NH, NC, ND, OH, OK, RI, TX, UT, VT, VA, WV, WY, OR, NE, KY, WI, WA, IA, GA, PA, CA, CO, AR, SC, KS, AZ, MN, MO, TN and SD; (3) between Somersworth, NH; Pittsfield, MA; and Rotterdam, NY, on the one hand, and, on the other, points in the United States in and west of WI, IA, MO, AR and LA; (4) between Somersworth, NH; Pittsfield, MA; and Rotterdam, NJ; (5) between Salisbury, Hickory and East Flat Rock, NC, on the one hand, and, on the other, points in the United States in and west of the Upper Peninsula of MI, WI, IA, MO, AR and LA; (6) between Seattle, WA; Los Angeles, CA; Allentown, PA; Asheville, NC; Brockport, NY; Ontario, CA; and Laurel, MD, on the one hand, and, on the other, points in the United States; (7) between points in NC, on the one hand, and, on the other, those points in the United States in and east of MI, IN, IL, KY, TN and MS; (8) between Mebane, NC, on the one hand, and, on the other, those points in the United States in and west of WI, IA, MO, AR and LA; and (9) AK and HI). Restriction: Restricted to traffic originating at or destined to the facilities of General Electric Company. Supporting shipper: General Electric Company, Andrew M. Balunek, Manager-Transportation Services, 1285 Boston Avenue, Bridgeport, CT 06602.

Note.—Applicant presently holds substantial authority to serve General Electric Company. The purpose of this application is to except authority already held and to provide a service for General Electric Company between points in the continental United States.

MC 126822 (Sub-5-19TA), filed July 8, 1980. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Highway, Olathe, KS 66061. Representative: John T. Pruitt (same as Applicant). *Chemicals and materials manufactured, used or dealt in by a chemical manufacturing company, in packages between points in the continental United States, restricted to shipments from, to or between the facilities owned or operated by or for The PQ Corporation. Supporting shipper: The PQ Corporation, P.O. Box 840, Valley Forge, PA 19482.*

MC 126822 (Sub-5-20TA), filed July 8, 1980. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Highway, Olathe, KS 66061. Representative: John T. Pruitt (same as Applicant). *Machinery, telephone equipment, pole and transmission line equipment, and lumber between points in the United States (except AK and HI), restricted to the transportation of*

shipments from, to or between the facilities of D/C Export and Domestic Packing, Inc. Supporting shipper: D/C Export and Domestic Packing, Inc., 895 Sivert Drive, Wood Dale, IL 60191.

MC 126822 (Sub-5-21TA), filed July 10, 1980. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Highway, Olathe, KS 66061. Representative: John T. Pruitt (same as Applicant). *Iron and steel, and iron and steel articles between Lenexa, KS and points in the states of AL, AR, CO, GA, IL, IN, IA, KY, LA, MI, MN, MS, MO, NE, NM, ND, OH, OK, SD, TN, TX, and WI. Supporting shipper: Steel Benders Inc., 15550 West 108th Street, Lenexa, KS 66219.*

MC 128988 (Sub-5-6TA), filed July 10, 1980. Applicant: JO/KEL, INC., 15580 South 169 Highway, Olathe, KS 66061. Representative: John T. Pruitt (same as Applicant). *Contract; Irregular. (1) Fiberglass bathtubs and showers, cultured marble bathtubs, wall surrounds, lavatory tops, and shower enclosures, and (2) materials and supplies used in the manufacture of (1) above on return from Santa Ana, La Habra, Anaheim, CA, and Pasco, WA, to points in the United States (except AK and HI). Supporting shipper: Kimstock, Inc., 220 South Yale Street, Santa Ana, CA 92704.*

MC 128988 (Sub-5-7TA), filed July 10, 1980. Applicant: JO/KEL, INC., 15580 South 169 Highway, Olathe, KS 66061. Representative: John T. Pruitt (same as applicant). *(1) Heating and air conditioning units and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities named in (1) above between points in the United States (except AK and HI) restricted to the transportation of shipments moving from, to, or between the facilities of Luxaire, Inc. Supporting shipper: Luxaire, Inc., 290 Leger Road, North Huntingdon, PA 15642.*

MC 139015 (Sub-5-1TA), filed July 10, 1980. Applicant: YELLOW VAN MOVERS, INC., 245 Rock Island, Wichita, KS 67202. Representative: T. M. Brown, P.O. Box 1540 Edmond, OK 73034. *Used household goods, between points in KS, CO, NE, IA, MO, AR, OK, TX, and NM. Supporting shipper(s): 12.*

MC 139080 (Sub-5-1TA), filed July 11, 1980. Applicant: LAMP DELIVERY SERVICES CORPORATION, Rt. 3, N. Brady St. Road, Davenport, IA 52804. Representative: Patrick H. Smyth, Suite 401, 19 S. LaSalle St., Chicago, IL 60603. *Contract, irregular, General commodities, with the usual exceptions, between points in IA, KS, MO, and NE, under continuing contract(s) with*

Amway Corporation. Supporting shipper: Amway Corporation, 4161 McDonald Avenue, Des Moines, IA 50313.

MC 140665 (Sub-5-21TA), filed July 8, 1980. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: Clayton Geer, P.O. Box 786, Ravenna, Ohio 44266. *Such commodities as are dealt in or used by department, drug, and food stores (except commodities in bulk), from the commercial zones of Seattle and Tacoma, WA to points in the United States in and east of NS, SD, NE, CO, OK, and TX. Supporting shippers: Puget Sound Traffic Association, Room 220-221, Sea-Tac International Airport, Seattle, WA 98188 and—The Universal Distribution Center, Inc., 18700—80th Place South, Kent, WA 98031.*

MC 143452 (Sub-5-1TA), filed July 8, 1980. Applicant: SUPREME EXPRESS & TRANSFER CO., 3311 Chouteau Avenue, St. Louis, MO 63103. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. *Contract; Irregular. (1) Non-alcoholic beverages, in containers; and (2) returnable containers and pallets, (1) From the facilities of Taylor Group, Inc. at Hazelwood, MO to the warehouses of Taylor Group, Inc., located at or near Red Bud, Carlyle, Cartersville, Jerseyville, Olney, Quincy, and Madison, IL; and (2) in the reverse direction, under continuing bilateral contract with Taylor Group, Inc. Supporting shipper: Taylor Group, Inc., 555 Brown Road, Hazelwood, MO 63042.*

MC 145377 (Sub-5-1TA), filed July 9, 1980. Applicant: G.R.C. HEAVY HAULERS, INC., 4850 Gasmer, Houston, TX 77035. Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768. *Precast concrete beams, from Bexar County, TX, to points in LA. Supporting shipper: Manco Prestress Company, Route 2, Box 223, San Antonio, TX 78229.*

MC 145737 (Sub-5-1TA), filed July 10, 1980. Applicant: HEUERTZ TRUCKING, INC., 425 First Street NW., LeMars, IA 51031. Representative: D. Douglas Titus, Titus and Storm, Suite 510 Benson Building, Sioux City, IA 51101. *Contract; Irregular. Meats, meat products, meat by-products and articles distributed by meat packinghouses, from Sioux City and LeMars, IA to points in CA. Supporting shipper: Dubuque Packing Company, LeMars Iowa, P.O. Box 340, LeMars, IA 51031.*

MC 145904 (Sub-5-4TA), filed July 11, 1980. Applicant: SOUTH WEST LEASING, INC., P.O. Box 152, Waterloo, IA 50704. Representative: Roger D. Herman, P.O. Box 152, Waterloo, IA

50704. *Such commodities as are dealt in by wholesale and retail grocery stores, (except in bulk), from the facilities utilized by Hunt-Wesson Foods, Inc., at Shakopee, MN to points in TA, restricted to shipments originating at the named origin and destined to the named state. Supporting shipper: Hunt-Wesson Foods, Inc., P.O. Box 127, Rossford, OH 43460.*

MC 145966 (Sub-5-2TA), filed July 7, 1980. Applicant: NELSEN BROS., INC., P.O. Box 613, Nebraska City, NE 68410. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Nonalcoholic beverages, fruit juices, and materials and supplies used in the production and distribution of nonalcoholic beverages and fruit juices, (a) between the facilities of Shasta Beverages, Inc. at or near Hayward and La Mirada, CA; Seattle, WA; Phoenix, AZ; Salt Lake City, UT; Denver, CO; Houston, TX; Omaha, NE; Lenexa, KS; New Orleans, LA; Granite City, IL; Columbus, OH; Birmingham, AL; Eustis, FL; Charlotte, NC; Union, NJ; New Bedford, MA; and Baltimore, MD; and (b) between the facilities of Shasta Beverages, Inc. at or near Columbus, OH; Granite City, IL; Lenexa, KS, and Charlotte, NC, on the one hand, and, on the other, points in MI, NY, PA, WV, VA, GA, KY, TN, OH, IN, NC, SC, IL, WI, MN, IA, MO, AR, ND, SD, NE, KS, and OK. Supporting shipper: Shasta Beverages, Inc., 26901 Industrial Boulevard, Hayward, CA 94545.*

MC 146128 (Sub-5-3TA), filed July 11, 1980. Applicant: MERRITT FOODS COMPANY, d.b.a. MERRITT REFRIGERATED SERVICE, 2840 Guinotte Street, Kansas City, MO 64120. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, MO 64141. *General Commodities (except Classes A and B Explosives, Household goods as defined by the Commission, commodities in bulk and those requiring specialized equipment) from the Commercial Zone of Kansas City, MO, to points in KS. Supporting shipper: Adams Transfer & Storage Co., 4127 Empire Road, Kansas City, MO.*

MC 149026 (Sub-5-6TA), filed July 8, 1980. Applicant: TRANS-STATES LINES, INC., 633 East Main Street, Van Buren, AR 72956. Representative: Larry C. Price, P.O. Box 1486, Van Buren, AR 72956. *Glass, glassware, glass articles, and equipment, materials and supplies used in the manufacture, distribution and packaging of the above, between Fort Smith, AR, on the one hand, and, on the other, points in the United States (except AK and HI). Supporting shipper: Merry-Go-Round Glass, 8010 Ball Road, Fort Smith, AR 72903.*

MC 150102 (Sub-5-3TA), filed July 9, 1980. Applicant: MUSTANG TRANSPORTATION, INC., 1101 Rue Corton, Slidell, LA 70458. Representative: Albert T. Riddle, 1101 Rue Corton, Slidell, LA 70458. *Contract irregular, Paint and paints group between DeSoto Paint facilities located in Dallas, TX and Sears Roebuck and Company facilities located in the states of LA, MS, and AR. Supporting shipper: Sears, Roebuck and Company, 1409 South Lamar Street, Dallas, TX 75295.*

MC 150231 (Sub-5-7TA), filed July 10, 1980. Applicant: MAVERICK TRANSPORTATION, INC., 1803 East Broad St., Texarkana, AR 75502. Representative: Lawrence R. Leahy, 1803 East Broad, Texarkana, AR 75502. *Iron and Steel Articles between points in AR on the one hand and points in AL, IL, IN, IA, KY, LA, MI, MN, MS, MO, NE, OH, OK, PA, TN, TX and WI. Supporting shippers: 10.*

MC 150231 (Sub-5-8TA), filed July 10, 1980. Applicant: MAVERICK TRANSPORTATION, INC., 1803 East Broad St., Texarkana, AR 75502. Representative: Lawrence R. Leahy, 1803 East Broad St., Texarkana, AR 75502. *Lumber, plywood, particleboard, and lumber mill products from the plantsites of Okinkraft, Inc. at or near Huttig, AR, Lillie, LA, Shreveport, LA, and Winnfield, LA to points in AR, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, OH, OK, TN, TX, and WI. Supporting shipper: Okinkraft, Inc., P.O. Box 488, West Monroe, LA 71291. Supporting shipper: Okinkraft, Inc., P.O. Box 488, West Monroe, LA 71291.*

MC 150231 (Sub-5-9TA), filed July 10, 1980. Applicant: MAVERICK TRANSPORTATION, INC., 1803 East Broad St., Texarkana, AR 75502. Representative: Steve Williams, 1803 East Broad St., Texarkana, AR 75502. *Lumber and Lumber Mill Products between points in the following states: AR, AL, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, OH, OK, TN, TX and WI. Restricted to shipments moving on bills of lading for the account of Cox Lumber Co., Hot Springs, AR. Supporting shipper: Cox Lumber Co., P.O. Box 1219, Hot Springs, AR.*

MC 150231 (Sub-5-10TA), filed July 10, 1980. Applicant: MAVERICK TRANSPORTATION, INC., 1803 East Broad St., Texarkana, AR 75502. Representative: Lawrence R. Leahy, 1803 East Broad St., Texarkana, AR 75502. *Lumber and Lumber Mill Products from the plantsites of Georgia Pacific Corp. at or near Crossett, El Dorado, Fordyce, Glenwood and Stamps, AR to points in AL, IL, IN, IA, KY, LA, MI, MN, MO, MS, OH, OK, TN, TX and WI. Supporting*

shipper: Georgia Pacific Corp., P.O. Box 520, Crossett, AR 71635.

MC 150510 (Sub-5-3TA), filed July 9, 1980. Applicant: WITTE BROTHERS EXCHANGE, INCORPORATED, 690 East Cherry Street, Troy, MO 63379. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105, #314-727-0777. Contract, irregular, general commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points and places in the United States, except WA, or ID, MT, WY, CO, UT, NV, CA, AZ and NM. Supporting shippers: Wetterau, Incorporated, 8920 Pershall Road, Hazelwood, MO 63042; Consolidated Toy Company, 6020 North Lindbergh, Blvd., Hazelwood, MO 63042; Milliken, Tomlinson Company, 56 Milliken Street, Portland, ME 04104; G. H., Delp Co., West Tuckerton Road, Templeton, PA 19560; W. T. Sistrunk, 2155 Young Drive, Lexington, KY 40505.

MC 150577 (Sub-5-2TA), filed July 9, 1980. Applicant: S. B. CAMPBELL, 3906 Quirt Avenue, Route 7, Box 1, Lubbock, TX 79401. Representative: Richard Hubbert, Sims, Kidd, Hubbert & Wilson, P.O. Box 10236, Lubbock, TX 79408. (1) Pipe, couplings, pilings, well casings, well screens and tubing, from the facilities of Valmont Productions Equipment, Inc., at Lubbock, TX, to points in OK, KS, NM, and CO; and (2) Materials, equipment and supplies used in the manufacture and processing of pipe, couplings, pilings, well casings, well screens and tubing (except commodities in bulk, in tank vehicles), from points in OK, KS, NM and CO to the facilities of Valmont Productions Equipment, Inc., at Lubbock, TX. Supporting shipper: Valmont Industries, Inc., Valley, NE 68064.

MC 151131 (Sub-5-1TA), filed July 7, 1980. Applicant: DELTA TRANSPORT, INC., Rt. 2, Box 221X, San Antonio, TX 78229. Representative: John Skogland, McGown & McClanahan, 444 GPM North Tower, San Antonio, TX 78216. Precast Concrete Products, between San Antonio, TX, and its commercial zone, on the one hand, and, on the other, East Baton Rouge Parish, LA, and its commercial zone. Supporting shipper: Manco Prestress Company, Route 2, Box 223, San Antonio, TX 78229.

MC 151131 (Sub-5-2TA), filed July 7, 1980. Applicant: DELTA TRANSPORT, INC., Rt. 2, Box 221X, San Antonio, TX 78229. Representative: John Skogland, McGown & McClanahan, 444 GPM North Tower, San Antonio, TX 78216. Precast Concrete Products, between San

Antonio, TX, and its commercial zone, on the one hand, and, on the other, all points in LA except East Baton Rouge Parish, LA, and its commercial zone. Applicant intends to tack proposed authority with existing authority. Supporting shipper: Manco Prestress Company, Route 2, Box 223, San Antonio, TX 78229.

MC 151148 (Sub-5-2TA), filed July 8, 1980. Applicant: COHAGEN TRANSFER & STORAGE CO., INC., 600 East Front, North Platte, NE 69101. Representative: Raymond M. Kelley, Thompson and Kelley, 450 Capitol Life Center, Denver, CO 80203. Household goods, as defined by the Commission, between points in NE on and west of U.S. Hwy 183, on the one hand, and, on the other, points in CO, IA, KS, SD, and WY. Supporting shippers: 17.

MC 151189 (Sub-5-1TA), filed July 1, 1980. Applicant: J. J. GARLAND, P.O. Box 35, Cleveland, TX 77327. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Road, Fort Worth, TX 76112. Contract; Irregular. Wall covering and wall covering supplies, from Hayward, CA to points in TX under continuing contract(s) with Wallpapers To Go. Supporting shipper: Wallpapers To Go, 3131 Corporate Place, Hayward, CA 94545.

MC 151201 (Sub-5-1TA), filed July 10, 1980. Applicant: CARY TRANSIT, INC., 1606 Camero, Box 130, Carrollton, TX 75006. Representative: Ronald Wigington, 1606 Camero, Box 130, Carrollton, TX 75006. (1) Timed access cash controllers, electronic cash registers, automatic teller machines, electronic oil and gas monitoring machines, and soda tank racks. (2) Electronic components for the items in (1) above. (3) Materials, equipment, and supplies used in the manufacture and distribution of the items in (1) and (2) above. Between plant site and facilities of Tidel Systems, Carrollton, TX, on the one hand, and, on the other, points in the United States, (except AK and HI). Supporting shipper: Tidel Systems, 2615 East Belt Line Rd., Carrollton, TX 75006.

MC 151207 (Sub-5-2TA), filed July 7, 1980. Applicant: P.S.T. TRANSPORT, INC., 11236 West Avenue, San Antonio, TX 78217. Representative: William E. Collier, 8918 Tesoro Drive, Suite 515, San Antonio, TX 78217. Malt beverages, except in bulk, from the facilities of Pearl Brewing Company, San Antonio, TX to Los Angeles and San Diego, CA, (and points within the Interstate Commercial zones thereof). Supporting shipper: Nicholas L. Gabriel, Production/Traffic Manager, Pearl Brewing Company, P.O. Box 1661, San Antonio, TX 78296.

MC 151234 (Sub-5-1TA), filed July 10, 1980. Applicant: FLORES AND STURGEON ENTERPRISES, INC., P.O. Box 203, Taft, TX 78390. Representative: Mr. Carlos Besinaiz, 239 E. Commerce Street, San Antonio, TX 78205. Contract; Irregular: Ilmenite Ore, Zircon Sand; Titanium Dioxide, from Corpus Christi, Texas to points in TX, OK, and LA. Supporting shipper: Hitox Corporation of America, 722 Burleson Street, Corpus Christi, TX 78403.

MC 151243 (Sub-5-1TA), filed July 10, 1980. Applicant: EUGENE FRANA, Calmar, IA 52132. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. (1) Beer, and (2) recyclable materials, (1) From Peoria, IL; St. Paul, MN; and Milwaukee and LaCrosse, WI, to Calmar, IA, and (2) from Calmar, IA, to Atwood, IN. Supporting shipper: Frana Beer Distributing Co., Inc., Jefferson & Main Streets, Calmar, IA 52132.

THE FOLLOWING APPLICATIONS WERE FILED IN REGION 6. SEND PROTESTS TO: INTERSTATE COMMISSION, REGION 6 MOTOR CARRIER BOARD, P.O. BOX 7413, SAN FRANCISCO, CA 94120.

MC 147385 (Sub-6-1TA), filed July 15, 1980. Applicant: D & B TRUCKING, INC., 5315 E. Belmont, Fresno, CA 93727. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306. Flexible duct: air distributing, ventilating or exhaust system from Fresno, CA to Austin, TX; Dallas, TX; Denver, CO; Eugene, OR; Houston, TX; Las Vegas, NV; Medford, OR; Oklahoma City, OK; Phoenix, AZ; Portland, OR; St. Louis, MO; Salt Lake City, UT; Seattle, WA; Spokane, WA; Tulsa, OK, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Flexible Air Movers, Inc., 2910 E. Heaton, Fresno, CA 93721.

MC 142368 (Sub-6-1TA), filed July 15, 1980. Applicant: DANNY HERMAN TRUCKING, INC., 1415 East Ninth Avenue, Pomona, CA 91766. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Scrap sensitized paper, from White City, OR, to Beaver County, UT, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Drew Refining Co., 1717 Fourth Street, Berkeley, CA 94710.

MC 139906 (Sub-6-29TA), filed July 15, 1980. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Mr. Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. Printers ink (except in bulk, in tank vehicles) from Edison, NJ to Shreveport, LA; McCook, IL;

Maryland Heights, MO; Compton, CA; Louisville, KY; Akron, OH; Dallas, TX; Dearborn, MI; Minneapolis, MN; Charlotte, NC; and Huber, GA for 270 days. Applicant seeks underlying ETA authority for 120 days. Supporting shipper: J. M. Huber Corporation, Thornall Street, Edison, NJ 08817.

MC 148395 (Sub-6-1TA), filed July 15, 1980. Applicant: MARINE TRANSPORT, INC., 601 St. Helens, Tacoma, WA 98402. Representative: Michael D. Duppenhaler, 211 South Washington Street, Seattle, WA 98104. *Boats*, between points in WA, OR, CA and ports of entry on the international boundary line between the U.S. and Mexico located in CA and AZ on the one hand, and, on the other, points in FL, LA, TX, VA and WI, for 270 days. Supporting shippers: There are 11 shippers. Their statements may be examined at the Regional office listed.

MC 1977 (Sub-6-5TA), filed July 15, 1980. Applicant: NORTHWEST TRANSPORT SERVICE, INC., 5601 Holly Street, Commerce City, CO 80022. Representative: Leslie R. Kehl, Jones, Meiklejohn, Kehl & Lyons, 1600 Lincoln Center Building, 1660 Lincoln Street, Denver, CO. *Packaging materials, containers and articles used in the manufacture or distribution thereof* from Nampa, ID, to Tremonton, UT, and Moroni, UT for 270 days. Supporting shipper: Boise Cascade Corporation, P.O. Box 7747, Boise, ID 83701.

MC 117589 (Sub-6-2TA), filed July 15, 1980. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3801 7th Avenue South, Seattle, WA 98108. Representative: Michael D. Duppenhaler, 211 South Washington Street, Seattle, WA 98104. *Meat, meat products and meat by-products and articles distributed by meat packinghouses, as described in Appendix 1 to the report in descriptions in motor carrier certificates, 61 M.C.C. 209 and 877, from Lincoln, NE to points in WA, OR, ID, UT and MT, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Boxed Meats of America, Inc., 620 South Andover Street, Seattle, WA 98108.*

MC 135221 (Sub-6-7TA), filed July 15, 1980. Applicant: DICK SIMON TRUCKING, INC., P.O. Box 26724, Salt Lake City, UT 84125. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., NW, Washington, DC 20005. *Such merchandise as is dealt in and distributed by department and chain grocery stores, from Clearfield, UT, to points in CA, OR, WA, NV, ID and AZ, for 270 days. An underlying ETA seeks 120 days authority.*

Supporting shipper: Trammell Crow Distribution, Clearfield, UT.

MC 115767 (Sub-6-1TA), filed July 14, 1980. Applicant: TERMINAL TRANSFER, INC., 3601 N.W. Yeon Ave., Portland, OR 97210. Representative: Richard J. Kathrens (same as applicant). *Zircon sand* from Longview, WA to Portland, OR for 270 days. Supporting shipper(s): Esco Corporation, 2141 N.W. 25th Ave., Portland, OR 97210.

MC 135803 (Sub-6-10TA), filed June 2, 1980. Applicant: WALLACE TRANSPORT, P.O. Box 67, Planada, CA 95365. Representative: Donald M. Fennel (same as applicant). *Iron or Steel and related articles for the account of Sumiden Wire Products Corporation*, between points in CA and points in AZ, NV, CA, OR, WA, ID, and UT for 180 days. Supporting shipper: Sumiden Wire Products Corporation, 1412 El Pinal Drive, Stockton, CA 95205.

MC 147212 (Sub-6-2TA), filed July 7, 1980. Applicant: YASTE TRANSPORTATION CO., INC., 1950 Riverside Avenue, Hoquiam, WA 98550. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. *Contract Carrier, Irregular routes: Wood pulp and empty ocean containers*, between Hoquiam, WA and Seattle, WA, restricted to the transportation of traffic having a prior or subsequent movement by water, and to a transportation service to be performed under continuing contract(s) with Hanjin Container Lines, Ltd., of Seattle, WA, for 270 days. Supporting shipper: Hanjin Container Lines, Ltd., 157 Yesler Way, Suite 207, Seattle, WA 98104.

MC 147212 (Sub-6-3TA), filed July 7, 1980. Applicant: YASTE TRANSPORTATION CO., INC., 1950 Riverside Avenue, Hoquiam, WA 98550. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. *Contract Carrier, Irregular routes: Wood pulp, liner board and empty ocean containers*, between Hoquiam, WA and Seattle, WA, restricted to the transportation of traffic having a prior or subsequent movement by water, and to a transportation service to be performed under continuing contract(s) with U.S. Navigation (Pacific) of Seattle, WA, for 270 days. Supporting shipper: U.S. Navigation (Pacific), 301 Norton Building, Seattle, WA 98124.

MC 141963 (Sub-6-1TA), filed July 16, 1980. Applicant: AIR CARGO TRANSIT, INC., 1311 S. 27th Street, Phoenix, AZ 85034. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. *(1) Data processing equipment; (2) parts and accessories for data processing equipment; and (3) materials, equipment, accessories, and supplies,*

(except commodities in bulk), used in the manufacturing and distribution of data processing equipment, between the plantsite and facilities of ITT Courier, Tempe, AZ, on the one hand, and on the other, points in San Bernardino, Santa Barbara, Kern, San Luis Obispo, Ventura, Los Angeles, Riverside, Orange, Imperial, and San Diego Counties, CA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): ITT Courier, Tempe, AZ.

MC 71652 (Sub-6-3TA), filed July 17, 1980. Applicant: BYRNE TRUCKING, INC., P.O. Box 280, Medford, OR 97501. Representative: David J. Stewart, P.O. Box 280, Medford, OR 97501. *(1) Tile roofing; (2) materials and supplies used in the distribution and installation of tile roofing; (3) construction materials* between points and places in the states of CA, ID, MT, NV, OR, UT, WA, and WY for 270 days. Supporting shipper: Quality Concrete Products, Inc., 6860 Gary Lane, Boise, ID 83702. (208) 342-6200.

MC 42487 (Sub-6-23TA), filed July 16, 1980. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, Commerce Supervisor, P.O. Box 3062, Portland, OR 97208. *Common carrier, regular routes: General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading)*, serving the facilities of Unit Rig and Equipment Co., at or near Lark, UT, as an off-route point in connection with carrier's presently authorized regular route operations, for 270 days. Applicant intends to tack to its existing authority and any authority it may acquire in the future. The proposed authority will be tacked or joined, as an off-route point, with authority held in Docket No. MC 42487 and Subs 315, 367, 431, 569 and 676, thereto. These authorities, in turn, will be tacked with other authorities of Applicant at such points as San Francisco, CA, Minneapolis, MN, Phoenix, AZ, Denver, CO, Billings, MT and Los Angeles, CA to perform service to and from points throughout the United States. Applicant proposes to interline traffic with its present connecting carriers at authorized interline points throughout the United States as provided in tariffs on file with the Interstate Commerce Commission. Supporting shipper(s): Unit Rig and

Equipment Co., P.O. Box 158, Lark, UT 84040.

MC 42487 (Sub-6-24TA) filed July 17, 1980. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. *Common carrier, regular routes, transporting General commodities, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment), serving the facilities of Koppers Co., Inc., Sprout-Waldrone Division, at or near Crewe, VA, as an off-route point, in connection with carrier's otherwise authorized regular route operations, for 270 days. Applicant intends to tack to its existing authority and any authority it may acquire in the future. The proposed authority will be tacked or joined, as an off-route point, with authority presently held in Docket No. MC 42487 Sub 869. The Sub 869 authority, in turn, will be joined with other present authority of Applicant at such points as Akron, OH, Winchester, VA, and Roanoke, VA, to permit service to and from points throughout the United States. Applicant proposes to interline with its present connecting carriers at authorized interline points throughout the United States as provided in tariffs on file with the Interstate Commerce Commission. Supporting shipper(s): Koppers Co. Inc., Sprout-Waldrone Division, Muncy, PA 17756.*

MC 42487 (Sub-6-25TA) filed July 17, 1980. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. *Common carrier, regular routes: General commodities (except those of unusual value, livestock, household goods as defined by the Commission, commodities, in bulk and those requiring special equipment), serving the facilities of Delta Faucet Co., Division Masco Corporation, at Chickasha, OK as an off-route point in connection with carrier's otherwise authorized regular route operations, for 270 days. Applicant intends to tack to its existing authority and any authority it may acquire in the future. The proposed authority will be tacked or joined, as an off-route point, with an authority in Docket No. MC 42487 Sub 708. The Sub 708 authorities, in turn, will be tacked or joined with other present authorities of Applicant at such points as St. Louis, MO, Kansas City, MO, Dallas, TX, Houston, TX, and San Antonio, TX to*

permit service to and from points throughout the United States. Applicant proposes to interline traffic with its present connecting carriers at authorized interline points throughout the United States as provided in tariffs on file with the Interstate Commerce Commission. Supporting shipper(s): Delta Faucet Co., Greensburg, IN 47240.

MC 42487 (Sub-6-26TA) filed July 17, 1980. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. *Common carrier, regular routes, transporting General commodities, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment), serving the facilities of Rubbermaid, Inc., at or near Greenville, TX, as an off-route point, in connection with carrier's otherwise authorized regular route operations, for 270 days. Applicant intends to tack to its existing authority and any authority it may acquire in the future. The proposed authority will be tacked or joined, as an off-route point, with authority presently held in Docket No. MC 42487 Sub 708. The Sub 708 authority, in turn, will be joined with other present authority of Applicant at such points as St. Louis, MO, Kansas City, MO, Houston, TX, and San Antonio, TX to permit service to and from points throughout the United States. Applicant proposes to interline with its present connecting carriers at authorized interline points throughout the United States as provided in tariffs on file with the Interstate Commerce Commission. Supporting shipper(s): Rubbermaid Incorporated, Home Products Division, Wooster, OH 44691.*

MC 120835 (Sub-6-1TA), filed July 16, 1980. Applicant: BRUCE G. HEADY, d.b.a., COVELO TRANSPORTATION, 2870 Oak Court Rd., Ukiah, CA 95482. Representative: Same as applicant. *General commodities: 1. Between all points and places in the San Francisco Territory, as described in Note A hereof. 11. Between all points and places in the San Francisco Territory, on the one hand, and on the other hand, points and places located on or within fifteen statute miles laterally of the following routes. (a) U.S. Highway 101 between McKinleyville and Salinas, inclusive. (b) State Highway 17 between San Jose and Santa Cruz, inclusive. (c) State Highway 1 between San Francisco and Carmel, inclusive, including the off-route point of Carmel Valley. (d) State Highway 9 between Los Gatos and Santa Cruz, inclusive. (e) State Highway 152*

between Gilroy and State Highway 1, at Watsonville, inclusive. (f) State Highway 156 between Watsonville and its intersection with U.S. Highway 101 south of Gilroy, inclusive. (g) State Highway 129 between its intersection with U.S. Highway 101 and State Highway 1 at Watsonville, inclusive. (h) State Highway 68 between Salinas and Monterey inclusive. (i) State Highway 29 between its intersection with State Highway 20 and its intersection with U.S. Highway 80 at Vallejo, inclusive. (j) Interstate Highway 80 between Richmond and Sacramento, inclusive. (k) Interstate Highway 5 between Sacramento and its intersection with State Highway 229, inclusive. (l) Interstate Highway 580 between Oakland and its junction with Interstate Highway 5, inclusive. (m) Interstate Highway 205 between its junction with Interstate Highway 5 and its junction with Interstate Highway 580, inclusive. (n) State Highway 299 between its intersection with Interstate Highway 5 and its intersection with State Highway 101, inclusive. (o) State Highway 99 between Sacramento and Modesto, inclusive. (p) State Highway 4 between its intersection with Interstate Highway 80 and Stockton, inclusive. (q) State Highway 20 between its intersection with Interstate Highway 5 and its junction with U.S. Highway 101, inclusive. (r) State Highway 62 between its intersection with Interstate Highway 5 and its junction with U.S. Highway 101, inclusive. In performing the service herein authorized, carrier may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service. Except that pursuant to the authority herein granted carrier shall not transport any shipment of: 1. Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in salesmen's hand sample cases, suitcases, overnight or boston bags, brief cases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates, cases, baskets, pails, kits, tubs, drums, bags (jute, cotton, burlap or gunny) or bundles (completely wrapped in jute, cotton, burlap, gunny, fibreboard, or straw matting). 2. Automobiles, trucks and buses, viz: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis, freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. 3. Livestock, viz: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats,

heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers. 4. Liquids, compressed gases, commodities in semi-plastic form and commodities suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles. 5. Commodities when transported in bulk in dump-type trucks or trailers or in hopper-type trucks or trailers. 6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit. 7. Logs. 8. Articles of extraordinary value. 9. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper. 10. Fresh fruit and vegetables. For 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Crescent Truck Lines, 2480 Whipple Rd., Hayward, CA 94544 and Universal Freight Systems, 255 Channel St. San Francisco, CA 94107.

MC 151292 (Sub-6-1TA), filed July 16, 1980. Applicant: DALE'S ARABIAN HORSE TRANSPORTATION, INC., Rt. 1 Box 197-A, Cottonwood, CA 96022. Representative: James R. Dale, (same as applicant). *Horses (breeding, show, and race)*, between points in CA, OR, WA, ID, WY, MT, UT, CO, AZ, NM, NV, OK, and TX, for 270 days. Supporting shipper(s): There are 6 shippers. Their statements may be examined at the Regional Office listed.

MC 119639 (Sub-6-1TA), filed July 17, 1980. Applicant: INCO EXPRESS, INC., 3600 South 124th Street, Seattle, WA 98168. Representative: James T. Johnson, 1610 IBM Building, Seattle, WA 98101. *Scrap plastic*, from points in WA, OR and ID to points in CA, for 270 days. Supporting shipper: J. W. Cox & Co., Inc., 11487 S.E. 45th Ave., Milwaukie, OR 97222.

MC 140827 (Sub-6-1TA), filed July 16, 1980. Applicant: MARKET TRANSPORT, LTD., 110 N. Marine Drive, Portland, OR 97217. Representative: Nick I. Goyak, O'Connell, Goyak & Ball, P.C., 555 Benjamin Franklin Plaza, One Southwest Columbia, Portland, OR 97258. *Frozen foodstuffs* from Buena Park, Fresno, Los Angeles, Modesto, Riverside, San Francisco, Sacramento, Stockton, Turlock and Vernon, CA to Clackamas and Portland, OR and Spokane, WA restricted to shipments originating at or destined for the facilities of Fred Meyer, Inc. or Roundup Company (a wholly-owned subsidiary of Fred Meyer, Inc.), for 270 days. An underlying ETA seeks 120 days. Supporting shipper: Fred Meyers, Inc., P.O. Box 42121, Portland, OR 97242.

MC 151227 (Sub-6-1TA), filed July 17, 1980. Applicant: LARRY ROGERS, d.b.a. ROGERS TRANSPORT, P.O. Box 571, Commerce City, CO 80037.

Representative: James F. Crosby, James F. Crosby & Associates, Suite 210-B, 7363 Pacific Street, Omaha, NE 68114. *Contract: Irregular: Inedible meat*, from Denver, Greeley, and Ft. Morgan, CO; Sioux Falls, SD; and McCook, NE to the facilities of MCA Distributors, Inc., Cranston, Lincoln, and Providence, RI; Hinesdale, NH; and Taunton, MA, and points in their respective commercial zones, under a continuing contract with MCA Distributors, Cranston, RI, for 270 days. An underlying ETA seeks 120 days. Supporting shipper: MCA Distributors, Inc., 141 Chestnut Avenue, Cranston, RI 02910.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-22809 Filed 7-29-80; 8:45 am]
BILLING CODE 7035-01-M

[Application No. 1940]

Norfolk and Western Railway Co.; Released Rates Application

AGENCY: Interstate Commerce Commission.

ACTION: Notice, Released Rates Application No. 1940.

SUMMARY: Norfolk and Western Railway Company requests the Commission to issue a Released Value Rates Order under CFR 49 Section 10730, covering import or export released value rate of 15 cents per pound on Uranium Hexafluoride between Norfolk, VA and Teays, OH.

ANYONE SEEKING COPIES OF THIS APPLICATION SHOULD CONTACT: Mr. R. T. Adams, Jr., GTM, Pricing and Marketing Department, Norfolk and Western Railway, Roanoke, VA 24042, Tel. (703) 981-4811.

FOR FURTHER INFORMATION CONTACT: Mr. Howard J. Rooney, Unit Supervisor, Informal Rate Cases Branch, Bureau of Traffic, Interstate Commerce Commission, Washington, DC 20423, Tel. (202) 275-7390.

SUPPLEMENTARY INFORMATION: The shipments, either originating or terminating in Europe, will be in containers on flat cars. Both shipper and carrier feel that the actual value is \$8.11 per pound.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-22808 Filed 7-29-80; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 29423]

North Carolina Ports Railway Co.— Operation—of Lines of Railroads in Wilmington and Morehead, NC

The North Carolina Ports Railway Commission (Applicant), represented by Grayson G. Kelley, Associate Attorney General, North Carolina Department of Justice, P.O. Box 629, Raleigh, NC 27602, hereby gives notice that on the 15th day of July, 1980, it filed with the Interstate Commerce Commission at Washington, DC, an application pursuant to 49 U.S.C. 10901 for a decision approving and authorizing it to operate lines of railroad presently existing and in operation at the North Carolina State Ports terminals in Wilmington, NC, and in Morehead City, NC. The lines consist of 14.1 miles of track at the port terminal in the City of Wilmington, NC, and 4.2 miles of track at the port terminal in the City of Morehead City, NC. There are no "main lines" to be included in the operation of the applicant.

Applicant is an agency of the State of North Carolina, created pursuant to North Carolina General Statutes § 143B-469. Applicant has all the powers of a body corporate, specifically including the power to acquire, own, lease, locate, install, construct, equip, hold, maintain, control and operate at harbors and seaports terminal railroads together with the necessary appurtenances and equipment including every kind of motive power and conveyances.

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 CFR 1108.8) in Ex Parte No. 55 (Sub-No. 4), *Implementation—National Environmental Policy Act, 1969*, 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See *Implementation—National Environmental Policy Act, 1969, supra*, at p. 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th

and Constitution Avenue, N.W., Washington, DC 20423, and the aforementioned counsel for applicant, within 30 days after date of first publication in a newspaper of general circulation. Any interested person is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-22805 Filed 7-29-80; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-1 (Sub-No. 86F)]

Chicago and North Western Transportation Co. Abandonment Between Tracy, MN and Gary, SD; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided May 29, 1980, a finding, which is administratively final, was made by the Administrative Law Judge, stating that, the present and future public convenience and necessity permit the abandonment by the Chicago and North Western Transportation Company of that portion of its line of railroad extending from railroad milepost 227.6 near Tracy, MN, to milepost 284.9 near Gary, SD, a distance of 57.3 miles, in Lyon, Lincoln and Yellow Medicine Counties, MN, and Deuel County, SD, subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co.—*

Abandonment Goshen, 360 I.C.C. 91 (1979), and further that applicant shall keep intact all of the right-of-way, including all the track, bridges and culverts, for a period of 120 days from July 3, 1980, to permit any state or local government agency or other interested person to negotiate for public or private use of all or any portion of the right-of-way, together with the appropriate sections of track. A certificate of abandonment will be issued to Chicago and North Western Transportation 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 41 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. 80-22806 Filed 7-29-80; 8:45 am]
BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-83]

Certain Adjustable Window Shades and Components Thereof; Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference will be held in this case at 9:00 a.m. on August 18, 1980, in the Dodge Center, Room 201, 1010 Wisconsin Avenue, N.W., Washington, D.C., and the hearing will commence immediately thereafter.

The purpose of the prehearing conference is to review the trial memoranda submitted by the parties, to stipulate exhibits into the record, and to discuss any questions raised by the parties relating to the hearing.

The Secretary shall publish this notice in the *Federal Register*.

Issued: July 21, 1980.

Janet D. Saxon,
Administrative Law Judge.

[FR Doc. 80-22857 Filed 7-29-80; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 337-TA-52]

Certain Apparatus for the Continuous Production of Copper Rod; Denial of Southwire's Request To Change and Cease and Desist Orders to Exclusion Orders

On July 22, 1980, the U.S. International Trade Commission issued an Action and Order denying Southwire's request to change the cease and desist orders of exclusion orders in this case. This denial follows requests of Southwire of April 11, 1980 and July 16, 1980.

Copies of the Commission's Action, Order, and Opinion are available in the Office of the Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436; telephone (202) 523-0161.

By Order of the Commission.

Issued: July 22, 1980.

Kenneth R. Mason,
Secretary.

[FR Doc. 80-22855 Filed 7-29-80; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 731-TA-4 (Final)]

Countertop Microwave Ovens From Japan

AGENCY: United States International Trade Commission.

ACTION: Institution of a final antidumping duty investigation.

SUMMARY: As a result of the affirmative preliminary determination on July 10, 1980, by the United States Department of Commerce that there is a reasonable basis to believe or suspect that countertop microwave ovens from Japan are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 733 of the Tariff Act of 1930 (19 U.S.C. 1673b), the United States International Trade Commission (hereinafter "the Commission") hereby gives notice of the institution of investigation No. 731-TA-4 (Final) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise. For purposes of this investigation, the term "countertop microwave ovens" means countertop microwave ovens

classifiable under item 684.25 of the Tariff Schedules of the United States. This investigation will be conducted according to the provisions of Part 207 of the Commission's *Rules of Practice and Procedure* (19 CFR Part 207, 44 FR 76457), Subpart C, effective January 1, 1980.

EFFECTIVE DATE: July 10, 1980.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert Eninger, Senior Investigator, Office of Investigations, U.S. International Trade Commission, Room 348, 701 E Street, NW., Washington, D.C. 20436; telephone (202) 523-0312.

SUPPLEMENTARY INFORMATION: On February 14, 1980, the Commission unanimously determined, on the basis of the information developed during the course of investigation No. 731-TA-4 (Preliminary), that there is a reasonable indication that an industry in the United States is materially injured by reason of the importation of countertop microwave ovens from Japan, provided for in item 684.25 of the Tariff Schedules of the United States, which are allegedly sold at less than fair value. As a result of the Commission's determination, the Department of Commerce (the administering authority) continued its investigation into the question of less-than-fair-value sales.

On May 7, 1980, a notice of postponement of preliminary antidumping determination was published by the Department of Commerce in *Federal Register* (45 FR 30100). The postponement was based on a determination that the case is extraordinarily complicated and extended the deadline for the preliminary determination by the Department of Commerce to July 9, 1980. The final determination by the Department of Commerce of whether countertop microwave ovens from Japan are being, or are likely to be, sold in the United States at less than fair value will be made within 75 days after the date of its preliminary determination, or in this case, by September 23, 1980.

WRITTEN SUBMISSIONS: Any person may submit to the Commission a written statement of information pertinent to the subject of this investigation. A signed original and nineteen (19) true copies of each submission must be filed at the Office of the Secretary, U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436, on or before October 22, 1980. All written submissions, except for confidential business data, will be available for public inspection.

Any submission of business information for which confidential treatment is desired shall be submitted

separately from other documents. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6).

A staff report containing preliminary findings of fact will be available to all interested parties on September 24, 1980.

PUBLIC HEARING: The Commission will hold a public hearing in connection with this investigation on October 16, 1980, in the Hearing Room of the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436, beginning at 10 a.m., e.d.t. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than close of business (5:15 p.m., e.d.t.), October 9, 1980. All persons desiring to appear at the hearing and make oral presentations must file prehearing statements and should attend a prehearing conference to be held at 10 a.m., e.d.t., on October 7, 1980, in Room 117 at the U.S. International Trade Commission Building. Prehearing statements must be filed on or before October 9, 1980. For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's *Rules of Practice and Procedure*, Part 207, Subpart C (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

The Commission has waived Commission rule § 201.12(d) as amended, "Submission of prepared statements" in connection with this investigation. This rule stated that "Copies of witnesses' prepared statements should be filed with the Office of the Secretary of the Commission not later than 3 business days prior to the hearing and submission of such statements shall comply with § 201.6 and 201.8 of this subpart." It is nevertheless the Commission's request that parties submit copies of witness' prepared testimony as early as practicable before the hearing in order to permit Commission review.

This notice is published pursuant to § 207.20 of the Commission's *Rules of Practice and Procedure* (19 CFR 207.20, 44 FR 76458).

By order of the Commission.

Issued: July 25, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-22858 Filed 7-29-80; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-72]

Certain Turning Machines and Components Thereof; Termination as to Certain Respondents

AGENCY: United States International Trade Commission.

ACTION: Having determined that this matter is properly before the Commission and having reviewed the record in this investigation, including the recommendation of the presiding officer and the motion to terminate (motion Docket No. 72-40), and papers in support thereof, the Commission voted to terminate Tsugami Corporation and REM Sales Incorporated as respondents in investigation No. 337-TA-72. The termination of the investigation as to these respondents does not terminate the investigation, as two other respondents, Yamazaki Corporation and Yamazaki Machinery Works, Ltd., remain.

EFFECTIVE DATE: July 21, 1980.

FOR FURTHER INFORMATION CONTACT:

Simon H. Langer (202-523-0143) or Robert Seto (202-523-0418) of the Commission's staff.

SUPPLEMENTARY INFORMATION:

Background. On September 13, 1979, Warner & Swasey Company filed a complaint under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337). A notice of investigation was published in the *Federal Register* of October 24, 1979 (44 FR 61271). That notice stated that an investigation was being instituted to determine:

Whether there is a violation of subsection (a) of this section, in the unlawful importation of certain turning machines and components thereof into the United States or in their sale because such turning machines are allegedly covered by claims 1, 2, 3, 8, 10, 14, 18, 19, 20, and 22 of U.S. Letters Patent No. RE 29,612 and the components thereof allegedly contribute to and induce infringement of said claims, the effect or tendency of which is to substantially injure an industry, efficiently and economically operated in the United States.

Two parties, Yamazaki Machinery Works, Ltd. and Yamazaki Machinery Corporation, were initially named as respondents to the investigation. On December 28, 1979, a notice was published in the *Federal Register* (44 FR 76869) adding as respondents Tsugami Corporation and REM Sales Incorporated.

Complainant Warner & Swasey moved on November 14, 1979, to amend the complaint and notice of investigation by adding as respondents Tsugami Corporation and REM Sales Incorporated, which motion was then certified to the Commission. On

December 21, 1979, the motion to amend the complaint and notice of investigation was granted by the Commission. Respondents Tsugami and REM moved on January 9, 1980, to extend their time for filing a response to the complaint which motion was granted and response due on March 27, 1980.

On March 27, 1980, respondents Tsugami and REM moved for an order to terminate the investigation as it applied to them on the grounds that respondents had entered into a licensing agreement with complainant, thereby disposing of any issues of alleged infringement of the reissue patent in suit. Complainant filed no opposition to respondent's motion. The Commission investigative attorney filed a memorandum in support of respondents motion to terminate.

On April 25, 1980, the presiding officer made a recommendation, which was certified to the Commission, to terminate the investigation as to respondents Tsugami and REM in accordance with 19 CFR 210.51 and 210.53.

The Commission invited public comment on the license agreement, such notice being published in the *Federal Register* on June 11, 1980.

Authority. The applicable provision for motions to terminate an investigation is 19 CFR 210.51(a), which states in part that any party may move at any time for an order to terminate an investigation as to all issues in regard to one or more, but not all of the respondents. When a motion for termination is based upon a licensing agreement entered into between the parties, a copy of such license agreement shall be included with the motion. An order of termination shall constitute a recommended determination of the presiding officer under 19 CFR 210.53 when the presiding officer is not the Commission. Upon the receipt of a recommended determination and the record under § 210.53, the Commission shall review the same and determine, as the case may be, whether there is a violation of Section 337 of the Tariff Act or whether there is reason to believe there is such a violation.

Accordingly, the Commission hereby gives notice that it has terminated investigation No. 337-TA-72, as to respondents Tsugami Corporation and REM Sales Incorporated, by granting motion No. 72-40 of respondents to terminate the investigation as to them.

Reconsideration. Any party wishing to petition for reconsideration of the Commission's action must do so within fourteen (14) days of service of the Commission order. Such petitions must be in accord with Commission rule § 210.56 (19 CFR 210.56).

Additional Information. Copies of the Commission's memorandum opinion and

any other public documents in this investigation are available to the public during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, United States International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436, Telephone (202) 523-0161.

Notice of the institution of this investigation was published in the *Federal Register* of October 24, 1979 (44 FR 61271).

By order of the Commission.

Issued: July 23, 1980.

Kenneth R. Mason,
Secretary.

[FR Doc. 80-22856 Filed 7-29-80; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

Proposed Consent Decree in Action Involving Emission of Air Pollutants by National Can Corp.

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *United States of America v. National Can Corporation*, Civil Action No. H-80-327, has been lodged with the United States District Court for the Northern District of Indiana. The proposed consent decree requires National Can to install pollution control equipment in accordance with a specified compliance schedule, and to pay a civil penalty of \$60,000.

The proposed consent decree may be examined at the office of the United States Attorney, Northern District of Indiana, 507 State Street, Hammond, Indiana 46325; at the Region V office of the Environmental Protection Agency, Enforcement Division, 230 South Dearborn Street, Chicago, Illinois, 60604; and at the Pollution Control Section, Land and Natural Resources Division of the Department of Justice, Room 2644, Ninth and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division of the Department of Justice.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to Deputy Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States of America v. National Can*

Corporation, Civil Action No. H-80-327, D.J. Reference 90-5-2-1-424.

In requesting a copy of the proposed consent decree, please enclose a check in the amount of \$1.00 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

Angus Macbeth,

Deputy Assistant Attorney General, Land and Natural Division.

[FR Doc. 80-22874 Filed 7-29-80; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Policy Research and Analysis and Science Resources Studies, Subcommittee on Output Indicators; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Policy Research and Analysis and Science Resources Studies, Subcommittee on Output Indicators

Date and Time: August 19, 1980, 1:30 p.m. to 5:00 p.m.

Place: Room 1224, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.

Type of Meeting: Open.

Contact Person: Ms. Sharon Dyer, Division of Science Resources Studies, Directorate for Scientific, Technological, and International Affairs, Room L-611, National Science Foundation, Washington, D.C. 20550. Telephone (202) 634-4666. Anyone who plans to attend should contact Ms. Dyer by August 14, 1980.

Summary Minutes: May be obtained from the contact person, Ms. Dyer, at the above address.

Purpose of Subcommittee: To provide advice, recommendations and oversight concerning program emphases and directions of the scientific and technological output indicators work of the Divisions of PRA and SRS.

Agenda: This meeting will propose future directions for research on new indicators of the outputs and impacts of science and technology.

M. Rebecca Winkler,

Committee Management Coordinator.

July 11, 1980.

[FR Doc. 80-22818 Filed 7-29-80; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-389-A]

Florida Power & Light Co.; City of Orlando, Fla., and the Orlando Utilities Commission; Receipt of Additional Antitrust Information Time for Submission of Views on Antitrust Matters

Florida Power and Light Company, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended (the Act), filed on June 13, 1980, information requested by the Attorney General for Antitrust Review as required by 10 CFR Part 50, Appendix L. The information concerns the addition of the City of Orlando, Florida and the Orlando Utilities Commission, as an owner of the St. Lucie Plant, Unit 2, located on Hutchinson Island in St. Lucie County, Florida. The Orlando Utilities Commission was created by the Florida State Legislature and is a part of the City of Orlando, Florida.

The information was filed in connection with Florida Power and Light Company's application for an amendment to Construction Permit No. CPPR-144 to the St. Lucie Plant, Unit 2. Construction Permit No. CPPR-144 was issued on May 2, 1977 and construction of the plant is underway.

The original Notice of Receipt of application for construction permit and operating license included the antitrust aspects of the application and was published in the Federal Register on June 16, 1971 (36 FR 11473).

A copy of the Florida Power and Light Company letter, dated June 13, 1980 and above stated documents are available for public examination and copying for a fee at the Commission's Public Document Room located at 1717 H Street NW., Washington, D.C. and at the Indian River Community College Library, 3209 Virginia Avenue, Ft. Pierce, Florida 33450.

Any person who wishes to have his views on the antitrust matters with respect to the City of Orlando, Florida and Orlando Utilities Commission presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Utility Finance Branch, Division of Engineering, Office of Nuclear Reactor Regulation on or before September 29, 1980.

Dated at Bethesda, Maryland this 18th day of July, 1980.

For the Nuclear Regulatory Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 80-22794 Filed 7-29-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. STN 50-482-A]

Kansas Gas & Electric Co., Kansas City Power & Electric Co., Kansas City Power Cooperative, Inc.; Receipt of Information for Antitrust Review of Operating License Application

The Kansas Gas and Electric Company, acting for itself, Kansas City Power and Light Company and Kansas Electric Power Cooperative, Inc., filed information for Antitrust Review of an Operating License Application, dated May 6, 1980. This information was filed pursuant to § 2.101 of the Commission's rules and regulations and is in connection with the plans of Kansas Gas and Electric Company, Kansas City Power and Light Company and Kansas Electric Power Cooperative, Inc. to operate a pressurized water reactor located on a site in Coffey County, Kansas. This reactor has been designated as the Wolf Creek Generating Station, Unit No. 1.

The portion of the application filed contains antitrust information for review pursuant to NRC Regulatory Guide 9.3 to determine whether there have been any significant changes since the completion of the antitrust review at the construction permit stage.

On completion of staff antitrust review of the above-named application, the Director of Nuclear Reactor Regulation will issue an initial finding as to whether there have been "significant changes" under section 105c(2) of the Act. A copy of this finding will be published in the Federal Register and will be sent to the Washington and local public document room and to those persons providing comments or information in response to this notice. If the initial finding concludes that there have not been any significant changes, request for reevaluation may be submitted for a period of 60 days after the date of the Federal Register notice. The results of any reevaluation that are requested will also be published in the Federal Register and copies sent to the Washington and local public document room.

A copy of the information for Antitrust Review for Operating License Application is available for public examination and copying for a fee at the Commission's Public Document Room 1717 H Street, NW., Washington, D.C.

and at the local public document room in the Coffey County Courthouse, Burlington, Kansas 66839.

Any person who desires additional information regarding the matter covered by this notice or who wishes to have his views considered with respect to significant changes related to antitrust matters which have occurred in the licensee's activities since the construction permit antitrust review for the above-named plant should submit such requests for information or views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 Attention: Chief, Utility Finance Branch, Office of Nuclear Reactor Regulation, on or before September 22, 1980.

Dated at Bethesda, Md., this 10th day of July 1980.

For the Nuclear Regulatory Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 80-22156 Filed 7-23-80; 8:45 am]

BILLING CODE 7590-01-M

International Atomic Energy Agency Draft Safety Guide; Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will be developed in the following five areas: Government Organization, Siting, Design, Operation, and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA Codes of Practice and Safety Guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries. Using this collation as a starting point, an IAEA Working Group of a few experts then develops a preliminary draft. This preliminary draft is reviewed and modified by the IAEA Technical Review Committee to the extent necessary to develop a draft acceptable to them. This draft Code of Practice or Safety Guide is then sent to the IAEA Senior Advisory Group which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the Member States. The Senior Advisory Group then considers the Member State comments, again modifies the draft as necessary to reach agreement and forwards it to the IAEA Director General with a recommendation that it be accepted.

As part of this program, Safety Guide SG-G8, "Licenses for Nuclear Power Plants: Content, Format and Legal Considerations," has been developed. A Working Group, consisting of Mr. K. V. Mahadeva Rao of India; Mr. J. B. Terry of the United Kingdom of Great Britain; and Mr. A. Kenneke (U.S. Nuclear Regulatory Commission) of the United States of America, developed the initial draft of Safety Guide SG-G8 from an IAEA collation during a meeting on April 18-29, 1977. The Working Group draft of this Safety Guide was modified by the IAEA Technical Review Committee on Governmental Organization at regularly scheduled meetings during 1978 and 1979. The Senior Advisory Group subsequently reviewed and further modified this Guide at a meeting on December 10-14, 1979, and we are soliciting public comments on this modified draft. Comments on this draft received by August 20, 1980, will be useful to the U.S. representatives to the Technical Review Committee and Senior Advisory Group in evaluating its adequacy prior to the next IAEA discussion. Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a))

Dated at Rockville, Maryland this 22nd day of July 1980.

For the Nuclear Regulatory Commission,
Robert B. Minogue,
Director, Office of Standards Development.

[FR Doc. 80-22793 Filed 7-29-80; 8:45 am]

BILLING CODE 7590-01-M

Privacy Act of 1974; Systems of Records; Minor Amendments

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

ACTION: Minor amendments of systems of records.

SUMMARY: The Nuclear Regulatory Commission has issued minor amendments to the NRC Notices of Systems of Records, NRC-22. The amendments clarify and update the information contained in the NRC Systems of Records, necessitated by the division of the Personnel Performance Appraisals System into two sections. The additional section will incorporate the new Senior Executive Service into the System and establish a separate System location.

EFFECTIVE DATE: The amendments to the NRC Notices of Systems of Records become effective on August 29, 1980.

FOR FURTHER INFORMATION CONTACT: Ms. Sarah N. Wigginton, FOI/PA Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492-8133.

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission published a notice of proposed minor amendments to the NRC Notices of Systems of Records in the Federal Register on April 15, 1980 (45 FR 25558). The notice invited public comment on the proposed minor amendments by May 15, 1980. No comments were received on the proposed amendments.

The proposed amendments clarify and update the information contained in the Systems of Records, including "System name," "System location," "Categories of individuals covered by the system," "Categories of records in the system," "Authority for maintenance of the system," "Routine uses of records maintained in the system, including categories of users and the purposes of such uses," "Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage, Retrievability, Safeguards, and Retention and Disposal," "System managers and addresses," "Notification procedure," "Record access procedure," "Contesting record procedure," and "Record source categories."

Notice is hereby given that the Commission has adopted the proposed amendments of the NRC Systems of Records. The text of the amendments is identical with the text of the amendments which were published on April 15, 1980, for public comment.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552, 552a and 553 of Title 5 of the United States Code, the following amendments to the NRC Systems of Records, NRC-22, are published as a document subject to publication in the annual compilation of the Privacy Act Documents.

Dated at Bethesda, Maryland this 18th day of July, 1980.

For the Nuclear Regulatory Commission,
William J. Dircks,
Acting Executive Director for Operations.

NRC-22

SYSTEM NAME:

Personnel Performance Appraisals—NRC: Part A, GG-15 employees and below; Part B, Senior Executive Service and equivalent employees.

SYSTEM LOCATION:

Part A: Division of Organization and Personnel, Office of Administration,

NRC, 7910 Woodmont Avenue, Bethesda, Maryland;

Part B: Chairman, Performance Review Board, 7735 Old Georgetown Road, Bethesda, Maryland.

Duplicate system—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Parts 1 and 2.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NRC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains evaluations of employees, evaluation criteria and methods, supervisory appraisals of performance and career development potential, and other related records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

- a. Section 161(d), Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201(d)(1976);
- b. 5 U.S.C. 4311, et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records may be used for any of the routine uses specified in the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on paper in the folders.

RETRIEVABILITY:

Records are accessed by name.

SAFEGUARDS:

Maintained in locked file cabinets. Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Part A: Retained 1 year, or until subsequent rating is prepared, whichever is later.

Part B: Retained for 5 years, or until the fifth annual appraisal is completed, whichever is later.

SYSTEM MANAGER(S) AND ADDRESS:

Part A: Chief, Personnel Operations Branch, Division of Organization and Personnel, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Part B: Chairman, Performance Review Board, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration,
U.S. Nuclear Regulatory Commission,
Washington, DC 20555.

RECORD ACCESS PROCEDURE:

Same as "Notification procedure" for
each part.

CONTESTING RECORD PROCEDURE:

Same as "Notification procedure" for
each part.

RECORD SOURCE CATEGORIES:

Part A: Individual to whom record
pertains and employee's supervisors.

Part B: Individual to whom record
pertains and employee's supervisors;
any documents and sources used to
develop critical elements and
performance standards for that Senior
Executive Service position.

[FR Doc. 80-22848 Filed 7-29-80; 8:45 am]

BILLING CODE 7590-01-M

**Privacy Act of 1974; Systems of
Records; Minor Amendments**

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

ACTION: Minor amendments of systems
of records.

SUMMARY: The Nuclear Regulatory
Commission has issued minor
amendments to the NRC Notices of
Systems of Records, NRC-30. The
amendments clarify and update the
information contained in the NRC
Systems of Records, in order to allow for
contractor access to records on a need-
to-know basis.

EFFECTIVE DATE: The amendments to the
NRC Notices of Systems of Records
become effective on August 29, 1980.

FOR FURTHER INFORMATION CONTACT:

Ms. Sarah N. Wigginton, FOI/PA
Branch, Division of Rules and Records,
Office of Administration, U.S. Nuclear
Regulatory Commission, Washington,
DC 20555, telephone (301) 492-8133.

SUPPLEMENTARY INFORMATION: The
Nuclear Regulatory Commission
published a notice of proposed minor
amendments to the NRC Notices of
Systems of Records in the Federal
Register on April 30, 1980 (45 FR 28847).
The notice invited public comment on
the proposed minor amendments by
May 30, 1980. No comments were
received on the proposed amendments.

The proposed amendments clarify and
update the information contained in the
Systems of Records, including "Routine
uses of records maintained in the
system, including categories of users
and the purposes of such uses,"
"Storage," "Safeguards," "Retention and

disposal," and "System manager(s) and
address."

Notice is hereby given that the
Commission has adopted the proposed
amendments of the NRC Systems of
Records. The text of the amendments is
identical with the text of the
amendments which were published on
April 30, 1980, for public comment.

Pursuant to the Atomic Energy Act of
1954, as amended, the Energy
Reorganization Act of 1974, as amended,
and sections 552, 552a and 553 of Title 5
of the United States Code, the following
amendments to the NRC Systems of
Records, NRC-30, are published as a
document subject to publication in the
annual compilation of Privacy Act
Documents.

Dated at Bethesda, Maryland this 18th day
of July 1980.

For the Nuclear Regulatory Commission,
William J. Dircks,
Acting Executive Director for Operations.

NRC-30

* * * * *

**ROUTINE USES OF RECORDS MAINTAINED IN
THE SYSTEM, INCLUDING CATEGORIES USERS
AND THE PURPOSES OF SUCH USES:**

Records in the system of records are
used as a project management tool in
various management records throughout
the NRC. Information in these records
may be disclosed for the routine uses
specified in paragraph numbers 5 and 6
of the Prefatory Statement.

**POLICIES AND PRACTICES FOR STORING,
RETRIEVING, ACCESSING, RETAINING, AND
DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Maintained in computer files,
computer records, on tapes, disks, cards,
and microfiche.

SAFEGUARDS:

Access to and use of these records are
limited to those persons whose official
duties require such access.

RETENTION AND DISPOSAL:

Retained indefinitely in computer
files.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Management and
Program Analysis, U.S. Nuclear
Regulatory Commission, Washington,
DC 20555.

* * * * *

[FR Doc. 80-22849 Filed 7-29-80; 8:45 am]

BILLING CODE 7590-01-M

**Privacy Act of 1974; Systems of
Records; Minor Amendments**

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

ACTION: Minor amendments of systems
of records.

SUMMARY: The Nuclear Regulatory
Commission has issued minor
amendments to the NRC Notices of
Systems of Records, NRC-19. The
amendments clarify and update the
information contained in the NRC
Systems of Records, necessitated by
adding the Senior Executive Service
training records to existing NRC training
records.

EFFECTIVE DATE: The amendments to the
NRC Notices of Systems of Records
become effective on August 29, 1980.

FOR FURTHER INFORMATION CONTACT:

Ms. Sarah N. Wigginton, FOI/PA
Branch, Division of Rules and Records,
Office of Administration, U.S. Nuclear
Regulatory Commission, Washington,
DC 20555, telephone (301) 492-8133.

SUPPLEMENTARY INFORMATION: The
Nuclear Regulatory Commission
published a notice of proposed minor
amendments to the NRC Notices of
Systems of Records in the Federal
Register on March 24, 1980 (45 FR
19104). The notice invited public
comment on the proposed minor
amendments by April 23, 1980. No
comments were received on the
proposed amendments.

The proposed amendments clarify and
update the information contained in the
Systems of Records, including
"Categories of individuals covered by
the system," "Categories of records in
the system," "Authority for maintenance
of the system," "Routine uses of records
maintained in the system, including
categories of users and the purposes of
such uses," "Retention and disposal,"
and "Record source categories."

Notice is hereby given that the
Commission has adopted the proposed
amendments of the NRC Systems of
Records. The text of the amendments is
identical with the text of the
amendments which were published on
March 24, 1980, for public comment.

Pursuant to the Atomic Energy Act of
1954, as amended, the Energy
Reorganization Act of 1974, as amended,
and sections 552, 552a, and 553 of Title 5
of the United States Code, the following
amendments to the NRC Systems of
Records, NRC-19, are published as a
document subject to publication in the
annual compilation of Privacy Act
Documents.

Dated at Bethesda, Maryland this 18th day
of July, 1980.

For the Nuclear Regulatory Commission.
 William J. Dircks,
Acting Executive Director for Operations.

NRC-19

SYSTEM NAME:

Official Personnel Training Records
 Files—NRC

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have applied for or were selected for either NRC or other government/non-government training courses or programs, including the NRC Senior Executive Service Candidate Development Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain information relating to the individual's educational background, work experience, performance appraisals, and training courses, including applications for training, training requests, authorizations for training, course grades, evaluations, and other related personnel information and correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

- a. 5 U.S.C. 4103 (1976);
- b. E.O. 11348, April 20, 1967, as amended by E.O. 12107, December 28, 1978;
- c. Civil Service Reform Act of 1978, P.L. 95-454, (5 U.S.C. 4311 et seq.);
- d. 5 U.S.C. 3396 (October 13, 1978).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. Information may be extracted from the records and made available to the Office of Personnel Management; other Federal, state and local government agencies; and educational institutions for use in training programs related to NRC employees.

b. Information in these records may be disclosed for the routine uses specified in paragraph numbers 5 and 6 of the Prefatory Statement.

* * * * *

RETENTION AND DISPOSAL:

Retained for 5 years, or until no longer needed, then destroyed by shredding.

* * * * *

RECORD SOURCE CATEGORIES:

Information is provided by the individual to whom it applies, the employee's supervisors, and training

groups, agencies, or educational institutions.

[FR Doc. 80-22850 Filed 7-29-80; 8:45 am]

BILLING CODE 7590-01-M

RAILROAD RETIREMENT BOARD

Determining Under Section 2(h) of the Railroad Unemployment Insurance Act of the Beginning of a "Period of High Unemployment," as Defined in Section 2(h)(2) of That Act

In accordance with the provisions of section 2(h)(4) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(h)(4)), the Railroad Retirement Board has determined that a "period of high unemployment" (as defined in section 2(h)(2) of that Act), shall begin on July 20, 1980. That date is the 20th day after the three-consecutive-calendar-month period from April through June 1980 in each month of which the rate of railroad unemployment equalled or exceeded 4.5 percent, the lowest applicable unemployment rate specified for the national "on" indicator in section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970, Pub. L. 91-373, as amended. Consequently, extended unemployment benefits under the second proviso of section 2(c) of the Railroad Unemployment Insurance Act, as amended by section 1(d)(2) of Pub. L. 94-92, will be payable for days of unemployment on and after July 20, 1980.

Dated: July 22, 1980.

By authority of the Board.

R. F. Bulter,

Secretary of the Board.

[FR Doc. 80-22910 Filed 7-29-80; 8:45 am]

BILLING CODE 7905-01-M

Sunshine Act Meetings

Federal Register

Vol. 45, No. 148

Wednesday, July 30, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., August 8, 1980.

PLACE: Eighth floor conference room, 2033 K Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Surveillance briefing.

CONTACT PERSON FOR MORE

INFORMATION: Jane Stuckey, 254-6314.

[S-1437-80 Filed 7-28-80; 12:20 pm]

BILLING CODE 6351-01-M

2

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Friday, August 1, 1980.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Closed Commission meeting following the open meeting which commences at 9:30 a.m.

MATTERS TO BE CONSIDERED:

Agenda, Item Number, and Subject

Hearing—1—Application for construction permit filed by Voice of the People in the Suffolk, Virginia FM proceeding (Docket No. 20289).

Hearing—2—Petition for Extraordinary Relief in the Alameda, California, broadcast (Station KJAZ-FM) renewal proceeding (BC Docket No. 78-332).

Hearing—3—Petitions to terminate hearing, allow distress sale and waive bill of particulars in the Washington, D.C. AM renewal proceeding (BC Docket No. 79-115).

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) 254-7874.

Issued: July 28, 1980.

[S-1439-80 Filed 4-28-80; 2:41 pm]

BILLING CODE 6712-01-M

3

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Friday, August 1, 1980.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

General—1—*Title:* Further Notice of Proposed Rule Making in Docket 20817, An Inquiry Relating to the Commission's Radio Operator Licensing Program. *Summary:* The FCC will decide whether to issue a Further Notice of Proposed Rule Making concerning commercial radio operators. Specifically the Notice proposes to delete the FCC examination requirements for operators who install, service, maintain, and adjust transmitting equipment at AM, FM, and TV broadcast stations. The Notice also proposes to abolish the Radiotelephone First Class Operator License.

General—2—*Title:* Reallocation of Remaining fiscal year 1980 Policy Research Funds. *Summary:* The purpose of this item is threefold: First, termination of several fiscal year 1980 research projects is sought with the funds to be reprogrammed into the Commission's operating budget. Second funding approval is sought for a research project entitled "Study of Ownership of Broadcast Facilities by Women: Phase II." And third, blanket reprogramming authority is sought to channel unspent policy research funds into the Commission's operating budget.

General—3—*Title:* Notice of Proposed Rule making to amend Part 15 to clarify which electronic games are exempted from certification (RM 3763). *Summary:* The Commission considers a petition from the Toy Manufacturers of America, Inc. for rule making to amend Part 15 (computing devices rules) to provide an exemption from certification for low-power, non-video, digital logic electronic games.

General—4—Fiscal year 1982 OMB Budget Estimates—Commission-wide Priority Ranking of Decision Packages.

Private Radio—1—*Title:* Spectrum Management: Establishment of First Regional Spectrum Management Center in

Chicago, Illinois and Amendment of Parts 1, 2, 21, 74, 89, 91, 93 and 95 of the Commission's Rules Relating to Land Mobile Allocations and Assignments. *Summary:* The Commission will consider adopting an Order terminating this proceeding and eliminating references to the Chicago Region and use of FCC Form 425 from the Private Land Mobile Radio Services rules (Part 90).

Private Radio—2—*Title:* Amendment of the Rules governing land mobile radio stations to provide for additional technologies which can improve the efficiency of radio spectrum use. *Summary:* The Commission seeks public comment on what rule changes would be appropriate to accommodate the voluntary introduction and use of additional technologies that could lead to improved spectral efficiency. The Commission's intent here is to provide greater freedom and incentive for licensees to make selections that, while in their own self-interest, also lead to greater efficiency in spectrum usage.

Private Radio—3—*Title:* Report and Order to amend Part 94 of the Commission's Rules to facilitate the operation of low power, limited coverage systems in the 22,000-23,600 MHz band. *Summary:* The Commission will consider whether to amend its Rules to facilitate the operation of low power, limited coverage systems in the 22,000-23,600 MHz band.

Private Radio—4—*Title:* Temporary Licensing of multiple licensed mobile relay systems operating in the Business Radio Service in the 450-470 MHz band. (RM-3470, Docket 79-338). *Summary:* The FCC will consider whether to adopt a Report and Order that implements a system of temporary licensing for multiple licensed mobile relay systems operating in the Business Radio Service in the 450-470 MHz band. The system would enable "add-on" licensees to an existing community repeater to begin operations under certain conditions prior to receipt of formal authorization. The FCC proposed this procedure in a Notice of Proposed Rulemaking (FCC 79-854) released January 8, 1980.

Common Carrier—1—*Title:* Application of Comsat to construct Standard B earth stations at Hickam, Hawaii, and Finegayan, Guam to provide a 1.554 megabit per second service for the Department of Defense. *Summary:* The Commission will consider whether Comsat has justified the cost of constructing two international earth stations for the provision of a specialized service to the Department of Defense.

Common Carrier—2—*Title:* New York Public Service Commission Application for Reconsideration of New York Telephone Company (Exchange System Access Line Terminal Charge for FX and CCSA Service). *Summary:* New York Public

Service Commission seeks reconsideration of the Commission's March 12, 1980 order (76 F.C.C. 2d 349) which held that any surcharge levied solely upon interstate Foreign Exchange (FX) and Common Control Switching Arrangement (CCSA) users must be filed with this Commission.

Common Carrier—3—Formal complaint against AT&T, et al. by the Department of Defense (File No. TS 25-75) on remand from the Court of Appeals for the District of Columbia Circuit (U.S. v FCC, No. 79-1744. Commission requested remand in order to reconsider above complaint concerning the proper tariffing of certain terminal equipment referred to as the Main Operating Base Wing Command Post Console (MOB) supplied by AT&T and other telephone companies to 25 Strategic Air Command bases throughout the country.

Common Carrier—4—Report and Third Supplemental Notice of Inquiry and Proposed Rulemaking in CC Docket 78-72 (MTS and WATS Market Structure). Examines whether interstate MTS-WATS type services should be provided on a sole source or an open entry basis in the nation as a whole or in the Alaska submarket. Also examines related regulatory policy questions that are not addressed in the Second Supplemental Notice.

Common Carrier—5—Title: In the Matter of Policy and Rules Concerning Rates for Competitive Common Carrier Services and Facilities Authorizations Therefor (CC Docket No. 79-252). **Summary:** The Commission will consider a proposal to amend its tariff filing and facilities authorization requirements for certain non-dominant carriers providing domestic communications service. This and the other item concerning CC Docket 79-252 will be considered together.

Common Carrier—6—Title: In the Matter of Policy and Rules Concerning Rates for Competitive Common Carrier Services and Facilities Authorizations Therefor (CC Docket No. 79-252). **Summary:** The Commission will consider a proposed tentative decision relating to options for further deregulations.

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 28, 1980.

[S-1440-80 Filed 7-28-80; 2:42 pm]

BILLING CODE 6712-01-M

4

FEDERAL COMMUNICATIONS COMMISSION.
TIME AND DATE: 2 p.m., Thursday, July 31, 1980.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item Number, and Subject

Assignment and Transfer—1—Title: Application (File No. BTCCT-80027KF) for Commission consent to the voluntary transfer of control of Suburban Broadcasting Corporation, licensee of station WSNL-TV, Channel 67, Smithtown, New York, from Robert Rosen, et al., to Wometco-Long Island, Inc. **Summary:** Wometco Enterprises, Inc., which owns and holds a subscription television ("STV") franchise for WWHT (TV), Channel 68, Newark, New Jersey, seeks to acquire WSNL-TV, Channel 67 Smithtown, (Long Island), New York and operate it as a satellite of WWHT (TV). There is Grade B overlap between the two stations, which together cover much of the New York City market. The Commission will consider whether the circumstances in this case justify a grant of the application under the satellite exception to the TV multiple ownership rule (§ 73.636, Note 9).

Assignment and Transfer—2—Title: Request for issuance of a tax certificate (26 U.S.C. 1071) in connection with the 100 percent transfer of control of Mr. D's Radio, Inc., licensee of stations KEYN (AM/FM), Wichita, Kansas from Robert D. Freeman, Lowell D. Denniston, Frank L. Carney and Gary L. Dick to Long-Pride Broadcasting Company. **Summary:** The Commission will consider whether to issue a tax certificate pursuant to its Minority Ownership Policy in connection with the sale of KEYN (AM/FM), Wichita, Kansas to Long-Pride Broadcasting Company.

Renewal—1—Title: Renewal application of Educational Broadcasting Corporation for Station WNET (TV), Newark, New Jersey. **Summary:** In this item, the Commission considers the adequacy of the licensee's proposal for a studio and office space in its city of license. The lack of such an adequate facility is the only impediment remaining to the grant of the renewal application. Opposition to the renewal application and the current studio/office proposal of the licensee is made by the New Jersey Coalition for Fair Broadcasting.

Renewal—2—Title: License renewal application of Board of Education of Jefferson County, Kentucky (WKPC-TV) and mutually exclusive application of Metropolitan Louisville Public Television, Inc., for construction permit for WKPC-TV's frequency. **Summary:** The Board of Education of Jefferson County, Kentucky filed for renewal of the license to broadcast on Channel 15, Louisville, Kentucky. Metropolitan Louisville Public Television, Inc., filed for a construction permit for the same facilities. The Commission designates the applications for a comparative hearing.

Renewal—3—Title: Faribault County Broadcasting Co., Inc.'s license renewal application for Station KBEW, Blue Earth, Minnesota. **Summary:** The Commission considers Station KBEW's license renewal application which sets forth consistent failures, over a considerable period of time, to comply with the station's past commercial proposals, yet recites essentially identical proposals for the next license term.

Renewal—4—Deleted.

Aural—1—Title: In re application of South Madison Community School Corporation (WEEM), Pendleton, Indiana. **Summary:** The Commission is considering a petition to deny the application of South Madison Community School Corporation filed by McGraw-Hill Broadcasting Company, Inc., licensee of WRTV, Indianapolis, Indiana. McGraw-Hill alleges that a grant of South Madison's application for a change in its facilities would result in possible interference with the signal of WRTV.

Aural—2—Title: Application of Rau Radio Stations, Inc. (WUUU-FM), Oak Ridge, Tennessee, for a construction permit to modify facilities. **Summary:** The Commission considers the above application and petitions to deny by Oak Ridge, FM, Inc., licensee of Station WOKI (FM), Oak Ridge, Tennessee, and Clinton Broadcasters, Inc., licensee of Stations WYSH (AM & FM), Clinton, Tennessee.

Aural—3—Title: Memorandum Opinion and Order in re application of Metropolitan School District of Wayne Township, Marion County, Indiana (File No. BPED-2124). **Summary:** The FCC considers a petition by McGraw-Hill Broadcasting Company, Inc., licensee of Station WRTV, Indianapolis, Indiana seeking reconsideration of the Commission's grant of the application.

Television—1—Title: Mutually exclusive applications for a CP for a new TV station on Channel 33, Miami, Florida. **Summary:** One of two mutually exclusive applicants proposes a total satellite station which would be the applicant's second TV station in Miami. Proposal violates several Commission rules. Commission must determine whether waivers are warranted and whether the applications should be designated for comparative hearing.

Television—2—Subject: Two applications: (1) BPCT-5053, Son Broadcasting, Inc., Santa Fe, New Mexico, for CP for new television broadcast station, Channel 11; and (2) BPCT-5124, New Mexico Media Co., Santa Fe, New Mexico, for CP for new television broadcast station, Channel 2. **Summary:** Both applications before the Commission for action because of various Petitions to Deny. Commission action also necessary because of Son's request for waiver of Section 73.636(a)(1) of the Rules. Commission will decide whether to designate the respective applications for hearing on the following issues: whether coverage predictions for Santa Fe city-grade service were made in accordance with the Rules; *de facto* reallocation; UHF impact; "one-to-a-market" rule with respect to Son; and finances with respect to New Mexico Media Co.

Television—3—Title: Application of WSET-TV, Inc. for CP to make major changes in facilities of WSET-TV, Lynchburg, Virginia (BPCT-5001). **Summary:** WSET proposes to change site and make other changes, resulting in location closer to Roanoke, Virginia, and farther from Lynchburg. Questions raised with respect to short-spacing, UHF impact and other matters. Petition to deny and informal objection are also considered.

Broadcast—1—Title: Petition for Reconsideration of the Second Report and

Order in Docket 21474. Summary: The Commission will review a petition for reconsideration of its Docket 21474 determinations not to include handicapped individuals in its broadcast EEO program and not to institute a program to increase ownership and management by the handicapped. The petitioners are the California Paralyzed Veterans Association, Paula Zeller, and Patty Ann Berkosky.

Broadcast—2—Title: In the Matter of Amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations. (Lockhart, Texas) BC Docket 79-256. **Summary:** The Commission will consider a proposed amendment to the FM Table of Assignments, to assign Channel 234 to Lockhart, Texas, as that community's first FM assignment, which conflicts with a proposed transmitter site relocation for Station KLEF, Houston, Texas.

Broadcast—3—Title: Amendment of the Television Table of Assignments concerning Riverside and Santa Ana, California. BC Docket 79-176. **Summary:** The Commission will consider whether to adopt one of various TV channel assignment proposals concerning Riverside and Santa Ana, California. The options include the assignment on a reserved or non-reserved basis of Channel 62 to Riverside; the assignment of Channel 62 to Santa Ana; and the reassignment of Channel 40 from Santa Ana to Riverside plus assignment of Channel 62 to Santa Ana.

Broadcast—4—Title: Petition for rule making to require the broadcasting of Public Service Announcements regarding the existence of the Consumer Assistance Office. **Summary:** Commission will consider a request to require stations to broadcast Public Service Announcements for FCC's Consumer Assistance Office and certain suggestions regarding the operation of that Office.

Broadcast—5—Deleted.

Broadcast—6—Title: 9 kHz spacing of AM channels. **Summary:** The Commission will consider a draft "Interim Report and Further Notice of Inquiry" in BC Docket No. 79-164, announcing its tentative views on the 12 issues on which parties have commented, and inviting further comments.

Broadcast—7—Title: Requests for the formation of a new Government-Industry Advisory Committee, and for the inauguration of an omnibus proceeding to facilitate a comprehensive approach to AM and FM matters now being considered in separate dockets, and for the inauguration of rule making to discontinue the threshold requirements of Section 73.37(e)(2) of the rules. **Summary:** The Commission will consider staff recommendations for action upon the foregoing requests.

Broadcast—8—Title: Docket 21313, concerning the matter of AM stereophonic broadcasting. **Summary:** The Commission takes action on various pleadings for oral argument *en banc* before it and various other means of pursuing the above-entitled matter. Additionally, the Commission will consider a recommendation by the staff that it adopt a *Further Notice of Proposed Rule Making* in this matter rather than the

Report and Order requested at the Commission agenda meeting of April 9, 1980.

Complaints and Compliance—1—Title: Memorandum Opinion and Order and of Notice Inquiry concerning licensee-owned representatives. **Summary:** The Commission will consider requests regarding its policy as to licensee-owned representatives and will consider whether to adopt a Notice of Inquiry concerning the policy.

This meeting will 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 28, 1980.

[S-1441-80 Filed 7-28-80; 2:43 pm]

BILLING CODE 6712-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 3:00 p.m. on Thursday, July 24, 1980, the Board of Directors of the Federal Deposit Insurance Corporation met in open session to consider the following matters:

Recommendation regarding the liquidation of assets acquired by the Corporation from Swope Parkway National Bank, Kansas City, Missouri (Case No. 44,396-SR).

Memorandum and Resolution re: Amendment to Part 309 of the Corporation's rules and regulations entitled "Disclosure of Information."

The meeting was held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

In calling the meeting, the Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Mr. Lewis G. Odom, Jr., acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), that Corporation business required its consideration of these matters on less than seven days' notice to the public and that no earlier notice of the meeting was practicable.

Dated: July 24, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[S-1435-80 Filed 7-28-80; 10:46 am]

BILLING CODE 6417-01-M

6

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 3:30 p.m. on Thursday, July 24, 1980, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider the following matters:

Application of Bank of Cypress Trails, a proposed new bank, to be located at 2828 F. M. 1960 East, Unincorporated Harris County (P.O. Houston), Texas, for Federal deposit insurance.

Application of Eldorado Bank, Tustin, California, an insured State nonmember bank, for consent to merge, under its charter and title, with American Security Bank, San Bernardino, California, and for consent to establish the one existing office and one approved but unopened branch of American Security Bank as branches of the resultant bank.

Application of The Midland Bank and Trust Company, Paramus, New Jersey for consent to purchase the assets of and assume the liability to pay deposits made in The State Bank of New Jersey, Fort Lee, New Jersey and for consent to establish the four offices of The State Bank of New Jersey as branches of The Midland Bank and Trust Company.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,397-L—American City Bank & Trust Company National Association, Milwaukee, Wisconsin.

Case No. 44,399-L—International City Bank & Trust Company, New Orleans, Louisiana.

Memorandum re: Franklin National Bank, New York, New York (two memoranda)

Memorandum re: Astro Bank, Houston, Texas.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), and (c)(6)).

The meeting was held in the Board Room on the sixth floor of the FEIC Building located at 550 17th Street NW., Washington, D.C.

In calling the meeting, the Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Mr. Lewis G. Odom, Jr., acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), that corporation business required its consideration of these matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

Dated: July 24, 1980.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[S-1438-80 Filed 7-28-80; 10:49 am]
BILLING CODE 6714-01-M

7

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, August 4, 1980, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Applications for Federal deposit insurance:

The Bank of Milwaukie, a proposed new bank, to be located at 10955 S.E. Main Street, Milwaukie, Oregon, for Federal deposit insurance.

North Adams State Bank of Ursa, a proposed new bank, to be located at 114 North Warsaw Street, Ursa, Illinois, for Federal deposit insurance.

Request for an extension of time in which to establish a branch:

Unity Bank and Trust Company, Boston (Roxbury), Massachusetts, for an extension of time in which to establish a branch at 592 Washington Street, Boston (Dorchester), Massachusetts.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,398-L—Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico.

Case No. 44,404-L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee.

Case No. 44,412-L—International City Bank & Trust Company, New Orleans, Louisiana.
Memorandum re: United States National Bank, San Diego, California.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: July 28, 1980.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[S-1443-80 Filed 7-28-80; 2:47 pm]
BILLING CODE 6714-01-M

8

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, August 4, 1980, to consider the following matters:

Disposition of minutes of previous meetings.

Request by the Comptroller of the Currency for a report on the competitive factors involved in a proposed merger of First National Bank of South Carolina, Columbia, South Carolina, with First Carolina National Bank, Hartsville, South Carolina.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Bronson, Bronson & McKinnon, San Francisco, California, in connection with the receivership of United States National Bank, San Diego, California.

Memorandum re: Contingency Fee Arrangement with Local Counsel.

Interagency Policy Regarding the Assessment of Civil Money Penalties by the Federal Financial Institutions Regulatory Agencies.

Memorandum and Resolution re: Amendment to Part 303 of the Corporation's rules and regulations entitled "Applications, Requests, Submittals, and Notices of Acquisition."

Appeal, pursuant to the Freedom of Information Act, from the Corporation's earlier denial of a request for records.

Memorandum proposing the appointment of an agent for services of process in the State of Montana.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

The meeting will be held in the Board Room, on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: July 28, 1980.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[S-1444-80 Filed 7-28-80; 2:49 pm]
BILLING CODE 6414-01-M

9

[USITC SE-80-40A]

INTERNATIONAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Sent to the

Federal Register at 4:30 p.m., July 24, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Wednesday, August 6, 1980.

CHANGES IN THE MEETING: The starting time for the meeting to be held on Wednesday, August 6, 1980, was incorrectly stated as beginning at 10 a.m. The notice should have stated the meeting would begin at 2 p.m. There are no other changes to the agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-1432-80 Filed 7-25-80; 4:35 pm]

BILLING CODE 7020-02-M

10

METRIC BOARD.

TIME AND DATE: 2 p.m., Thursday, August 14, 1980; 8:30 a.m., Friday, August 15, 1980.

PLACE: The Gold Room, Radisson Downtown Hotel, 45 South 7th Street, Minneapolis, Minnesota 55402.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

August 14

Approval of Agenda.
Review/Approval of Minutes of June 1980 Board Meeting.
Approval of U.S. Metric Board Consumer Program.
Report on Conference of States.
Discussion of Meeting Format.

August 15

Presentation on U.S. Metric Board Standards Strategy.
Approval of U.S. Metric Board Planning Guidelines.
Approval of Annual Report, format, etc.
Staff Reports including Federal Plan and fiscal year 1981 Budget.
Committee Reports. Each committee chairperson will give a status report of activities within their jurisdiction.
Agenda items for October Board Meeting.

SUPPLEMENTARY INFORMATION: Notice of a Public Forum to be held by the U.S. Metric Board on August 14, 1980 which will provide individuals and groups the opportunity to comment on metric conversion appears elsewhere in this issue.

CONTACT PERSON FOR MORE INFORMATION: Dr. Malcolm E. O'Hagan, 703/235-1933.

Dr. Louis F. Polk,
Chairman, United States Metric Board.

[S-1433-80 Filed 7-28-80; 10:34 am]

BILLING CODE 6820-94-M

11

METRIC BOARD.

Notice is hereby given that the United States Metric Board will hold a Public

Forum on Thursday, August 14, 1980 from 9 a.m. to 1 p.m. The Forum will be held in conjunction with the Metric Board's regular August meeting. Notice of the regular meeting appears in the Sunshine Meeting section of this issue. The Forum will be held in the Gold Room of the Radisson Downtown Hotel, 45 South 7th Street, Minneapolis, Minnesota 55402.

The purpose of the Forum will be to allow Board members to receive comments about increased voluntary metric usage from individuals and from representatives of groups or organizations. Following scheduled presentations by area representatives, the public in invited and encouraged to offer comment on the increasing use of the metric system in the United States. A general question and answer period will follow.

CONTACT PERSON FOR FURTHER INFORMATION:

Mr. Doug Bernon, 703/235-1933.

Dr. Louis F. Polk,

Chairman, United States Metric Board.

[S-1454-80 Filed 7-28-80; 10:37 am]

BILLING CODE 6820-94-M

12

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of July 28.

PLACE: Commissioners conference room, 1717 H Street NW., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: Monday, July 28:

2 p.m.

1. Budget Markup Session (approximately 3 hours, closed—exemption 9) Preliminary Mark.

Tuesday, July 29:

2 p.m.

1. Budget Session (approximately 3 hours, closed—exemption 9) Markup/Reclama (as required).

Wednesday, July 30:

9:30 a.m.

1. Budget Session (approximately 3 hours, closed—exemption 9) Markup/Reclama (as required).

2 p.m.

1. Budget Session (approximately 3 hours, closed—exemption 9) Markup/Reclama (as required).

Thursday, July 31:

2 p.m.

1. Discussion of North Anna Full Power License (tentative) (approximately 1 hour, public meeting).

2. Affirmation Session (approximately 10 minutes, public meeting) (a) PRM to Amend Part 2; Time Period for License Review.

The following items are tentative:

(b) Order on Psychological Stress at TMI

(c) Petition on Intervenor Funding in TMI Restart

(d) Licensing of Spent Fuel Storage . . .

(e) Physical Protection of Material in Transit

3. Time Reserved for Discussion and Vote on Affirmation Items (if required) (approximately 15 minutes, public meeting).

Friday, August 1:

2 p.m.

1. Briefing on Near Term Requirements for Construction Permits for Power Reactors (approximately 1½ hours, public meeting).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee (202) 634-1410.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498.

Those planning to attend a meeting should reverify the status on the day of the meeting.

Walter Magee,

Office of the Secretary.

[S-1442-80 Filed 7-28-80; 2:44 pm]

BILLING CODE 7590-01-M

13

POSTAL SERVICE.

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. § 552b), hereby gives notice that it intends to hold meetings at 2:30 p.m. on Monday, August 4, and at 8 a.m. on Tuesday, August 5, 1980. The meeting on Monday, August 4, will be held in the Board Room, second floor, Fairmont Hotel, 1750 Welton, Denver, Colorado. The meeting on Tuesday, August 5, will be held in room 264 of the Management Sectional Center, 1823 Stout Street, Denver, Colorado. Except as indicated in the following paragraphs, the meetings are open to the public. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, Louis A. Cox, at (202) 245-4632.

On June 30, 1980, the Board of Governors voted to close to public observation its next meeting, initially scheduled for 2:30 p.m. on July 17 in Washington, but subsequently postponed until 2:30 p.m. on August 4 in Denver. Each of the members of the Board voted in favor of closing this meeting, which is expected to be

attended by the following persons: Governors Wright, Hardesty, Allen, Camp, Ching, and Sullivan; Postmaster General Bolger; Deputy Postmaster General Benson; Counsel to the Governors Joseph A. Califano; and Secretary of the Board Cox. This closed meeting will consist of a continuation of the discussion by the Governors of the Opinion and Recommended Decision upon Reconsideration of the Postal Rate Commission re Electronic Mail Classification Proposal, 1978 (Commission Docket No. MC78-3), dated April 8, 1980.

By written ballot through the mails during the week of July 20, 1980, the Board of Governors voted to close to public observation a portion of the meeting scheduled for August 5, 1980, to discuss a written statement of the decision of the Governors in the Red Tag proceeding (Commission Docket No. MC79-3), and the determination by the Board of the date on which the pertinent changes to the Classification Schedule and associated rate changes should become effective. Each of the members of the Board voted in favor of closing this portion of the August 5 meeting which is expected to be attended by the persons identified in the preceding paragraph, and by Senior Assistant Postmaster General Finch.

Agenda

Monday Afternoon Session

1. Recommended Decision upon Reconsideration of the Electronic Mail Classification Proposal, 1978 (Commission Docket No. MC78-3).
(The Governors will continue consideration of the above Recommended Decision of the Postal Rate Commission. As stated above in the Notice of Meeting, this session will be closed to the public.)

Tuesday Session

1. Minutes of the previous meeting
2. Remarks of the Postmaster General
(In keeping with its consistent practice, the Board's agenda provides this opportunity for the Postmaster General to inform the members of miscellaneous current developments concerning the Postal Service. He might report, for example, the appointment or assignment of a key official, of the effect on postal operations of unusual weather or a major strike in the transportation industry. Nothing that requires a decision by the Board is brought up under this item.)
3. Quarterly Report on Financial Performance
(Mr. Finch, Senior Assistant Postmaster General, Finance Group, will present the Quarterly Summary of Financial Performance.)
4. Quarterly Report on Service Performance
(Mr. Hagburg, Assistant Postmaster General, Delivery Services Department, will present the Quarterly Summary of Service Performance.)

5. Report of the Regional Postmaster General (Mr. Morris, Regional Postmaster General, will report on postal conditions in the Western Region.)
6. Adjust Third-Class Bulk Rates for Political Committee Mailings
(The Governors will consider an adjustment under 39 U.S.C. § 3627 for bulk third-class mailings for qualified political committees in the light of the provision in the Postal Service Appropriation Act, 1980 (Public Law 96-74) limiting appropriations for this purpose to \$4 million.)
7. Capital Investment Projects
 - a. Chicago Mail Post Office Boiler Plant
(Mr. Doran, Regional Postmaster General, Central Region, will present a proposal for a capital investment for a boiler plant at the Chicago Main Post Office.)
 - b. USPS Management Training and Conference Center
(Mr. Ulsaker will present the proposal to purchase a site and existing buildings to be used for the USPS Management Training and Conference Center.)
8. Recommended Decision of May 16, 1980, concerning Red Tag Proceeding, 1979 (Commission Docket No. MC79-3)
(At the Board meeting of July 1, 1980, the Governors voted to approve the Recommended Decision of the Commission. The Postal Reorganization Act requires that a decision of the Governors be in writing and include a statement of explanation and justification. The Governors will consider a written statement of their decision. In addition, the Board will consider determining the date on which the change to the Domestic Mail Classification Schedule will become effective. As stated above in the Notice of Meeting, the part of the meeting that will be devoted to this matter will be closed to the public.)

Louis A. Cox,
Secretary.

[S-1438-80 Filed 7-28-80; 12:23 pm]

BILLING CODE 7710-12-M

14

RAILROAD RETIREMENT BOARD.

TIME AND DATE: 10:30 a.m., August 7, 1980.

PLACE: Board's meeting room, eighth floor, headquarters building, 844 Rush Street, Chicago, Illinois, 60611.

STATUS: Part of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portion open to the public:

- (1) Participation by employers in Treasury Financial Communications System (TFCS).
- (2) Toll-free telephone service.
- (3) Official time used by Union for representational functions.
- (4) Overpayment recoveries and waivers.
- (5) OPM study of personnel management at the Board.

(6) OPM survey of Bureau of Unemployment and Sickness Insurance.
(7) Registration requirements for unemployment insurance.

(8) Appeal on computation of annuity, Everett H. Thomas.

(9) Expiration of time limitation on appeal, Carleton N. Moraghan.

Portion closed to the public:

(A) Appeal from referee's denial of disability annuity, Anton C. Martens.

(B) Lawrence E. Hendricks appeal (recovery of sickness benefits from appellant's settlement with tortfeasor).

CONTACT PERSON FOR MORE INFORMATION:

R. F. Butler, Secretary of the Board,
COM No. 312-751-4920, FTS No. 387-4920.

[S-1445-80 Filed 7-28-80; 3:30 pm]

BILLING CODE 7905-01-M

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3. The third column is the symbol of the element.

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Reader Aids

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HHS/FDA		DOT/SLSDC	HHS/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of

the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

- FEDERAL HOME LOAN BANK BOARD**
- 43681 6-30-80 / Mobile home loan consumer protection provisions
- 46339 7-10-80 / Mobile home loan consumer protection; preemption of State usury laws
- TREASURY DEPARTMENT**
- Customs Service—
- 44263 7-1-80 / Changes in Field Organization by establishing, on a 2-year experimental basis, a new Customs port of entry at Huntsville, Alabama, in the Mobile, Alabama, Customs district
- TRANSPORTATION DEPARTMENT**
- Federal Aviation Administration—
- 441767 6-30-80 / Advanced simulation provisions

Deadlines for Comments on Proposed Rules for the Week of August 3 through August 9, 1980

- AGRICULTURE DEPARTMENT**
- Agricultural Marketing Service—
- 45914 7-78-80 / Plant variety protection; limits of reciprocity; comments by 8-7-80
- Animal and Plant Health Inspection—
- 38036 6-6-80 / Cattle; Harry S Truman Animal Import Center; Special permits for quarantine, lottery base; comments by 8-5-80
- 38071 6-6-80 / Pesticides permitted by Department for use in treatment of livestock affected by screwworms; comments by 8-5-80
- 38024 6-6-80 / Witchweed quarantine; suppressive areas in North Carolina and South Carolina; comments by 8-5-80
- Food Safety and Quality Service—
- 38064 6-6-80 / United States Standards for Condition of Food Containers; comments by 8-5-80

- Rural Electrification Administration—
- 38064 6-6-80 / Acceptance tests for stored program, processor—controlled digital central offices; comments by 8-5-80
- 37454 6-3-80 / REA Bulletin 345-84, REA specification for expanded dielectric Coaxial Cable; comments by 8-4-80
- CIVIL AERONAUTICS BOARD**
- 42629 6-25-80 / Notice to passengers of conditions of carriage; comments by 8-4-80
- COMMERCE DEPARTMENT**
- International Trade Administration—
- 3715 6-3-80 / Revision of policy on exports to Afghanistan; interim rule; comments by 8-4-80
- COMMUNITY SERVICES ADMINISTRATION**
- 37867 6-5-80 / Procurement Standards; separate business entities; comments by 8-5-80
- DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE**
- 45303 7-3-80 / Ceiling rates on interest-bearing transaction accounts; comments by 8-4-80
- ENVIRONMENTAL PROTECTION AGENCY**
- 45931 7-8-80 / Approval and promulgation of implementation plans—Massachusetts; revision; comments by 8-7-80
- 45314 7-3-80 / Approval and promulgation of nonattainment plan for Indiana; particulate emissions from iron and steel industry; comments by 8-4-80
- 45318 7-3-80 / Conditional approval of nonattainment plan for Wisconsin; particulate matter emissions from iron and steel industry; coke oven batteries; comments by 8-4-80
- 46100 7-9-80 / Registration of pesticide producing establishments, submission of reports, labeling; maintenance of records; addition of producers of active ingredients; comments by 8-6-80
- 34762 5-22-80 / Visibility protection for Federal class I areas; comments by 8-5-80
- EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**
- 38083 6-6-80 / Minority Group Statistics Systems; comments by 8-5-80
- FEDERAL COMMUNICATIONS COMMISSION**
- 43441 6-27-80 / Authorizing the Communications Satellite Corporation to provide international satellite communications services directly to the public; order extending time for filing comments and reply comments; comments by 8-8-80
- [See also 45 FR 33662, 5-20-80]

- 47171 7-14-80 / Cellular mobile communications systems; reply comments by 8-4-80
[See also 45 FR 2859, 2861, 1-15-80]
- 37238 6-2-80 / FM Broadcast Service; assignment of second Class A FM channel to Indio, Calif.; reply comments by 8-7-80
- 42747 6-25-80 / FM broadcast station in Anchorage, Alaska; changes in table of assignments; comments by 8-7-80
- 42749 6-25-80 / FM broadcast station in Belfast, Maine; changes in table of assignments; comments by 8-7-80
- 37240 6-2-80 / FM Broadcast Stations in Bradford, Kane and Warren, Pa.; changes in table of assignments; reply comments by 8-7-80
- 37244 6-2-80 / FM Broadcast Stations in Cameron and Temple, Tex.; changes in table of assignments; reply comments by 8-7-80
- 42751 6-25-80 / FM broadcast station in Hanover, N.H.; changes in table of assignments; comments by 8-7-80
- 37242 6-2-80 / FM Broadcast Station in Lewistown, Pa.; changes in table of assignments; reply comments by 8-7-80
- 37243 6-2-80 / FM Broadcast Station in Mifflintown, Pa.; changes in table of assignments; reply comments by 8-7-80
- 42752 6-25-80 / FM broadcast station in Petersburg, Ind.; changes in table of assignments; comments by 8-7-80
- 42748 6-25-80 / FM broadcast station in Vincennes, Ind.; changes in table of assignments; comments by 8-7-80
- 37239 6-2-80 / FM Broadcast Station in Wilson, N.C.; changes in table of assignments; reply comments by 8-7-80
- 42727 6-25-80 / FM broadcast station in Woodward and Alva, Okla.; changes in table of assignments; comments by 8-7-80
- 32745 5-19-80 / Providing optimum conditions for utilization of New Jersey television channel assignment; comments by 8-8-80
- 42747 6-25-80 / Television broadcast stations; Delaware, New Jersey, New York and Pennsylvania; table of assignments; reply comments by 8-8-80
- FEDERAL MARITIME COMMISSION**
- 45599 7-7-80 / Applications for licensing of independent ocean freight forwarders; deletion of publication requirement; comments by 8-6-80
- FEDERAL TRADE COMMISSION**
- 39864 6-12-80 / Midland-Ross Corp., et al.; consent agreements; comment by 8-8-80
- HEALTH AND HUMAN SERVICES DEPARTMENT**
[See also Health, Education and Welfare Department]
Food and Drug Administration—
- 37455 6-3-80 / Human drugs; progestational drug products; patient labeling requirements; exemption for oral dosage forms used for advanced cancer treatment; comments by 8-4-80
- Health Care Financing Administration—
- 37466 6-3-80 / Medicaid Program; common, medicaid-medicare audit requirements for hospitals; comments by 8-4-80
- 37859 6-5-80 / Medicare and medicaid programs, prohibition against payment for less than effective drugs; comments by 8-4-80
- HEALTH, EDUCATION, AND WELFARE DEPARTMENT**
[See also Health and Human Services Department]
Food and Drug Administration—
- 10002 5-6-80 / Ophthalmic Drug Products for Over-the-Counter Human Use; establishment of a monograph; comments by 8-4-80
- HOUSING AND URBAN DEVELOPMENT DEPARTMENT**
Assistant Secretary for Housing Office—Federal Housing Commissioner—
- 38410 6-9-80 / Non-competitive sale of HUD-owned properties to Community Based Organizations (CBOs); comments by 8-8-80
- INTERIOR DEPARTMENT**
Office of the Secretary—
- 44972 7-2-80 / Involvement of minority and female owned business enterprises in Outer Continental Shelf; comments by 8-7-80
- Surface Mining Reclamation and Enforcement Office—
- 48661 7-21-80 / Surface coal mining and reclamation and enforcement under Federal programs for Massachusetts, Michigan, Oregon, and Rhode Island; comments by 8-5-80
- INTERSTATE COMMERCE COMMISSION**
- 45526 7-3-80 / Implementation of intercorporate hauling reform legislation; comments by 8-4-80
- 49118 7-23-80 / Railroad cost recovery procedures; reply comments by 8-6-80
[See 45 FR 29103, 5-1-80 and 45 FR 36460, 5-30-80]
- JUSTICE DEPARTMENT**
Justice Assistance, Research, and Statistics Office—
- 45311 7-3-80 / Procedures for implementing the National Environmental Policy Act; comments by 8-4-80
- LABOR DEPARTMENT**
Mine Safety and Health Administration—
- 38087 6-6-80 / Review of safety and health standards applicable to mental and nonmental mining and milling; comments by 8-5-80
- Pension and Welfare Benefit Programs Office—
- 38084 6-6-80 / Proposed regulation relating to definition of "assets" of an employee development plan; comments by 8-5-80
- PENSION BENEFIT GUARANTY CORPORATION**
- 38415 6-9-80 / Plan benefits valuation; change in the method for setting interest rate and factors; comments by 8-8-80
- PERSONNEL MANAGEMENT OFFICE**
- 38061 6-6-80 / Affirmative recruitment and minority group statistics; comments by 8-5-80
- 37452 6-3-80 / Reemployment rights; individuals separated from Federal employment for specified period of service with American Institute in Taiwan; comments by 8-4-80
- SECURITIES AND EXCHANGE COMMISSION**
- 25080 4-14-80 / Investment Adviser Act study; issues to be considered; comments by 8-4-80
- 47160 7-14-80 / Record production obligations and record destruction and disposition rights of registered clearing agencies and the Municipal Securities Rulemaking Board; comments by 8-8-80
- SMALL BUSINESS ADMINISTRATION**
- 37454 6-3-80 / Business loan policy; standard method of interest computation utilized on all loans in which Agency participates on an immediate basis; comments by 8-4-80
- TRANSPORTATION DEPARTMENT**
Coast Guard—
- 23425 4-7-80 / Evaluation of programs for licensing and certification of foreign tank vessel personnel; comments by 8-7-80
[Comments closing date corrected at 45 FR 25065, 4-14-80]
- Office of the Secretary—
- 38423 6-9-80 / Possible relocation of the City and Borough of Juneau, Alaska and certain other panhandle communities from the Pacific time zone to the Yukon; comments by 8-8-80

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau—

- 38258 6-8-80 / Electronic fund transfer for certain alcohol and tobacco products' excise tax payments and other provisions; comments by 8-5-80
- 38271 6-8-80 / Proposed return and deferral periods for certain tobacco products' excise tax payments; comments by 8-5-80
- Foreign Assets Control Office—
- 45609 7-7-80 / Iranian assets control provisions; comments by 8-6-80
- Internal Revenue Service—
- 38412 6-9-80 / Excise tax on fuel used in commercial waterway transportation; comments by 8-8-80
- 38411 6-9-80 / Manufacturers and retailers excise tax treatment for article sold tax-free for exportation under section 4221(a)(2) upon their subsequent importation into the U.S.; comments by 8-8-80

Deadlines for Comments On Proposed Rules for the Week of August 10 through August 16, 1980**AGRICULTURE DEPARTMENT**

Food Safety and Quality Service—

- 40129 6-13-80 / Transportation and other transactions concerning certain undenatured lungs or lung lobes; comments by 8-12-80

Rural Electrification Administration—

- 47436 7-15-80 / Specification for aerial and underground telephone cables; comments by 8-14-80
- 47437 7-15-80 / Specification for Direct Burial Telephone Cables (Air Core); comments by 8-14-80

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

- 42608 6-25-80 / Information availability; procedures for obtaining information (interim rule); comments by 8-11-80

CIVIL AERONAUTICS BOARD

- 42317 6-24-80 / Simplification of regulations for airline ticket and ticket counter notices to passengers; comments by 8-15-80

[See also 45 FR 25817, 4-16-80]

COMMERCE DEPARTMENT

Economic Development Administration—

- 39242 6-10-80 / Public works projects involving skill training center facilities and land assembly; comments by 8-11-80
- National Oceanic and Atmospheric Administration—
- 39507 6-11-80 / Marine sanctuaries; designation of the Gray's Reef Marine Sanctuary 17.5 mi east of Sapelo Island, Ga.; comments by 8-11-80

CONSUMER PRODUCT SAFETY COMMISSION

- 39434 6-10-80 / Urea-formaldehyde foam insulation; performance and technical data notification; comments by 8-11-80

DEFENSE DEPARTMENT

Engineers Corps—

- 46093 7-9-80 / Banana River, Cape Canaveral Air Force Station; establishment of restricted area; comments by 8-15-80

EDUCATION DEPARTMENT

Elementary and Secondary Education Office—

- 39712 6-11-80 / Financial assistance to local and State agencies to meet special educational needs and financial assistance to local educational agencies for children with special educational needs; comments by 8-11-80

Office of the Secretary—

- 39708 6-11-80 / Amendment of EDGAR to clarify Department's policy regarding participation of students enrolled in private schools; comments by 8-11-80

ENERGY DEPARTMENT

Economic Regulatory Administration—

- 41330 6-18-80 / Standby Gasoline Rationing Plan; comments by 8-15-80

Federal Energy Regulatory Commission—

- 45597 7-7-80 / Availability of petition requesting rulemaking for an incentive price for natural gas produced from certain depths; comments by 8-15-80
- 47863 7-17-80 / High-cost natural gas produced from wells drilled in deep water; comments by 8-11-80
- 49591 7-25-80 / Small hydroelectric power projects with a proposed installed capacity of 5 megawatts or less, exemption from all or part of part I of the Federal Power Act; comments by 8-12-80

ENVIRONMENTAL PROTECTION AGENCY

- 47166 7-14-80 / Approval and promulgation of implementation plans—Massachusetts; Proctor and Gamble sulfur in fuel limitation; comments by 8-13-80
- 47168 7-14-80 / Carbon dioxide, nitrogen, and combustible production gas; exemption from requirement of a tolerance; comments by 8-13-80
- 25828 4-16-80 / Proposed policy and procedures for identifying, assessing, and regulating airborne substances posing a risk of cancer; Advance notice of proposed generic standards; comments extended to 8-12-80

[See also 44 FR 58642, 58662, 10-10-79]

FARM CREDIT ADMINISTRATION

- 39507 6-11-80 / Internal Control for operations of the Farm Credit banks and associations; comments by 8-11-80

FEDERAL COMMUNICATIONS COMMISSION

- 32013 5-15-80 / Allocating spectrum in the 928-941 MHz Band and to establish other rules, policies, and procedures for one-way paging stations in the Domestic Public Mobile Radio Service and the Private Land Mobile Radio Services; comments by 8-15-80
- 46458 7-10-80 / Deleting Provisions That Limit the Entry of New Stations Into the VHF Public Coast Station Market and Requiring Applicants for Public Coast Stations To Meet Certain Financial Qualifications; reply comments period extended to 8-15-80

[See also 45 FR 46458, 7-10-80]

- 37868 6-5-80 / FM broadcast station in Grover City, Calif.; changes in table of assignment; reply comments by 8-11-80
- 42725 6-25-80 / FM broadcast station in Lake Havasu City, Ariz.; changes in table of assignments; comments by 8-11-80
- 37869 6-5-80 / FM broadcast station in Orchard, Nebr.; Proposed changes in table of assignments; reply comments by 8-11-80
- 47885 7-17-80 / FM broadcast stations in North Charleston, Goose Creek, and Mount Pleasant, S.C.; reply comments by 8-11-80
- 17603 3-19-80 / Modification of FM broadcast station rules to increase the availability of commercial FM broadcast assignments; reply comments by 8-13-80
- 49624 7-25-80 / MTS and WATS Market Structure; Compensation for use of local telephone exchange facilities for interstate or foreign telecommunications; comments extended to 8-15-80

[See also 45 FR 20142, 3-27-80 and 45 FR 26274, 4-21-80]

- 25418 4-15-80 / Station identification requirements in the Amateur Radio Service; reply comments by 8-15-80
- 43442 6-27-80 / Swept frequency automatic vehicle identification system using microwave frequencies; reply comments by 8-15-80
- 42347 6-24-80 / Verification and methods of measurement of computing devices; reply comments by 8-15-80

GENERAL SERVICES ADMINISTRATION

- 31313 Automated Data and Telecommunications Services—
5-13-80 / ADP Services; sharing and procurement;
temporary regulations; comments by 8-11-80

HEALTH AND HUMAN SERVICES DEPARTMENT

- Food and Drug Administration—
40153 6-13-80 / Bottled water; quality standard; comments by
8-12-80
Social Security Administration—
39309 6-10-80 / Federal old-age, survivors, and disability
insurance benefits for husbands and surviving young
divorced fathers; comments by 8-11-80

INTERIOR DEPARTMENT

- Fish and Wildlife Service—
31447 5-13-80 / Endangered and threatened wildlife and plants;
review of status of the orangefin madtom (*Noturus
gilberti*) and the Roanoke logperch (*Percina rex*);
comments by 8-11-80
47716 7-16-80 / Hunting and sport fishing; proposed addition of
National Wildlife Refuges to list of open areas; comments
by 8-15-80
National Park Service—
47092 7-11-80 / Right-of-way regulations for areas of National
Park System; interim rule; comments by 8-11-80
Surface Mining Reclamation and Enforcement Office—
47162 7-14-80 / Procedures for review of State Program
Amendments; comments by 8-15-80
46818 7-11-80 / Reclamation of eligible land and water, petition
for rulemaking; comments by 8-11-80

INTERSTATE COMMERCE COMMISSION

- 47172 7-14-80 / Conferring designated port status on Dallas/
Forth Worth, Texas; import, export, and interstate
transportation of wildlife; comments by 8-13-80
46459 7-10-80 / Special temporary authority procedures;
comments period extended to 8-11-80
[See also 45 FR 37912, 6-5-80]

NUCLEAR REGULATORY COMMISSION

- 39519 6-11-80 / Rulemaking petition for exemption of industrial
radiography licensees from general licensing requirements;
comments by 8-11-80

PEACE CORPS

- 47710 7-16-80 / Public access to classified mail; comments by
8-15-80

PERSONNEL MANAGEMENT OFFICE

- 39277 6-10-80 / Recruitment, selection, and placement (general);
comments by 8-11-80

SECURITIES AND EXCHANGE COMMISSION

- 40145 6-13-80 / Consideration of a system of classifying smaller
issuers for purposes of modifying certain reporting and
other requirements; comments by 8-15-80
47853 7-18-80 / Proposed revision of Form U-4, Uniform
Application for Securities and Commodities Industry
Registration; comments by 8-13-80

SMALL BUSINESS ADMINISTRATION

- 31410 5-13-80 / Removal of interest rate ceiling of 8 percent on
section 501 loans to State development companies and
setting a rate that is consistent with the rate for section
7(a) business loans; comments by 8-11-80

TRANSPORTATION DEPARTMENT

- Federal Aviation Administration—
39857 6-12-80 / Certification and operations: Land airports
serving CAB-certificated air carriers; expansion of
applicability; comments by 8-11-80

Research and Special Programs Administration—

- 46417 7-10-80 / Hazardous wastes; identification numbers,
comments by 8-12-80
40627 6-16-80 / Reduction in requirements for written reports of
transportation incidents involving packagings containing
certain low risk hazardous materials; comments by
8-14-80

TREASURY DEPARTMENT

- Comptroller of the Currency—
40613 6-16-80 / Use of data processing technology and the
offering of data processing services by national banks;
comments by 8-15-80
Internal Revenue Service—
39869 6-12-80 / Coordination of vesting and discrimination
requirements for qualified plans; comments by 8-11-80
39512 6-11-80 / Income tax; treatment of gain from disposition of
certain oil, gas, or geothermal property; comments by
8-11-80
VETERANS ADMINISTRATION
47166 7-14-80 / Incompetent veterans hospitalized,
institutionalized, or domiciled at Government expense;
reduction of payable benefits; comments by 8-13-80

Next Week's Meetings**AGING, FEDERAL COUNCIL**

- 47464 7-15-80 / Special Aging Populations Committee, New
York, N.Y. (open), 8-5-80

AGRICULTURE DEPARTMENT

- Forest Service—
47890 7-17-80 / Carson National Forest Grazing Advisory Board;
Quetta, N.M. (open); 8-9-80
[See also 45 FR 46144, July 9, 1980]

ARTS AND HUMANITIES, NATIONAL FOUNDATION

- 49200 7-23-80 / Arts National Council, Washington, D.C.
(partially open), 8-8 through 8-10-80

CIVIL RIGHTS COMMISSION

- 47178 7-14-80 / District of Columbia Advisory Committee,
Washington, D.C. (open), 8-5-80
49966 7-28-80 / Massachusetts Advisory Committee, Boston,
Mass. (open), 8-6-80
[See also 45 FR 47717, 7-16-80]
47891 7-17-80 / Michigan Advisory Committee, Detroit, Mich.
(open), 8-7-80
47179 7-14-80 / Vermont Advisory Committee, Waterbury, Vt.
(open) 8-4-80

COMMERCE DEPARTMENT

- National Oceanic and Atmospheric Administration—
48178 7-18-80 / Gulf of Mexico Fishery Management Council,
Metairie, La. (open), 8-5 through 8-7-80
48179 7-18-80 / Mid-Atlantic Fishery Management Council's Sea
Scallop Resources Subpanel, Philadelphia, Pa. (open),
8-5-80

DEFENSE DEPARTMENT

- Air Force—
45342 7-3-80 / Air University Board of Visitors, Air Force
Institute of Technology Subcommittee, Wright-Patterson
AFB, Ohio (open), 8-5-80
Navy Department—
28793 4-30-80 / Naval Discharge Review Board, San Diego,
Calif., San Francisco, Calif., 7-27 through 8-8-80
Office of the Secretary—
43458 6-27-80 / Defense Science Board, San Diego, Calif.
(closed), 8-4 through 8-8-80

- 46848 7-11-80 / Defense Science Board Review Panel on ASW Advisory Committee, Washington, D.C. (closed), 8-8-80
 42003 6-23-80 / Wage Committee, Washington, D.C. (closed), 8-5-80

EDUCATION DEPARTMENT

- 45344 7-3-80 / Media in Continuing Education Ad Hoc Committee, Lexington, Ky. (open), 8-6 through 8-8-80
 49124 7-23-80 / Vocational Educational National Advisory Council, Albuquerque, N.M. (open), 8-8 and 8-9-80

FEDERAL COMMUNICATIONS COMMISSION

- 48249 7-18-80 / Seventh Meeting of the Advisory Committee on AM Broadcasting in Region 2, Washington, D.C. (open), 8-5-80

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

[See also Education Department and Health and Human Services Department]

Assistant Secretary for Health Office—

- 20161 3-27-80 / Public health conference on records and statistics, Washington, D.C. (open), 8-4, 8-5, and 8-6-80

HEALTH AND HUMAN SERVICES DEPARTMENT

[See also Health, Education, and Welfare Department]

Alcohol, Drug Abuse, and Mental Health Administration—

- 47470 7-15-80 / The Federal Employee Alcoholism Programs Work Group, Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism, Rockville, Md. (open), 8-5-80

Food and Drug Administration—

- 47472 7-15-80 / Miscellaneous External Drug Products Panel, Bethesda and Rockville, Md. (open), 8-3 and 8-4-80

- 47472 7-15-80 / Miscellaneous Internal Drug Products Panel, Rockville and Bethesda, Md. (open), 8-8 and 8-9-80

Human Development Services Office—

- 37893 6-5-80 / Model Adoption Legislation and Procedures Advisory Panel, Washington, D.C. (open), 8-7 and 8-8-80

Office of the Secretary—

- 46210 7-9-80 / Health Care Technology, National Council; Subcommittee on Grants and Contracts, New York, N.Y. (closed), 8-7-80

HISTORIC PRESERVATION ADVISORY COUNCIL

- 47731 7-16-80 / Meetings:

Tarrytown, N.Y., 8-6-80

Ossining, N.Y., 8-7-80

INTERIOR DEPARTMENT

Land Management Bureau—

- 43252 6-26-80 / Burley District Grazing Advisory Board, Burley, Idaho (opening), 8-5-80

- 45378 7-3-80 / Butte District Grazing Advisory Board, Butte, Mont. (open), 8-5 and 8-6-80

- 47933 7-17-80 / California Desert Conservation Area Advisory Committee, Riverside, Calif. (open), 8-7 and 8-8-80

- 44405 7-1-80 / Outer Continental Shelf National Advisory Board, Pacific Outer Continental Shelf Office, Los Angeles, Calif., (open), 8-6 and 8-7-80

- 48267 7-18-80 / Riverside District Grazing Advisory Board, Riverside, Calif. (open), 8-6-80

- 45378 7-3-80 / Roswell District Grazing Advisory Board, Roswell, N. Mex. (open), 8-7-80

National Park Service—

- 41711 6-20-80 / Gulf Islands National Seashore Advisory Commission, Biloxi, Miss. (open), 8-7-80

Office of the Secretary—

- 42869 6-25-80 / Allen-Warner Valley Energy System, Draft Environmental Impact Statement, Salt Lake City, Utah (open), 8-5-80

LABOR DEPARTMENT

Occupational Safety and Health Administration—

- 48278 7-18-80 / Occupational Safety and Health Federal Advisory Council, Washington, D.C. (open), 8-5-80

NATIONAL SCIENCE FOUNDATION

- 48000 7-17-80 / Policy Research and Analysis and Science Resources Studies Advisory Committee, Technology Assessment and Risk Analysis Subcommittee, Washington, D.C. (open), 8-4-80

NUCLEAR REGULATORY COMMISSION

- 48999 7-22-80 / Advisory Committee on Reactor Safeguards, Subcommittee on Procedures and Administration, Washington, D.C. (open), 8-6-80

- 48999 7-22-80 / Advisory Committee on Reactor Safeguards, Subcommittee on Regulatory Activities, Washington, D.C. (open), 8-6-80

[See also 45 FR 50025, 7-28-80]

- 49000 7-22-80 / Advisory Committee on Reactor Safeguards, Subcommittee on Safety Philosophy and Criteria, Washington, D.C. (open), 8-6-80

- 48003 7-17-80 / Reactor Safeguards Advisory Committee, Reactor Operations Subcommittee, Washington, D.C. (partially open), 8-4-80

- 48754 7-21-80 / Reactor Safeguards Advisory Committee, Subcommittee on the Three Mile Island Nuclear Power Plant, Washington, D.C. (open), 8-5 and 8-6-80

RADIATION POLICY COUNCIL

- 43512 6-27-80 / Regional meeting, Atlanta, Ga. (open), 8-5-80

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

- 48761 7-21-80 / Advisory Board, Washington, D.C. (open), 8-8-80

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

- 48014 7-17-80 / Radio Technical Commission for Aeronautics (RTCA), Special Committee 136 on Installation of Emergency Locator Transmitters (ELT) in Aircraft, Washington, D.C. (open), 8-5 and 8-6-80

VETERANS ADMINISTRATION

- 47561 7-15-80 / Health-Related Effects of Herbicides Advisory Committee, Washington, D.C. (open), 8-6-80

- 41754 6-20-80 / Wage Committee, Washington, D.C. (closed), 8-7-80

Next Week's Public Hearings**AGRICULTURE DEPARTMENT**

Food Safety and Quality Service—

- 36417 5-30-80 / Food Grading Policy, San Francisco, Calif., 8-7-80

ENERGY DEPARTMENT

- 46742 7-10-80 / Bidding system for coal leasing; Denver, Colo., 8-5-80; Washington, D.C., 8-7-80

INTERIOR DEPARTMENT

Fish and Wildlife Service—

- 13630 2-29-80 / Proceeding on late season 1980-81 migratory game bird hunting regulation, Washington, D.C., 8-5-80

List of Public Laws

Last Listing July 25, 1980

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

S.J. Res. 180 / Pub. L. 96-313 To provide for the reappointment of William A. M. Burden as a citizen regent of the Board of Regents of the Smithsonian Institution. (July 25, 1980; 94 Stat. 955) Price \$1.

S.J. Res. 181 / Pub. L. 96-314 To provide for the reappointment of Murray Gell-Mann as a citizen regent of the Board of Regents of the Smithsonian Institution. (July 25, 1980; 94 Stat. 956) Price: \$1.

S. 2382 / Pub. L. 96-315 To provide for additional authorization for appropriations for the Tinicum National Environmental Center. (July 25, 1980; 94 Stat. 957) Price: \$1.

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the Federal Register during the previous week.

RULES GOING INTO EFFECT

48622 7-21-80 / HHS/CDC—Grants for fluoridation; effective 7-21-80

[See also 44 FR 55378, 9-26-79]

48623 7-21-80 / HHS/PHS—Allied health project grants requirements; effective 7-21-80

DEADLINES FOR COMMENTS ON PROPOSED RULES

48945 7-22-80 / HHS/PHS/OHRST—Designation of State Cooperative Health Statistics System Agencies, proposed guidelines; comments by 9-22-80

49000 7-22-80 / OPM—Availability of Intergovernmental Personnel Act Funds for FY 1981 National Grants; comments by 10-1-80

APPLICATIONS DEADLINES

48939 7-22-80 / ED—Office of Special Education and Rehabilitative Services; Handicapped Personnel Preparation; applications by 10-6-80

49125 7-23-80 / DOE—American Indian Energy Production and Efficiency; apply 8-25-80

49165 7-23-80 / HHS/CDC—Cooperative Agreements for Nutrition Surveillance Systems, apply by 5-31 or 10-31 of each calendar year

49228 7-23-80 / HHS/HDSO—Cooperative Research and Demonstration Projects; program announcement No. 13647-804; apply by 9-8-80

48751 7-21-80 / Justice/NIC—Awards for training and consulting project; apply by 9-15-80

49728 7-25-80 / NRC—Proposed availability of fiscal year 1981 funds for financial assistance to enhance technology transfer and dissemination of nuclear energy process and safety information; apply by 10-1-80 and 9-30-81

MEETINGS

49324 7-24-80 / DOE—Alternative fuels production financial assistance; debriefings for unsuccessful proposers; Washington, D.C., 7-24, 7-25, and 7-28-80

49200 7-23-80 / NFAH—Arts National Council, Washington, D.C. (partially closed), 7-8 through 7-10-80

49199 7-23-80 / NFAH—Humanities Panel, Washington, D.C. (closed), August, 1980

OTHER ITEMS OF INTEREST

48949 7-22-80 / ICA—Selective assistance, encouragement and grant support to nonprofit activities of U.S. organizations outside Federal Government

49409 7-24-80 / LSC—Grants and contracts, Missouri; comments solicited

49409 7-24-80 / LSC—Grants and contracts, Oklahoma; comments solicited